

Dawson Regional Land Use Plan

Compilation of written submissions on the
Recommended Plan



December 19, 2022

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RE: Industry Response to the Recommended Dawson Regional Land Use Plan

Industry appreciates the opportunity to provide feedback on the recommended Dawson Regional Land Use Plan (DRLUP) released in the summer of 2022. We have reviewed the recommended plan and we respectfully provide the following comments below in hopes our recommendations will be considered in the final Plan.

We acknowledge and respect the Dawson Regional Land Use Plan (DRLUP) is part of the final agreement made between Tr'ondëk Hwëch'in (TH), Yukon Government (YG) and the Government of Canada within the (TH) traditional territory. We have considered all aspects of land use with an industry perspective. Those that work in the area understand the importance of partnership with both TH and YG governments as paramount to a healthy future of exploration and mining and the local economy that industry supports in the Dawson region.

Industry is concerned the Recommended Plan as drafted will have significant negative ramifications on the future of mineral exploration and development in the Dawson region, with corresponding negative impacts to Dawson's (and the territory's) broader economic future. Industry has been actively involved in the planning process, however we are concerned that a number of key issues still remain unaddressed in the final recommended plan:

1. **Significant amount of land withdrawn from staking.** Successful mineral exploration requires a large land base available for exploration. Companies do not have the luxury of locating a mineral deposit in any given location, as it is dependent on underlying geology. Economic mineral deposits are extremely rare, and a large amount of land needs to be evaluated (with low-impact activities) to find the few deposits which may be economic.



The Final Recommended Plan has 54.1% of the land area marked for permanent or interim withdrawal of staking for quartz claims. The Dawson region is host to very significant mineral potential – particularly for critical minerals, copper, cobalt, uranium, zinc, molybdenum, antimony and manganese – and a withdrawal of this scale will severely impact Yukon’s economic future. This withdrawal is more than **double** the amount recommended in the recently completed Yukon Mineral Development Strategy, where “parcel-specific moratoriums should not exceed 20% of a regional planning area”. Large withdrawals do not support the Recommended Plan’s stated goal to “ensure that economic development in the Region continues.”

2. **Inconsistency between land designations, overlays and special management directions.** Overlaying caribou and wetland zones on Land Management Units (LMUs) with Integrated Stewardship Area (ISA) designations conflicts with the intent of an ISA: “the intent of all ISAs is to enable existing and future economic activities for both surface uses and subsurface resource extraction.” There is inconsistency in various portions of the Plan as to whether existing tenure is maintained and can be developed in these areas. Rationale for the caribou designation, in particular, does not reflect the ability for caribou and mineral exploration or other development to co-exist – even as evidence of successful cohabitation of land by humans and caribou was submitted by industry in response to the Draft Plan.
3. **Cumulative effects thresholds in Integrated Stewardship Area (ISAs) are low.** Academic research into critical thresholds for wildlife have found significantly higher thresholds than are present in the plan. With the low thresholds and relatively small size of many LMUs, some ISAs would not even be able to support one moderate sized mine. Another approach could be to combine adjacent small LMUs with the same designation and similar management direction.

We strongly recommend the parties consider the following recommendations when finalizing the plan:

1. Remove staking withdrawals in areas with ISA designations to align with the definition statement: “the intent of all ISAs is to enable existing and future economic activities for both surface uses and subsurface resource extraction.”

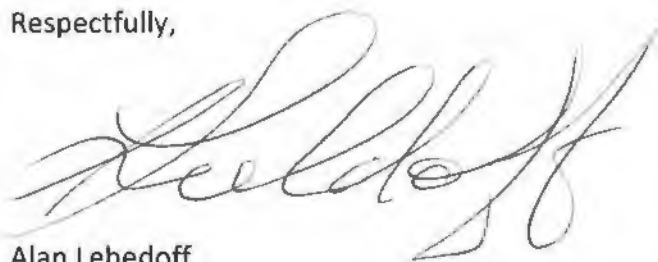


2. Ensure that ISA's account for ALL currently permitted and environmentally assessed projects in a LMU and consider the reasonably foreseeable future development in the area. Current disturbance mapping from 2020 does not account for the permitted or environmentally assessed disturbance that can and is likely to take place in the future. ISA's should not have thresholds less than this. It appears that some ISA's may have thresholds that are less than currently permitted for environmentally assessed projects.
3. Remove caribou and wetland stewardship areas as they conflict with the underlying LMU designations and provide conflicting management directions.
4. Recognize that effective mitigations exist for exploration and development that can minimize impacts on wildlife and the environment.
5. Provide appropriate compensation to claimholders located within areas designated for conservation (permanent staking withdrawals) as claims will be effectively prohibited from future development and investment.
6. If temporary staking withdrawals are maintained, provide assessment relief until such time as the withdrawal is lifted, or made permanent, so companies are not forced to either conduct work in an area that may be permanently protected or risk loss of tenure.
7. Review and increase cumulative effects thresholds in ISAs to be consistent with academic research on critical wildlife thresholds, and to consider future critical minerals development (not just gold scenarios). YCM suggests that thresholds can be revised over time to reflect academic research supporting either threshold increases or decreases.
8. Update language around caribou to recognize that the Fortymile Caribou Herd (FMCH) has been successfully recovering, and that mitigations exist to reduce conflicts between quartz exploration and mining and caribou migration, as has been demonstrated at numerous mines and exploration projects in the north.
9. Finally, we need certainty in the implementation of the plan and that unclear language is not left for environmental assessment bodies, YESAB and YWB to interpret; Industry recommends scenario workshopping of projects through the conformity process **far in advance of the acceptance of any Land Use Plan.**

We appreciate the opportunity to provide comment and hope that the final Dawson Regional Land Use Plan provides an outcome that meets the needs of all involved and safeguards the environmental and economic future of the region.

This land use plan as currently presented does not represent a balanced view and as previous land use plans have done, it leans almost exclusively towards conservation over well regulated and sustainable economic development. If this continues, my business and the jobs in the private sector that come from it will continue to suffer and one day cease to exist.

Respectfully,



Alan Lebedoff

President

ALX Exploration & Mining Supplies





ATAC
RESOURCES LTD.



RECOMMENDED DAWSON REGIONAL LAND PLAN COMMENTS

December 20, 2021

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INTRODUCTION TO ATAC AND INTERESTS IN THE DRLUP AREA

ATAC Resources Ltd. (“ATAC”) is a publicly-traded Vancouver-based junior mining company. Since 2006, ATAC has worked primarily in Yukon, with exploration expenditures in excess of \$150 million – much of which has flowed to Yukon-based companies and individuals.

ATAC’s primary projects in Yukon are it’s Rackla Gold Property, located north of Mayo, it’s Catch Property, located south-east of Carmacks, and it’s Connaught Property, located west of Dawson City and within the Dawson Regional Land Use Plan area.

CONNAUGHT PROPERTY

The Connaught property is a 137 km² claim package that has been held by ATAC since 2006. The property has seen varying amounts of historical exploration under numerous other operators, with work dating back to 1967. This historical work has included trenching, drilling and even small-scale mining in the form of a 241 tonne bulk sample in the 1970s.

ATAC has conducted multiple work programs on the project, with work prior to this year focused on a system of 26 known silver-lead-zinc-copper-gold veins. With new information regarding the age of an intrusive host rock, focus in this year shifted to exploration for copper-molybdenum porphyry mineralization – a style of deposit with potential for significant copper reserves.

Figure 1 shows the location of the property within the Dawson plan area. Connaught lies entirely within LMU 21 as defined by the Recommended Plan, with an ISA 2 classification and overlain by a Caribou Stewardship Area.

The property has an extensive network of existing public roads and trails – built by operators prior to ATAC in various phases since the 1960s.

Despite being located within an ISA, it is unclear if advanced exploration and/or development is possible on this property due to special management directives and the Caribou Stewardship Area overlay.

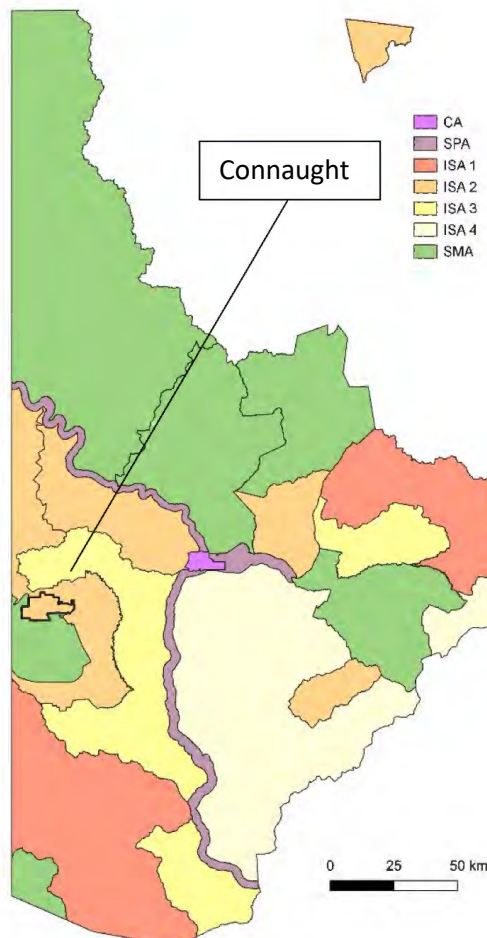


Figure 1: Connaught Property Location

GENERAL PLAN COMMENTS – KEY THEMES

ATAC has reviewed the Recommended Plan and provides the following general comments in relation to the overall plan. Comments are organized into five (5) themes:

1. Land Availability
2. Cumulative Effects Thresholds
3. Inconsistencies, Uncertainty & Implementation Challenges
4. Fortymile Caribou Herd
5. Environmental Impacts of Exploration & Development

THEME 1: LAND AVAILABILITY

IN BRIEF

- Mineral Exploration requires access to large land areas which can be evaluated with low-impact techniques.
- High mineral potential areas need to be open for exploration and development.
- **Over half** of Yukon is currently withdrawn from staking of new mineral claims.

DISCUSSION

To be successful, mineral exploration requires large amounts of land available for exploration. It is often stated that exploration companies are betting at finding where mines *aren't* rather than finding mines themselves. This illustrates the reality of exploration – relatively few economic mineral deposits exist, and it is very hard to find them. *“It sometimes is said that it takes 500-1,000 grassroots exploration projects to identify 100 targets for advanced exploration, which in turn lead to 10 development projects, 1 of which becomes a profitable mine.”*¹

Land is being withdrawn from exploration in Yukon at a concerning rate. As of the writing of this submission, **53% of the entire land-mass of Yukon is permanently or temporarily withdrawn** from quartz staking². Furthermore, despite being one of the most prospective regions in Yukon for mineral exploration, the recommended plan proposes withdrawal of 54.1% of the entire Dawson planning area. This is more than double the amount recommended in the recently completed Yukon Mineral Development Strategy (20%).

It is important to protect areas of environmental and cultural significance, but permanent withdrawal of large regions should be done with extreme caution due to the potential for long-term economic repercussions. Mineral potential varies dramatically across the territory, and not all areas can host significant deposits. Of the deposits that are found, relatively few ever demonstrate the economics necessary to warrant development. If mineral exploration and mining are to remain key industries in Yukon, as much land as possible must remain open for exploration, so that broad geological work can be undertaken in the hopes of finding the relatively few economic deposits likely to exist and support the economic future of communities in the territory.

¹ Eggert, 2010, Mineral Exploration and Development: Risk and Reward

² Calculated from the “Areas Withdrawn from Staking 50K” shapefiles available from Geomatics Yukon.

Furthermore, exploration techniques and commodities of interest are continually changing, leading to new deposits being found in locations that have previously thought to be barren. Even an area that has seen significant exploration in the past without development of a mine, should not be broadly withdrawn from future work. Projects that can provide important economic opportunities for Yukon will take multiple exploration cycles to identify, fund, and develop.

THEME 1 RECOMMENDATIONS	
1A	Revise the plan to only withdraw areas designated as SMAs from staking, and allow exploration and development in all ISA zones.
1B	Review amount of land designated for conservation in context of the overall degree of protection in Yukon, with consideration to reducing the overall amount of protected areas to enable exploration and development, particularly of critical minerals deposits.
1C	Recognize the ability for low-impact exploration techniques to evaluate large areas of land without causing significant impacts, and that effective mitigation strategies exist to minimize environmental conflicts at the project level.
1D	Add discussion of critical minerals throughout the plan, where most sections just reference gold potential.

THEME 2: CUMULATIVE EFFECTS THRESHOLDS

IN BRIEF

- Cumulative effects thresholds for ISAs in the recommended plan are low.
- Clarity is needed on how disturbances will be tracked and evaluated against targets, and how reclamation will factor in.
- Several ISA-designated LMUs would allow few or no modest-sized mines with current thresholds.

DISCUSSION

The Cumulative Effects thresholds presented in the recommended plan are low and risk effectively prohibiting exploration and development in many regions designated as ISAs. The plan clearly states that *“the intent of all ISAs is to enable existing and future economic activities for both surface uses and subsurface resource extraction”*³. However, this conflicts with low threshold values which in many cases lead to total surface disturbance limits that are less than the footprint of a modest-sized hard rock mine. It is also concerning that it appears only gold production⁴ was used in the scenario analysis for determining thresholds, when many critical metals can be found throughout the planning region.

The critical thresholds in the recommended plan range from 0.25% in the lowest development ISA to 4% in the highest development ISA. It’s unclear what the basis was for choosing these particular thresholds, as the plan only cites four bullets with broad reasoning for why these values were chosen. A review of relevant literature suggests these thresholds are significantly lower than generally supported by research.

A detailed review of critical thresholds conducted by Swift and Hannon found that 10-30% disturbance levels were generally supported by research, but the specific threshold largely depended on the species the threshold was aiming to protect⁵. Work conducted by Environment Canada regarding critical habitat for Woodland Caribou found a threshold of 35-45% of habitat disturbance was a critical level⁶. Research by the Environmental Law Institute into general conservation thresholds for land use planning recommended a target of protection of 20-50% of land⁷.

If the relative size of each ISA and their respective critical disturbance thresholds is totaled, the recommended plan allows for the following total⁸ disturbance amounts:

- Precautionary Level: 107 km² or **0.3%**
- Cautionary level: 322 km² or **0.8%**
- Critical Level: 429 km² or **1.1%**

In total, between conservation of the SMAs and land available for development in ISAs at the critical threshold level, the plan amounts to protection of effectively 98.9% of the Dawson region. This is

³ Dawson Recommended Land Use Plan, §3.2.1, Integrated Stewardship Areas, pg. 42

⁴ Dawson Recommended Land Use Plan, §4.2.3, Thresholds, pg. 63, and §4.3.2, Future Scenarios, pg. 64

⁵ Swift TL, Hannon SJ. Critical thresholds associated with habitat loss: a review of the concepts, evidence and applications. *Biol Rev Camb Philos Soc.* 2010 Feb; 85(1):35-53

⁶ Environment Canada, 2011. Scientific Assessment to Inform the Identification of critical Habitat for Woodland Caribou (*Rangifer tarandus caribou*), Boreal Population, in Canada: 2011 update. Ottawa, Ontario, Canada. 102 pp. plus appendices

⁷ Environmental Law Institute

⁸ Percentages calculated based on the total land area of the Dawson Region and does not attribute any disturbance allowances to LMUs under the Community Area or Sub-regional Planning Area designations.

significantly more protection than recommended by research and does not seem to effectively balance economic interests in the region with conservation priorities.

Further analysis of the individual LMUs reveals that multiple ISA-designated areas wouldn't permit development of a single modest sized mine at the cautionary or critical levels. For purposes of this analysis, the Minto mine was calculated to have a 5 km² footprint, Victoria Gold a 7 km² footprint, and Casino a 28 km² footprint. These were calculated from satellite photos in the case of Minto and Victoria, and from plans submitted to YESAB for Casino. At these scales, LMU 2, would not allow *any* mines of these sizes to be built without exceeding the critical thresholds. LMUs 7 and 17 would allow a Minto-sized mine, but not a Victoria-sized or larger. LMUs 6, 8, 9, 14, 18, 19, and 21 would allow a Victoria or Minto-sized mine, but not a single Casino-sized mine. Only LMUs 11 and 15 would permit a Casino-sized mine within the thresholds.

With these low cumulative effects thresholds, companies will have difficulty making investment decisions. There may also be situations where multiple companies are working in an area, and one of them puts forth a large project proposal – leading to other companies no longer being able to incur exploration or development disturbances on their own properties. It will be very challenging for companies, YESAB and regulators to monitor, plan and assess around this, and virtually impossible to articulate the risks to investors.

THEME 2 RECOMMENDATIONS	
2A	Increase ISA Critical and Cautionary thresholds significantly to reflect recent conservation and planning threshold research.
2B	Ensure all ISAs can accommodate at least one or two modest-sized quartz mines.
2C	Consider merging small-footprint LMUs with ISA designations together to enable critical thresholds to be spread over a broader area.
2D	Consider simplifying ISA designations to 3 levels of categorization (low, moderate and high development).
2E	Update analysis of current disturbances to reflect changes subsequent to 2014.
2F	Ensure current disturbance levels in ISAs are not already at or exceeding cautionary and critical thresholds – if so, thresholds should be increased to ensure future work can occur.
2G	Provide further detail on disturbance tracking and ensure there are mechanisms such that disturbances are no longer counted towards totals after reclamation is completed.

THEME 3: INCONSISTENCIES, UNCERTAINTY & IMPLEMENTATION CHALLENGES

IN BRIEF

- Industry needs clearly defined areas where we can and cannot work – the current Recommended Plan does not provide the necessary certainty.
- Despite ISAs being defined as areas intended to be open for mineral exploration and development, overlapping stewardship areas and special management directives conflict with this intent.

DISCUSSION

In addition to availability of open land, the mineral exploration industry also needs certainty that exploration and eventual development can occur in an area. It is impossible to attract investment if there may be future conflicts should a project proceed towards development. Therefore, it is critical that land use planning clearly delineate areas where exploration **can** and **cannot** occur. Unfortunately, the current gradational classifications of ISAs with restrictive cumulative effects thresholds – in conjunction with a complex set of special management directives – does not provide certainty.

In the beginning of the plan, the intent of ISAs is defined as “to enable existing and future economic activities for both surface uses and subsurface resource extraction.” Furthermore, it goes on to clarify that “ISAs allow for existing and new industrial land uses, including but not limited to mining and exploration.” And that “existing and new surface access is also allowed.”

These intent statements are unambiguous and clear, providing industry with encouraging direction with respect to how ISAs should be viewed. However, subsequent sections of the plan – such as the Caribou Stewardship Area overlay, and individual Special Management Directives pertaining to some ISAs – undermine this intent in multiple ways and significantly decrease clarity and understanding of the plan. **This lack of clarity and conflict between Special Management Directives and the intent statements will pose significant implementation challenges.**

There is inconsistency within the Caribou Stewardship Area definition itself. The definition section describes that “*Limited industrial land use is allowed within existing dispositions, however all other lands not currently holding mineral or other land use tenure should be withdrawn from mineral staking on an interim basis.*” The summary table also describes the Caribou Stewardship Area as “*Existing surface and subsurface rights (e.g., mineral, forestry, etc.) are recognized, including access.*” However, at least one ISA-designated LMU (21) that overlaps with a Caribou Stewardship Area has further restrictions which state no quartz exploration and development is supported *under the current regulatory regime*. The specific provisions applying to LMU 21 will be addressed separately, but these are all examples of the inconsistencies present in the current version of the plan, which make it incredibly challenging for industry to know where it can and can’t operate.

The best management practices relating to several species are also unclear and could cause potential conflict with exploration and development activities. Many of these are also broad prohibitions on certain types of activities when project-specific mitigation strategies could be an effective and more appropriate means of minimizing environmental conflict. For example:

- Recommended Management Practice c under Caribou includes: “*High concentrations of small-scale disturbance and any large quartz exploration projects (Class 4) or quartz mines should be avoided within key migration routes.*” However, ‘key migration routes’ are not defined. This language/statement does not acknowledge that quartz exploration and development impacts are

small in footprint and very localized. Project-specific mitigation strategies have been successfully deployed at many projects of varying stages to minimize impacts to caribou.

- Recommended Management Practice e under Caribou includes: *“New road and trail development should be avoided or minimized within the following: Identified seasonal migration corridors (e.g., along alpine/subalpine ridges)”*. If this is meant to apply to all alpine/sub-alpine ridges, that is highly restrictive to the majority of areas where quartz exploration and development occur. Furthermore, alpine and sub-alpine ridges are often the best location to construct roads with minimal impacts to the environment (less clearing, less cut-and-fill), and can be built in a way to minimize impact to caribou.
- Recommended Management Practice b under Migratory Birds and Raptors states: *“Avoid or minimize disturbance in areas where elevation is greater than 1,000 metres to protect migratory bird specialist species that use high elevation habitats.”* This is a very broad provision that includes a substantial land area which may or may not be host to migratory bird species.

THEME 3 RECOMMENDATIONS	
3A	Ensure all ISAs are actually open for mineral exploration and development, consistent with the intent statements in their definition.
3B	Consider removing the Caribou Stewardship Area overlay entirely, as it is only implemented in two ISAs, and can be done so via Special Management Directives. Or alternatively, scope it geographically to areas of sensitive caribou habitat.
3C	Review Special Management Directives in all ISAs to ensure there are no provisions that would outright prevent all exploration and development.
3D	Remove Special Management Directives that propose mineral staking withdrawals in ISA-designated LMUs.
3E	In areas where interim staking withdrawals are kept, the Plan should recommend relief from assessment filings, otherwise proponents will be conflicted between choosing to work in a withdrawn area or having their claims expire.
3F	Remove broad Recommended Management Practices that limit development and replace them with guidelines to develop project-specific mitigation strategies to reduce impacts on species of concern.

THEME 4: ENVIRONMENTAL IMPACTS OF EXPLORATION AND MINING

IN BRIEF

- Modern exploration can, and frequently is, conducted using low-impact methods.
- Reclamation and best practices can minimize environmental impacts of exploration.
- Past negative legacies of mining (Faro, Mt. Nansen) are not indicative of modern projects.

DISCUSSION

Exploration and mining is regularly characterized and sensationalised by opponents as an environmentally negative activity. The reality, however, is that modern exploration and mining can be conducted in ways that leave a minimal environmental footprint, and reclamation best practices can restore areas relatively close to original condition. It is reasonable to believe that concerns around mining and exploration in Yukon stem in part from historical failed projects such as Faro and Mt. Nansen, but these projects were constructed decades ago without the benefit of modern scientific methods and regulatory regimes.

Exploration and mining has been ongoing in the planning area for over 100 years. Grassroots exploration begins with prospecting, mapping and soil sampling. These techniques leave virtually no disturbance and allow for initial assessment of large areas. Airborne geophysical surveys are often conducted as well, with no impacts to wilderness. Once initial targets are identified, exploration often progresses to relatively more disruptive methods, such as drilling and trenching. The impacts of these activities are still minor if properly remediated. Drilling generally includes clearing and/or leveling of sites (20-50 m²) to support drill platforms. Once drilling is completed, best practices are that the collar is cemented in place and the site is re-contoured and allowed to naturally revegetate. Trenching can be more involved, including excavation of large amounts of material, but modern progressive reclamation practices can mitigate any lasting impacts.

Conservation groups frequently point to the large size of claim blocks within the Dawson plan area. It is important to recognize that a large claim block does not necessarily pertain to a large disturbance. Especially at the early stages of exploration, the disturbances across a large area are very minimal. Claims themselves do not cause any disturbance, and do not act as barriers to wildlife in any way.

The plan contains a section discussing the Precautionary Principle, emphasizing that precaution is important when there is a lack of data. While this is a fairly generally accepted principle, the definition chosen by the planning committee is unusual. A more common definition to use would be that agreed to in the Rio Declaration on Environment and Development issues by the UN in 1992 and utilized in the updated Canadian Impacts Assessment Act. This definition speaks to “*not postponing cost-effective measures to prevent environmental degradation*” rather than precaution towards development generally. It is critical to ensure precaution does not translate into avoiding making a decision, and modern mineral exploration and development methods need to be taken into account.

THEME 4 RECOMMENDATIONS

4A	Revise language throughout the plan to reflect that modern exploration techniques allow for minimal disturbance for much of the exploration life cycle.
4B	Adopt the Rio Declaration definition of the Precautionary Principle and emphasize that precaution should not be used to avoid making decisions.
4C	Revise language throughout the plan to reflect that reclamation can be successfully conducted for exploration and development activities.

THEME 5: FORTY MILE CARIBOU HERD

IN BRIEF

- The Fortymile Caribou herd is healthy and exhibiting significant rebound from historical population lows.
- Exploration and development have been co-existing with the herd during its recovery.
- Effective mitigation and adaptive management approaches exist that can minimize impacts to caribou while allowing for exploration and development.

DISCUSSION

The recommended plan strongly emphasizes the importance of protecting the Fortymile Caribou Herd. However, there is limited data documented in any of the planning materials around habitat, ranges or other critical factors. The Resource Assessment Report does not contain specifics – instead only showing overall herd ranges. The plan also discusses areas that are “key for migration”, but does not identify these or provide rationale for their designation.

A review of recent data⁹ shows that the Fortymile herd has experienced significant recent population recovery. Recent estimates place the herd size at roughly 84,000 animals in 2017, and there is concern that the population may be exceeding the carrying capacity of the land. As of 2020, hunting is once again allowed¹⁰.

The recovery is largely attributed to harvest restrictions, however there have also been other measures deployed including wolf culls in Alaska. Caribou herds also tend to experience long term cycles of growth and decline related to over-abundance of animals and the carrying capability of their range¹¹. These cycles are a natural part of caribou herds, and while human activity has certainly contributed to declines in the past, it may not be the entire cause. Particularly, the direct impacts of mining and exploration on the health of the herd appear to be minor. Exploration and mining have been co-existing during the entire rebound period, despite there being significant disturbances in areas deemed core habitat or key migration corridors. Caribou are still frequently observed in these areas, and mitigation and management strategies are in place to minimize impacts from industrial operations.

The core habitat for the Fortymile herd also lies primarily in Alaska. Research by the Alaska Department of Fish and Game suggests that the herd only periodically ranges into Yukon in any significant numbers, and this is not a core part of their habitat. Figure 2 shows a herd distribution map excerpted from this research. Language in the plan referring to “summer ranges and migratory pathways are well-known, and these areas are considered essential to the persistence of the FMCH in the territory” does not seem to reflect the actual distribution and use of Yukon by the herd.

⁹ Fortymile Harvest Management Committee. 2020. Fortymile Caribou Harvest Management Plan. Dawson City, Yukon, 54pp.

¹⁰ Yukon reopens hunt as Fortymile caribou population booms. CBC News. Jan 2020.
<https://cbc.ca/news/canada/north/yukon-reopens-fortymile-caribou-hunt-1.5412108>

¹¹ Bortje, R.D., C.L. Gardner, K.A. Kellie, and B.D. Taras. 2012. Fortymile caribou herd: Increasing numbers, declining nutrition, and expanding range. Alaska Department of Fish and Game, Wildlife Technical Bulletin 14, AWDF&G/DWC/WTB 2012 14. Juneau, Alaska.

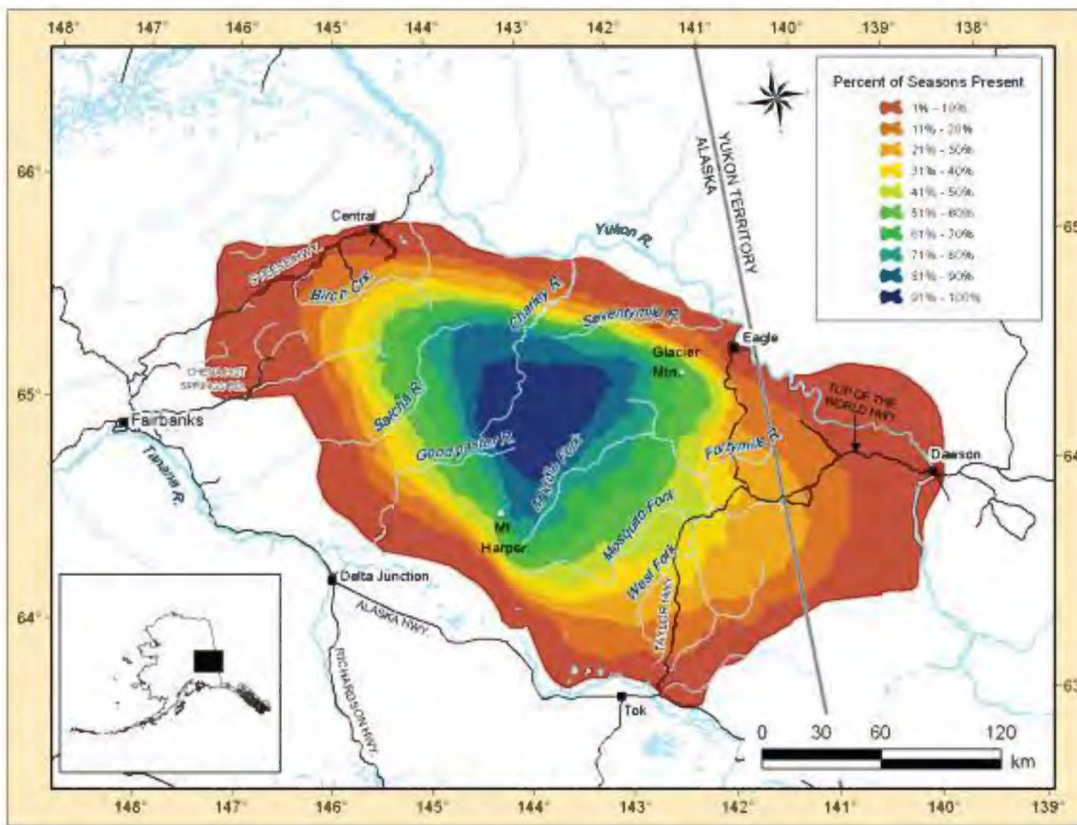


Figure 2: Fortymile caribou herd distribution. From Bortje et al.

Caribou migration paths are complex and continuously changing. This makes the designations in the plan around key migration corridors very broad and wide-reaching. We recognize the importance of protecting caribou and ensuring that their migrations are not impeded, however there are many ways to achieve this without outright prohibitions on development. Adaptive management and mitigation measures are commonly present in Mining Land Use Authorizations in the area. Examples include:

- Timing windows for certain work activities, with curtailment if significant caribou are sighted in the area.
- Minimum overflight altitudes for helicopters and fixed wing aircraft.
- Embankment sloping requirements during road construction and snow bank breaks when plowing roads in winter to allow animal passage.
- Speed limits and conveying requirements on roads.

There are multiple examples of large mines co-existing with migratory caribou herds elsewhere in the north, including the Meliadine Mine in Nunavut, operated by Agnico Eagle. At Meliadine, mitigations include a cessation of blasting and surface mining operations if over 50 caribou are observed within 5 km of the mine¹². Other mitigations are in place around the access road, including closure if large groups move towards it.

The recommended plan has many references to development restrictions around caribou, as described in Theme 3 above. These restrictions – where they apply in ISAs – conflict with the intent of ISAs being “to

¹² Caribou Protection at Meliadine Mine. Agnico Eagle. 2021.
<https://storymaps.arcgis.com/stories/2cc206908190458aa1ff785c11832372>

enable existing and future economic activities for both surface uses and subsurface resource extraction.” Furthermore, these restrictions are not reflective of existing management practices that allow resource development and caribou to successfully co-exist. The plan should better reflect modern mitigation and adaptive management techniques and reduce language around blanket restrictions pertaining to development in areas of caribou habitat and migration pathways.

THEME 5 RECOMMENDATIONS	
5A	Revise language in the plan regarding conflicts between caribou and mineral exploration and development to better reflect available mitigation and management strategies that can allow exploration and development to co-exist with a sustainable caribou population.
5B	Provide further information about the data used to determine core habitats and key migration areas.
5C	Remove or modify special management directions, caribou stewardship areas, and other caribou-related restrictions which conflict with ISAs and would act as barriers to exploration and development.
5D	Add a research recommendation to investigate and implement modern caribou mitigation and management techniques successfully used at northern mines in other jurisdictions.

LMU 21 COMMENTS

ATAC's primary interest is with LMU 21, as the Connaught property lies entirely within that region. LMU 21 is comprised as an ISA 2, with an additional Caribou Stewardship Area overlay. This property has demonstrated significant potential for copper, gold, silver, and zinc, however clarity is currently lacking in the recommended plan as to whether or not exploration and development can actually proceed in this area.

LMU 21 is a very unusual and complex shape without rationale. The land uses and values also appear to differ significantly between large portions of it, particularly the areas north and south of the Top of the World Highway. The total land mass is also quite small, and coupled with low development thresholds, leads to minimal amount of allowable surface disturbances.

There are also competing management directions for this LMU. As an integrated stewardship area, it should enable *"both surface uses and subsurface resource extraction."* However, under Special Management Directions it lists an *"Interim withdrawal of all lands from quartz staking"*, and that *"Under the current regulatory system quartz exploration and development is not supported in this LMU"*. These Special Management Directions effectively prohibit any future quartz exploration or development work, which is incompatible with the definition of an ISA. In fact, these restrictions are more stringent than most SMAs, which preserve existing mineral tenure for exploration and development. It is unclear if this LMU even preserves existing tenure. The plan also does not elaborate on what the issues with the 'current regulatory system' are, and why they would pertain specifically to quartz and not placer.

The Rationale for Designation section is very problematic on multiple fronts. The first bullet states that *"Under the existing mining legislation and technology, the Commission is concerned that quartz mining activity will cause a significant negative impact to the caribou herd, especially on ridgetops which are the predominant migratory pathway."* No specific details are provided as to the issues with existing legislation or technology. This also contradicts examples that were given to the Commission of mines successfully operating in a migratory caribou environment (see ATAC's draft plan submission, and Agnico Eagle's presentation to the Commission).

The Rationale then continues with *"Existing mining legislation is out of date and does not provide adequate management tools."* Again, no details are provided as to what is lacking in current legislation with respect to Caribou. Mining Land Use Authorizations frequently include terms and conditions to mitigate impacts on Caribou and other wildlife, which occurs in the existing legislative regime.

The next bullet states *"Mining methods/technology applied in Yukon is a concern to the Commission, as evidenced by recent and ongoing mining projects."* Yet again, no detail is provided as to what these concerns are, and as discussed previously, evidence exists to show successful co-existence between quartz exploration and development and caribou herds. Furthermore, it is unclear why any of these Rationale statements, if accurate, would apply only to this LMU and not to other areas with mineral exploration and development.

Mineral potential is very high in portions of this LMU, as acknowledged by the plan, as well as a review of quartz and placer activity in the area. Portions of this LMU have also seen significant historical work, and are already disturbed. These areas of existing disturbance and high mineral potential may be best served by being merged into adjacent higher-development LMUs, while allowing the areas with lower mineral potential to see greater protection.

LMU 23 RECOMMENDATIONS

A	Remove or modify conflicting Special Management Directions and the Caribou Stewardship Overlay to allow exploration and development to proceed in this region, consistent with an ISA designation.
B	Consider merging parts of this LMU with adjacent LMUs, with higher development thresholds allowed in areas with significant mineral potential.
C	Remove problematic Rationale for Designation statements highlighted above (bullets 1 through 3 in particular).
D	Emphasize use of best practices and project-specific mitigation measures to allow exploration and development to co-exist with a sustainable caribou population.

CLOSING

ATAC recognizes the significant work completed by the Commission in producing the recommended plan, and we appreciate the opportunity to provide final input.

ATAC looks forward to any additional opportunities to provide context and clarifications as the parties determine how best to proceed. As highlighted in the preceding sections, ATAC strongly believes the recommended plan as presented poses significant implementation and precedent challenges to Yukon and urges the parties to consider modifications.

Any questions regarding this submission can be directed to Andrew Carne at acarne@atacresources.com.

December 13, 2022

Thank you, Mahsi Cho to the Planning Commission and staff for having worked so hard to bring a strong vision of stewardship to guide this region forward. I appreciate that I have a role, as a treaty person, to share my thoughts with the Parties on the ways the Plan could be strengthened. Thank you for the consideration.

There is only one glaring, omission in this Plan: the explicit acknowledgement that the some of the land has been harmed. I am thinking particularly about LMU 11 Goldfields, who, through no fault of its own, has been left disrupted and abandon with no opportunity to heal itself. I feel it is very much within the scope of the Commission to recommend to the Parties that this travesty be addressed. The Commission does not need to say how reclamation happens, but the need should be expressed. The messaging and vision that the land be cared for is strong in the Plan. Restoring despoiled lands sends a very positive message to the community that the land matters, that we can redress the harms of the past, and physical expression of reconciliation/reconciliAction. Something that we can in turn celebrate in the future instead of continuing to feel sick about when we go to those areas. I urge you to consider some kind of recommendation to stir action in this regard, get it on the radar.

I genuinely appreciate the Recommended Plan and see its many strengths to positively guide us forward. Much has happened on the land in this region without the benefit of a land use plan - that has made the work of the Commission very challenging. I am displeased that the LMU's #7 Wehr'e (Antimony) and #19 / #17 Nän Dhòhdäl Indian River's headwaters have lost a level of protection in this version of the Plan. I understand the justification for this change is that the number of claims in those areas makes it incompatible with the designation. I disagree that the designation should be lowered to accommodate those claims. The greater ecological values in those regions still need to be protected. The claims could still be honoured but operators will need to meet a higher standard out of respect to the ecological sensitivities of those areas. The Plan is inviting all treaty members into a shared responsibility of stewardship. I implore the Commission to uphold the values in the region as originally proposed and be courageous in the need to ensure they are not further compromised.

Finally, I appreciate the wisdom of recommending that the Commission not dissolve upon the acceptance of the Plan and can continue to guide in the implementation of the Plan. The articulation of the Plan is strongly influenced by the principles of stewardship and those values stem from the philosophical teachings of Tr'ondek Hwech'in. It is critical therefore that it is clearly stated that TH jointly implement the Recommended Plan, to ensure the intent and expression of those values in terms of decisions and actions are upheld into the future.

Thank you all again for your work and dedication to setting a strong, clear vision for a sustainable for the future of the region.

Respectfully,
Chris Clarke

December 20, 2022

Dear Government of Yukon and Tr'ondëk Hwëch'in Government,

Thank you for the opportunity to comment on the Recommended Plan for the Dawson Region. The Yukon Chapter of the Canadian Parks and Wilderness Society (CPAWS Yukon) advocates for the territory's most valuable and priceless resource: our abundant wilderness. Our mission is to conserve the land, water and wildlife of the Yukon for current and future generations. As a conservation organization, we carry a responsibility to ground our actions within a commitment to reconciliation, and we recognize that the lands and waters we advocate for are also the Traditional Territories of Yukon First Nations, the Inuvialuit, and transboundary First Nations in British Columbia, the Northwest Territories, and Alaska.

CPAWS Yukon is deeply grateful that the Tr'ondëk Hwëch'in Final Agreement has provided an opportunity to participate in the development of a plan for the Dawson Region, and we are thankful to the staff and Commission members who have created a process that lives up to the plan's motto: On the Land We Walk Together/ 'Nän kāk ndä tr'ädäl.

We commend the Commission for the care they have put into the plan. It is obvious that the members respect the land and know the region well. We see that a multitude of positive changes have made their way into this version of the plan, from stronger protections for caribou and conservation areas, to weaving in Tr'ëhudè and climate change, to the recognition of UNDRIP and of cultural landscapes. It was an impossible task for our submission to acknowledge all of the strengths of the plan, but please know that we see many.

This plan is being developed against the backdrop of multiple commitments. The recently signed Canada-Yukon Nature Agreement looms large in our minds and is a helpful measure for what it will take to preserve the region's biodiversity and the many values attached to it. But the most important commitment of all is honouring the integrity of the Tr'ondëk Hwëch'in Final Agreement, where this plan is grounded, as well as the stewardship that exists now and has preceded the planning process since time immemorial.

We wish the Parties well as they reflect on the feedback they receive and work together to secure a healthy future for the region.

Sincerely and on behalf of the CPAWS Yukon team,



Randi Newton, Conservation Manager

We have divided our recommendations into three sections: (1) major, overarching recommendations, (2) recommendations specific to each Land Management Unit, and (3) other comments on the plan.

Major Recommendations

1. Prioritize protection of the Fortymile caribou herd's key habitat over exploration and hardrock mining

In our comments on the Draft Plan, we had urged the Commission to build on protections in the Matson Uplands and designate the entirety of the Fortymile caribou herd's range as an SMA, given the immense importance of the herd and the threats it faces from access and mining development. While stopping short of full protection, we recognize that the Commission has taken the bold step of recommending the interim withdrawal of Wëdzey T'y (Fortymile Caribou Corridor) from quartz staking, and in stating that quartz exploration and development is not supported in this landscape.

It is vital to maintain the integrity of the Fortymile caribou herd's existing range in the Yukon and ensure it can expand into its historic range. This goal is embedded within the *2020 Fortymile Caribou Herd Harvest Management Plan*. The persistence of the herd relies on maintaining the herd's migratory range and summer habitat. We won't detail this evidence, recognizing that both Parties have summarized evidence for the importance of habitat and unfettered migration in multiple documents, including in submissions to YESAB for hardrock exploration projects in the herd's summer range.¹ More recently, we are aware that the Parties have collaborated on a cumulative effects report² for the Region, which notes:

As a result, maintaining current summer range is critical for this herd, meaning that any loss of summer range availability will result in a reduction in the size of the Fortymile caribou herd. To meet the herd's harvest management plan objectives of continued use and expansion into historic range, human activity should be managed to allow for the full use of existing summer ranges in Yukon, including migration into and out of those ranges. Based on current research, the loss of either of these components will reduce the herd's size and as a result, a reduction in herd distribution, which ultimately limits the ability of Yukoners to access this herd.

We urge the Parties to maintain or strengthen the designations of the landscapes that the Fortymile herd relies on, in alignment with the documents we've cited. We understand that

¹ For example, see Tr'ondëk Hwëch'in's and Yukon Environment's comments on [Project 2021-0045: Quartz Exploration - Connaught Property \(Amendment\)](#).

² Hornseth, M.L., A. Pysklywec, S. Skinner, K. Staples, and M. Suitor. (2022). Exploring the Cumulative Effects of Future Land Use in the Dawson Planning Region. Dawson Regional Planning Commission, Yukon, Canada. <https://dawson.planyukon.ca/index.php/publications>

quartz claims blanket large parts of the herd's core range but to open up these landscapes to hardrock mining would be a disservice to the herd and everyone who has sacrificed and worked so hard to help it recover.

While some have claimed that intensive industry and caribou can co-exist, a mountain of research and the staggering decline of caribou herds to the more-developed south shows this is not true. As one research study bleakly stated, "What we do know is that after 30 years of caribou management involving industry guidelines, best practices, and various restrictions on activities, Alberta's woodland caribou are now closer to extirpation than they ever have been".³

For these reasons, and detailed in our comments on the relevant LMUs, we recommend:

- Maintaining protections for the Wëdzey Nähuzhi (Matson Uplands) through the SMA designation.
- Providing enduring protections from hardrock mining in Wëdzey T y, through an SMA designation or by cementing the caribou overlay and hardrock withdrawal during implementation.
- Extending the caribou overlay across the northwestern section of LMU 15: Khel Dëk (Sixty Mile) that falls within the herd's core range, so that hardrock exploration and mining activities are prevented (while recognizing that the area contains existing placer activities which may be less impactful to the herd).

2. Honour commitments to adequately protect the Klondike Plateau ecoregion

The planning area overlaps five distinct ecoregions: the Klondike Plateau, McQuesten Highlands, Mackenzie Mountains, North Ogilvie Mountains, and a small corner of the Yukon Plateau-Central ecoregion. These areas are nature's neighbourhoods - each has a distinct ecological character, is home to different communities of plants and animals, and gives rise to unique on-the-land experiences. Protecting a significant portion of each ecoregion in the Yukon will ensure future generations of people and wild creatures can experience the same diversity of wild places that exist today.

The Mackenzie Mountains and North Ogilvie Mountains ecoregions already have protection afforded to them through Tombstone Territorial Park and protected areas outside the region, and CPAWS Yukon is pleased to see that the Tintina Trench SMA (LMU 10) will provide better representation for the McQuesten Highlands ecoregion, an area that currently lacks sufficient protection.

However, the Klondike Plateau, which blankets the southern and central parts of the region, currently has no protection in the Yukon, and would receive meager protection (~5%) through the Wëdzey Nähuzhi (Matson Uplands) and Łuk Tthe K'ät (Scottie Creek Wetlands) SMAs. Shifting the Recommended Plan's proposed Wetland of Special Importance for the Ladue River

³ Page 1610 in Schneider, R. R., Hauer, G., Adamowicz, W. L., & S. Boutin. (2010). Triage for conserving populations of threatened species: The case of woodland caribou in Alberta. *Biological Conservation*, 143(7), 1603-1611.

Wetlands to an SMA for the Ladue Watershed is one way to better protect the Klondike Plateau, although of course additional areas could be identified.

Adequately protecting the Klondike Plateau ecoregion aligns with a key goal of Yukon's *Parks and Land Certainty Act* and the *Yukon Parks Strategy*, which is to represent all ecoregions in the network of Yukon's protected areas. The Dawson Region is the last chance for the Government of Yukon to honour this commitment for the Klondike Plateau. Adequately protecting this ecoregion is also necessary to meet one of the Recommended Plan's own ecological goals, to "preserve ecologically representative areas" (pg. 11).

There are many other reasons to ensure ecoregions have sufficient protection. For one, it creates a conservation network that is biodiverse and ecologically representative. Ecosystems rich in biodiversity are resilient and better able to adjust to future disturbances like fire or climate change.

Adequate protection of ecoregions is also critical for measuring the future success of the plan's cumulative effects framework. Large, ecologically healthy conservation areas are 'ecological benchmarks,' which can be used as undisturbed points of reference. This makes it possible to evaluate how well management actions are working in similar landscapes that host development or resource extraction.⁴ Ecological benchmarks make it easier to determine if changes on the land are human-caused or due to natural ecological fluctuations.

For example, if biodiversity is declining in a developed landscape and similar changes are occurring in a comparable conservation area, then development is not likely behind the decline. But if biodiversity is declining in a developed landscape and not in a comparable conservation area, then the cause is likely development. This type of information could be used to adjust policies and disturbance threshold levels in the Dawson Region.

3. Provide much-needed good news for salmon.

The Dawson Region Plan is being prepared against the backdrop of a historically low return of chinook and chum salmon up the Yukon River. There is no one single driver behind the declines in the Yukon River salmon, so that means that there's no singular solution. But the plan can work to address some of the threats to salmon, and hopefully play a part in the recovery of the Yukon River's critical salmon runs.

Across much of the Dawson Region, disturbance from placer mining presents a risk to salmon. Placer development can disrupt spawning habitat for salmon and increase the turbidity of streams and rivers.⁵ Meanwhile, streams that have been disturbed by placer mining tend to be more structurally homogeneous than undisturbed creeks, which limits the availability of deep

⁴ Schmiegelow, F. (2007). On benchmarking natural systems. *Canadian Silviculture*, 5(1), 3-7.

⁵ Sergeant, C. J., Sexton, E. K., Moore, J. W., Westwood, A. R., Nagorski, S. A., Ebersole, J. L., ... & Skuce, N. (2022). Risks of mining to salmonid-bearing watersheds. *Science Advances*, 8(26), eabn0929.

pools and other features that provide important habitat for juvenile salmon.⁶ Such creeks tend to support fewer juvenile salmon than creeks with a higher diversity of streambed habitats.⁷

The Recommended Plan speaks to the ecological and cultural significance of salmon, but the specifics could provide stronger protections for salmon. One shortcoming is that the Recommended Plan's cumulative effects thresholds are land-centric. The health of the land and water are interconnected, but using only land-based indicators limits the plan's ability to manage the health of the region's waters. The Final Plan should strengthen protections for salmon and water by adding water quality indicators into its cumulative effects framework and linking these indicators to linear and surface disturbance (which increase sediment runoff). For example, the Final Plan should include an indicator for turbidity levels in streams and rivers, often measured in nephelometric turbidity units (NTUs). Many detrimental effects on juvenile salmon have been found in turbidity levels ranging from 10 to 60 NTUs.⁸ The Parties to the plan should work to determine appropriate water quality thresholds for the Dawson Region, based on the requirements of salmon and other aquatic life.

Excessively high levels of disturbances in and around riparian habitats could also disrupt salmon spawning and overwintering habitat, pollute streams and rivers with sediments and trace toxins, and deteriorate in-stream salmon habitats. In the Goldfields LMU, about 20% of the lands within one kilometre of the Indian River have been disturbed by placer mining, but overall disturbances account for about 2% of the LMU. Under the current disturbance threshold regime, similar patterns of disturbance could occur around other stream and river habitats within the Dawson Region. The final plan should manage development levels at a finer scale, to ensure that no one habitat type experiences an inordinate amount of disturbance. One way to do this could be to designate a series of river corridor overlays within each LMU, and then require that disturbance levels within the river corridor stay within or at a much lower disturbance threshold set for the whole LMU (or within levels linked to riparian and aquatic health).

CPAWS Yukon supports the Plan's recommendation that a "comprehensive, publicly accessible aquatic habitat inventory should be conducted prior to mining and other land use activities in areas that have not yet been mined to determine whether salmon habitat is at risk." However, such baseline monitoring should also occur in areas where mining activity has occurred, as such places could still harbor important salmon habitat.

4. Include clear language that the plan will be jointly implemented

The Dawson Region Land Use Plan's motto is "On the Land We Walk Together" / "Nän kāk ndä tr'ädäl." These words represent the importance of people coming together to create a strong

⁶ Mossop, B., & Bradford, M. J. (2006). Using thalweg profiling to assess and monitor juvenile salmon (*Oncorhynchus* spp.) habitat in small streams. *Canadian Journal of Fisheries and Aquatic Sciences*, 63(7), 1515-1525.

⁷ Mossop, B., & Bradford, M. J. (2006). Using thalweg profiling to assess and monitor juvenile salmon (*Oncorhynchus* spp.) habitat in small streams. *Canadian Journal of Fisheries and Aquatic Sciences*, 63(7), 1515-1525.

⁸ Bash, J., Berman, C. H., & Bolton, S. (2001). *Effects of turbidity and suspended solids on salmonids*. University of Washington Water Center.

future for the Dawson Region. Joint implementation of the plan by the Parties is a vitally important way to carry this spirit of partnership forward. Joint implementation aligns with the Supreme Court of Canada's decision on the Peel Watershed planning process, which reiterated that modern treaties are expressions of partnership between nations, meant to advance reconciliation.

While the Recommended Plan speaks of “a collaborative approach to management” in the implementation section (pg. 274) and of the Parties working together, it does not have the same clear language of the Peel Watershed Regional Plan, which states that “The Parties to the Plan will make best efforts to jointly implement the Plan in its entirety” (pg. 125). This language should be included in the Dawson Region Plan so that co-implementation is unambiguous.

5. Include linear features in the surface disturbance calculation to avoid undercounting disturbance

The Recommended plan provides a cumulative effects framework that considers surface disturbance and linear feature density. These are commonly used metrics to monitor human disturbance across the landscape, but the plan's surface disturbance measurement excludes features such as roads, trails, and seismic lines. We believe this is an oversight because these features are both linear and surface disturbances.

Excluding roads, trails and seismic lines from the surface disturbance calculation means there will be more disturbance on the landscape than is accounted for and the surface disturbance metric won't be truly representative. This could lead to underestimates of habitat loss and obscure the impacts of disturbance.

In addition, the density of linear features isn't the only way linear features influence cultural and ecological values. The width of linear features like roads and trails influences species' habitat use and movement rates, interactions among species, edge effects and tree regeneration rates. Predators such as wolves and bears select linear features because they make it easier to travel and spot prey. These features can help predators move into areas of prey refugia, which has negative impacts on species like caribou⁹. The width of linear features influences how much predators use these features. For example, wolves prefer long, straight features but don't select narrow, serpentine or zigzag features¹⁰. Black bears select seismic lines over interior forest habitat when the lines are greater than two metres wide¹¹. Wider linear features also experience

⁹ DeMars, A.D., Boutin, S. 2017. Nowhere to hide: Effects of linear features on predator-prey dynamics in a large mammal system. *Journal of Animal Ecology*. DOI: 10.1111/1365-2656.12760

¹⁰ Dickie, M., Serrouya, R., McNay, R.S., Boutin, S. 2017. Faster and farther: wolf movement on linear features and implications for hunting behavior. *Journal of Applied Ecology*, 54,253–263. doi: 10.1111/1365-2664.12732

¹¹ Tigner, J., Bayne, E.M., Boutin, S. 2014. Black Bear Use of Seismic Lines in Northern Canada. *The Journal of Wildlife Management* 78(2):282–292. DOI: 10.1002/jwmg.664

greater temperature and light fluctuations, which can extend up to 10 metres into the adjacent forest and affect growing conditions for plants¹².

While the width of the different types of linear features is variable, Yukon Government's protocol for surface disturbance mapping includes measuring the width of linear features,¹³ and it should be straightforward to include these features in the surface disturbance calculation.

6. Use tools to ensure disturbances cannot be concentrated to extreme levels within LMUs.

The Recommended Plan allows 4% surface disturbance in LMU 11 - Goldfields, or 249 km² of disturbances across the entirety of the LMU. While at first glance this appears to be less disturbance than the 5% surface disturbance allowed in the Draft Plan, unlike the Draft Plan, the Recommended Plan does not count linear disturbances like roads and cut lines as surface disturbances. That means that the overall amount of surface disturbance permitted across the two versions of the plans is likely similar.

The Recommended Plan's surface disturbance framework calculates disturbances by averaging them out across the entirety of each LMU, but placer disturbances are concentrated in the bottoms of valleys. Existing disturbances make up about 2% of LMU 11 - Goldfields, but already consume about 20% of the habitat within a kilometre of the Indian River. Extrapolated, that means that the 4% surface disturbance permitted under the Recommended Plan could lead to 40% disturbance in the Indian River corridor—an extreme level of development by any definition.

According to the Recommended Plan, the purpose of cumulative effects indicators such as limits on surface disturbance is to help “achieve the objective of Sustainable Development as defined in the [Final Agreements]” and as a tool to “minimize land use conflicts and support compatible uses.” In spite of these intentions, the Recommended Plan's cumulative effects framework would permit extraordinarily high levels of development in places such as the Indian River corridor. A framework that could allow 40% disturbance of valley bottom habitats clearly does not balance development with other values that the land use plan aims to respect.

The reason why development levels could become so high in places like the Indian River corridor is because large areas with low development can subsidize extremely high levels of development in a smaller area. For example, LMU 11 - Goldfields is over 6,000 km² in size, most of which is upland habitat with very low development pressure. Extreme levels of disturbance around the Indian River would be offset by large tracts of mountainous areas dozens of kilometres away remaining undeveloped—places where development would probably never have happened anyway.

¹² Franklin, C.M.A., Filicetti, A.T., Nielsen, S.E. 2021. Seismic line width and orientation influence microclimate forest edge gradients and tree regeneration. *Forest Ecology and Management* 492 (2021) 119216. <https://doi.org/10.1016/j.foreco.2021.119216>

¹³ Environment Yukon. 2021. *Anthropogenic Surface Disturbance Mapping in the Yukon: Standards and Guidelines for Contractors Version 4.0*. Government of Yukon.

One way to apply surface disturbance thresholds in a more even way in the Goldfields would be to designate a specific overlay, or sub-LMU for the Indian River corridor, and then apply the overall surface disturbance threshold to this smaller area. The Draft Plan proposed a similar approach to LMU 23 - Fortymile caribou corridor, with different disturbance thresholds applied at different elevations. Using such an approach for known development hotspots like the Indian River would ensure that developments stay within cumulative effects thresholds at both the river corridor scale, and the LMU scale.

7. Improving measures to protect peatlands is a tangible way the plan can address climate change.

The Yukon is in a state of climate emergency, as declared by the Yukon Legislative Assembly, the Council of Yukon First Nation and the Assembly of First Nations Yukon. Climate change needs to be at the heart of decision making, and this includes decisions made at the land use planning table. As it is currently written, the Recommended Plan would allow significant amounts of new developments within peatlands, at a time when it is critical to safeguard these natural carbon storehouses. The final plan will have a huge bearing on the health of peatlands—and the ability of these ecosystems to remain as carbon stores.

The [Global Peatlands Assessment](#), released by the UN Environment Programme on November 17th of this year, provides clear advice to the Parties: “It is imperative that the 88% of the world’s peatlands that have not been drained and not been heavily degraded be urgently protected to prevent their immense carbon stocks from being mobilized” (pg. 8).

CPAWS Yukon recently released a [report](#) on potential carbon emissions from peatland disturbance, based on the Recommended Plan’s cumulative effects thresholds, overlay areas and policy recommendations. Our results are a ballpark estimate for the amount of carbon that could be released but point to the magnitude of the issue, based on the maximum amount of future developments that the Recommended Plan would allow.

We estimated that future placer development within the part of the Indian River Watershed that falls within LMU 11 - Goldfields could release 508 kilotonnes of CO₂ into the atmosphere over time. Our estimate is this high in part because peatlands are prevalent in the Indian River valley, and in part because the Recommended Plan puts very few limits on development within LMU 11 - Goldfields. The Recommended Plan’s surface disturbance thresholds would permit 246 km² of disturbance across the LMU, and little in the plan prevents these disturbances from being concentrated in the valley bottom habitats that are rich in peatlands.

For comparison, a recently announced [solar project](#) in the Yukon aims to reduce CO₂ emissions by 1 kiltonne per year, at a construction cost of \$19 million. We mention this solar project not to diminish it, as we believe it is important, but to help put the scale of potential emissions from peatland disturbance into environmental and economic perspective.

The Recommended Plan states that “in areas where there is overlapping mineral and wetland interest, the decision to allow some limited development in wetlands is acceptable and the allowable disturbance allocated is measured at the scale of a permit area or claim block.” However, the Recommended Plan does not define what level of disturbance within wetlands would be allowed. The vagueness of this language provides little in the way of guidance to project assessors when determining whether to authorize development in undisturbed wetlands.

We estimated that developments in fens and swamps within LMU 17 - Nän Dhòhdäl - Upper Indian River Wetlands could release over 66 kilotonnes of CO₂. The Draft Plan had designated LMU 17 as a Special Management Area II, which would have allowed some development on existing claims, but importantly would have prevented development within undisturbed fens. Changing the designation from a SMA to an ISA has undone the protections for fens, and could result in dozens of kilotonnes of CO₂ release.

CPAWS Yukon appreciates the intention behind designating LMU 17 as a “Wetland Stewardship Area.” However, the way we interpret the Recommended Plan, the Wetland Stewardship Area would provide little in the way of added protections to LMU 17. As a Wetland Stewardship Area there would be an interim moratorium of new mineral staking. However, there are already 53 km² of placer claims within LMU 17.

Our report looked only at the Indian River Watershed (where publicly available maps are available), but peatlands in other areas are vulnerable to development too. 275 km² of fens and swamps are overlapped by placer claims in other parts of the Dawson Region.¹⁴ That’s three and half times the area of peatlands that are staked for placer mining in the Indian River Watershed. The carbon footprint of exploration, mining, road construction and agriculture in peatlands elsewhere in the Dawson Region could be even greater than what we have reported for the Indian River.

Given the importance of ecological and cultural significance of wetlands, the enormous volume of carbon that many of these wetlands store, and the reality that many wetlands in places like the Indian River Watershed have been lost forever, CPAWS Yukon urges the Parties to provide the strongest protections possible for wetlands. The Recommended Plan already prevents new development in undisturbed bogs and marshes, but these wetlands account for a fraction of overall wetlands in the Dawson Region. The Recommended Plan should expand its policy recommendations to include protections for undisturbed fens in the region. Enacting strong protections for fens would prevent hundreds of kilotonnes of CO₂ from being released to the atmosphere.

While enacting strong protections for wetlands would deny future resource development in these areas, the Yukon has witnessed decades of wetland loss in places like the Indian River, over which time industry has operated in a regulatory environment that provided little in the way of protections for wetlands. As a result there has been widespread wetland loss in the Indian

¹⁴ Kenyon, J. (2022). Peatland statistics shared by Ducks Unlimited Canada. [Email communication].

River, which places greater significance on the protection of the wetlands that remain undisturbed. We urge the Parties to protect peatlands and, if compensation is necessary, it could be justified as a climate change mitigation expenditure, given the importance of wetlands in carbon storage.

At the same time, the swamps, bogs and fens in places like the Indian River are more than carbon reservoirs. These wetlands are home to moose, beavers and waterfowl, and a breadbasket for many First Nations citizens. Safeguarding peatlands is critical for their ecological and cultural importance—let alone for their importance to the climate crisis. We hope decision makers will rise to the urgency of the moment, and take leadership to conserve these peatland ecosystems.

Comments on and Recommendations for Specific Land Management Units

LMU 1: Tthetäwndëk (Tatonduk)

We commend the Commission for designating this area as a Special Management Area, as a way to protect its wilderness character, ecological connectivity, and opportunities for cultural continuity.

All potential protected area landscapes must be vetted against a set of criteria in Canada's [Decision Support Tool](#) document before they can be counted towards the Yukon's 25% by 2025 target. While this process sounds jargony, it's meant to ensure that protected areas will be effective at protecting biodiversity (among their many other goals). We suggest some small tweaks to ensure this SMA can be counted under the Yukon's 25% by 2025 target. This includes language that lands will be withdrawn from all industrial activities, not just mineral staking and oil and gas dispositions. It would also be helpful to clarify that mineral development is restricted to existing mineral tenure and must be conducted in a way that will not impact biodiversity.

LMU 3: Chu Kon Dëk (Yukon River Corridor)

The vision for the Yukon River Corridor speaks to “protecting and enhancing water quality and salmon habitat; protecting the scenic values that attract tourism opportunities; preserving important cultural sites; and managing important industrial access points.” This vision captures the many values attached to the river and strongly resonates with CPAWS Yukon. However, we believe this vision could be more simply achieved by designating the river corridor as a Special Management Area in the plan, with the many values and functions of the river addressed through SMA management planning and zoning. Our understanding is that SMAs can accommodate industrial access points through zoning. This would reduce the extra step of

subregional planning, allowing capacity and resources to be redeployed to other implementation priorities, while still achieving the vision and objectives listed in the Recommended Plan.

We agree that exploration of legal personhood for the river is fitting and something that should be done alongside the other Yukon River First Nations, and believe this could be layered overtop an SMA designation in the Dawson Region.

LMU 4: Tsey Dëk (Fifteenmile)

As we stated in our comments on the draft plan, we believe the Dawson Region plan holds great promise for reconciliation and integrating Indigenous perspectives, values and governance into land management, and that identifying this landscape as an Indigenous Protected and Conserved Area aligns with that promise.

The Recommended Plan's intent statement for this landscape and the Special Management Direction #1 have provided additional clarity from the Draft Plan that Tr'ondëk Hwëch'in will have the primary management role.

If a goal for this landscape is to include it within the 25% by 2025 target, then language tweaks similar to those we suggested for LMU 1: Tthetäwndëk (Tatonduk) would be required.

LMU 5: Ddhäl Ch'ël (Tombstone)

Given that the plan, in accordance with Chapter 11, S.11.2.2 does not apply to Tombstone Territorial Park, some of the Special Management Directions may be unnecessary or potentially in conflict with existing management provisions. We suspect this includes Special Management Direction 2.c:

“Carefully managed surface access should be considered jointly by the Parties to support sustainable tourism activities, forestry, Tr'ondëk Hwëch'in cultural activities, and access to a mineral deposit that has been proven viable by a proponent.” (pg. 188)

LMU 7: Wehtr'e (Antimony)

While we recognize the Commission has included many positive Special Management Directions for this LMU and we are heartened to see a reconfigured border that better protects the Clear Creek caribou herd, we are deeply disappointed that this landscape has shifted from an SMA to an ISA 1.

In 2020 both [Government of Yukon](#) and [Tr'ondëk Hwëch'in Government](#) identified this landscape as a conservation priority. As the Recommended Plan states, it contains some of the highest quality sheep habitat in the region (pg. 85). It hosts critical habitat for the Clear Creek and Hart River caribou herds. The plan notes that it is “an important area for connecting to the land and taking part in Traditional Economic Activities including trapping, fishing, gathering, and

hunting.” Instead of securing enduring protection for these values, an ISA designation creates a situation where the Parties and others may have to raise these values time and time again in the YESAA process to fend off inappropriate development.

We recognize that the presence of large blocks of quartz claims has made this landscape more complex to protect than others, and that a significant number of claims may have to be relinquished for the entirety of this landscape to qualify as a protected area. While mineral claims are a factor to be considered, they cannot be a trump card against protection in such an ecologically and culturally important area, and allowing them to play that role undermines the promise and integrity of the land use planning process.

We suggest the Parties investigate mechanisms for relinquishment of the claims. Recently, conservation foundations stepped in to broker the surrender of mining claims in the Skagit River Doughnut Hole, and a similar arrangement could be explored in this landscape if necessary.

LMU 8: Brewery Creek

As stated above, we appreciate that the Commission has reconfigured the boundary of this LMU so that it includes less critical habitat for caribou.

LMU 9: Clear Creek

We understand that management in this LMU is challenging, given the high density of mineral claims and development that overlaps with the range of the Clear Creek herd. However, it is exceedingly unlikely that the high levels of development permitted in an ISA 4 will support meeting the objective that “habitat and migration pathways are sufficient to support historic population levels of caribou”. As described in the Parties’ cumulative effects report, local knowledge and recent research shows that the Clear Creek herd has already adjusted its range in response to development in this area.¹⁵

The same cumulative report shows that the current linear disturbance in this landscape is 0.6 km/km² and current surface disturbance is 1.67%. Both of these disturbance levels fall below the critical thresholds for an ISA 3 (1.0 km/km² and 2.0%), and we strongly recommend that this landscape be designated as such.

Keeping this LMU as an ISA 4 means that the current disturbance in the landscape will fall well below the cautionary thresholds for linear and surface disturbance (1.5 km/km² and 3.0%), allowing activity to continue at the same pace, “as long as measures are being taken to improve information and awareness” (pg. 57 in the Recommended Plan). Linear disturbance would have to more than double, and surface disturbance would have to almost double, before the cautionary level is reached, at which time action would finally be triggered to “slow the pace and

¹⁵ Hornseth, M.L, A. Pysklywec, S. Skinner, K. Staples, and M. Suitor. (2022). Exploring the Cumulative Effects of Future Land Use in the Dawson Planning Region. Dawson Regional Planning Commission, Yukon, Canada. <https://dawson.planyukon.ca/index.php/publications>

scale of impacts” (pg. 57). By that time it will be far too late to take meaningful action to protect the range of the Clear Creek herd, rendering the cumulative effects framework ineffective for this landscape.

We believe an ISA 3 designation aligns much more strongly with the intent for the Clear Creek LMU and better complements Special Management Directions 1 and 2, which are aimed at mitigating industrial impacts on caribou.

LMU 10: Tintina Trench

CPAWS Yukon is encouraged that the Commission has designated this immensely ecologically and culturally important landscape for protection.

As proposed, this LMU does not currently meet the criteria for protected area status but that can be corrected with a few tweaks. The agricultural corridor and forestry activities are important uses but are incompatible with protected area designation. The North Fork Hydro site is also incompatible. We suggest that these areas be redesignated to ISA status to avoid unintended restrictions on those activities, allowing the remainder of the area to remain an SMA.

The ISA 2 disturbance threshold is also incompatible with the conservation of biodiversity and should be lowered to that of an ISA 1. In reviewing the Parties cumulative effects report, we see that this LMU already falls below the critical thresholds for an ISA 1 (although linear disturbance is close), and removing the working landscape areas from the SMA will likely lower this LMU's linear and surface disturbance levels.

LMU 11: Goldfields

We have already made the majority of our comments relating to the Goldfields in our major recommendations above. However, looking at this LMU one thing that is most striking is actually what is difficult to see - the Stewart River, which bounds the region's southeastern edge and is obscured by the region's mapped border. This river holds immense ecological and cultural values. We recommend introducing Major River Corridors as an overlay designation, to ensure that the values of the region's river ecosystems, like this one, receive adequate protection. This would permit the plan to include special management directions for these areas, as found in the Peel Region Plan, such as “Avoid large-scale industrial and/or infrastructure projects within Major River Corridors.” This designation would also be suitable for other rivers in the region, such as the White River.

LMU 12: Tr'ondëk Tāk'it (Klondike Valley)

CPAWS Yukon agrees that subregional planning is needed for the Klondike Valley, given the high concentration and variety of uses and values in this area.

LMU 15: Khel Dëk (Sixty Mile)

Key summer habitat for the Fortymile caribou herd falls within this landscape, which allows up to 2% surface disturbance as an ISA 3. The part of Khel Dëk (Sixty Mile) that overlaps with the core summer range of the herd is heavily staked for quartz mining, showing high development pressures for this area. The existing disturbance thresholds could allow for a tremendous amount of development within this area, reducing habitat for the herd and posing barriers to their migration.

We suspect this area was not included as part of LMU 21: Wëdzey T y (Fortymile Caribou Corridor) as it hosts high levels of placer mining, which may have thrown off the surface and linear disturbance thresholds for LMU 21. However, we think a potential solution could lie with the caribou overlay. The benefit of overlay designations is that they can sit ovetop multiple LMUs. We ask the Parties to consider extending the caribou overlay across the part of LMU 15 that includes the core range of the Fortymile caribou herd, so that it can be protected from hardrock exploration and mining.

We are pleased to see that the middle of this LMU has become narrower since the Draft Plan, with the land being shifted to Wëdzey T y (Fortymile Caribou Corridor).

LMU 16: Wëdzey Nähuzhi (Matson Uplands)

CPAWS Yukon strongly supports the SMA designation for Wëdzey Nähuzhi (Matson Uplands). The Matson Uplands is the very core of the Fortymile herd's Yukon range, and we commend the Commission for affording these lands a strong conservation designation and increasing the size of the LMU. At the same time, the geometrical edges of the LMU show that it is hemmed in by quartz claims, which have made it difficult to consider the best options for the Fortymile caribou herd.

To our understanding, this LMU as written meets Canadian criteria for designation as a protected area and no language tweaks are needed.

LMU 17: Nän Dhòhdäl (Upper Indian River Wetlands)

There is a stark dissonance between the grief expressed in the text of the Tr'ëhudè section, linked to destruction and change in the Indian River valley, and the continued and advancing destruction permitted in the Special Management Directions. We do not believe that ecological and cultural values in this watershed can be meaningfully protected when development is permitted to consume 50% of fens, ancient peatland ecosystems that cannot be reclaimed, only converted. Fen ecosystems are shaped by the flow of water, and disruption of this flow could lead to the loss of more than half of fens in this landscape through indirect disturbance, as well as impacts to wetland ecosystems downstream of this headwater system.

The shift of this landscape from an SMA to an ISA is particularly disappointing when we think back to the testimonies and evidence presented during the 2020 Water Board Hearing on placer mining in wetlands. Tr'ondëk Hwëch'in and First Nation of Na-Cho Nyäk Dun citizens, staff and leadership, alongside conservation organizations and wetland scientists, called for a pause on mining in undisturbed wetlands in the Indian River valley.

While it's positive that the Commission has recommended this landscape be withdrawn from staking until an Upper Indian River Stewardship Plan is developed, the outline of this plan seems to place hope in unproven "opportunities for innovation" and optimism that new mining techniques will provide a win-win path forward. But there are certain activities that cannot be reconciled, and maintaining the ecological and cultural values of a wetland landscape while allowing widespread placer mining is one of these scenarios.

We urge decision makers to offer meaningful protection to this landscape.

LMU 19: Tädzan Dëk (White River)

As we detailed in our major recommendations above, we recommend that the proposed Wetland of Special Importance label for the Ladue River Wetlands be shifted to an SMA for the Ladue Watershed. This would offer more certainty for the wetlands and better protect the Klondike Plateau. We are encouraged that the Commission has maintained the Special Management Direction that there be no disturbance to field-verified marshes, fens, and bogs.

LMU 20: Łuk Tthe K'ät (Scottie Creek Wetlands)

The Scottie Creek Wetlands is an extensive and incredibly important wetland complex which CPAWS Yukon is glad to see the Commission designate as an SMA. However, ISA 2 disturbance levels are not aligned with conservation outcomes or protected area status. This, combined with allowing commercial forestry and the existing disturbance from Class 3 and 4 mineral exploration in the LMU's northern tip, means the LMU currently would not meet Canada's protected area criteria. We recommend lowering the disturbance threshold to ISA level 1, and shifting the northwest corner of the LMU that has been significantly altered by mineral exploration to an ISA.

LMU 21: Wëdzey T y (Fortymile Caribou Corridor)

While we recommend this area be upgraded to an SMA to provide enduring and certain protections for the Fortymile caribou herd and the cultural connections that are linked to it, we are heartened to see that the Commission has put in place thoughtful management prescriptions through the caribou overlay and Special Management Directions. We urge decision makers to build on these protections.

Other Comments on the Plan

We applaud the many small but significant changes from the Draft Plan to the Recommended Plan

For example, we note that instead of a geographical description of the region, the introduction to the plan now begins with the section “Walking Together”, describing that the plan “is for all people who live, work and play in the Dawson Region, including Tr’ondëk Hwëch’in, whose connection to the land goes back to time immemorial, multi-generational families who have made the Region their home, newcomers, and visitors to the Region.”

These small shifts in tone and wording add up to a plan that is significantly more imbued with stewardship than before.

Small is perhaps the wrong descriptor but we note that the Recommended Plan now references reconciliation, Indigenous planning, and UNDRIP, which helps with interpreting the standard the plan should be held to.

Inclusion of Tr’ëhudè has greatly strengthened the plan

The inclusion of the concept of Tr’ëhudè throughout the plan and at the top of each LMU has added critical depth and context to the plan. This is invaluable for interpreting the plan now and in the future.

Surface disturbance and fire (pg. 54 and Research Recommendation 7 on pg. 69)

It is positive that the Plan recommends that the Parties undertake further research on incorporating fire disturbances into the cumulative effects framework. While a recovery strategy for Northern Mountain caribou has not been prepared, the recovery strategy for the Southern Mountain population of woodland caribou identifies habitat that is critical for the survival and recovery of the population; this critical habitat includes winter range that is at minimum 65% undisturbed¹⁶. Disturbed habitat includes both human-caused disturbance, plus a 500 m buffer, and fire disturbance from the last 40 years.

In a recent [submission](#) to YESAB on a quartz exploration project in the Clear Creek herd’s range, we mapped the overlap between the herd’s winter Wildlife Key Areas (WKAs) and fires from the 1980 and onwards. We found that fires from the 1980s - 2020s cover 19% of the herd’s winter range WKA. Disturbance of the herd’s critical habitat may be approaching 65% when combined with buffered human disturbance (although we note it is unclear if a recovery strategy for the Mountain caribou population would recommend 65% undisturbed habitat).

¹⁶ Environment Canada. (2014). Recovery Strategy for the Woodland Caribou, Southern Mountain population (*Rangifer tarandus caribou*) in Canada [Proposed]. Species at Risk Act Recovery Strategy Series. Environment Canada, Ottawa.
https://www.registrelep-sararegistry.gc.ca/virtual_sara/files/plans/rs_woodland_caribou_bois_s_mtn_pop_0114_e.pdf

Disturbance and reclamation (pg. 54 and Policy Recommendation 4 on pg. 68)

We support the plan's values-based reclamation approach. While more complex than a one-size fits all definition, it is more meaningful and will better protect the values the cumulative effects framework is aimed at. This approach should also note where restoration of values is not possible, such as disturbed peatlands.

Socio-cultural indicators (Policy recommendation 1 on pg. 68)

The text of the plan recognizes the interconnections between land and people but the cumulative effects framework is weaker in this regard. We strongly support the development of indicators for socio-cultural values identified in the plan and urge the Parties to ensure a few socio-cultural indicators are included in the final plan.

Trails (pg. 122)

Trails, particularly when travelled by non-motorized means, are a low impact way to connect with the land and recharge. We support the Recommended Management Practice to "Maintain access to new and existing recreational trails by delineating their location, identifying any potential land use conflicts and recommending appropriate mitigation measures (e.g., buffers) as part of the application and review process for new land use tenure." However, it would be helpful for the plan to specify appropriate buffers, as there have been recent land use conflicts regarding trails and placer mining, and disagreement over appropriate buffers.

Definition of "viable claims" / "viable mineral deposits" is needed

The Special Management Directions for LMUs 1, 4 and 5 specify that surface access should be considered jointly by the Parties in cases where mineral claims / mineral deposits have been proven viable by a proponent. If these Special Management Directions are retained in the next version of the plan, we highly recommend defining what is meant by "viable," as it is a qualitative descriptor and can mean different things to different people.

Ensure language regarding determination of new surface access determination is consistent

One of the Special Management Directions for LMU 7: Wehtr'e (Antimony) states that, "In the absence of an access management plan, Parties should jointly determine whether new surface access be permitted, with consideration of the above" [sic, underline added]. However, a similar Special Management Direction for LMU 8: Brewery Creek is stated considerably weaker in terms of co-management, saying that "Except for winter access, new surface access infrastructure off the Dempster Highway should be considered jointly by the Parties."

Determine is a stronger and clearer word than consider, and we recommend that a scan of the plan is done to put it in place consistently.

Withdrawal of staking

The Commission took a strong but necessary stance in recommending staking withdrawals for some of the complex landscapes designated as ISAs, where more time is needed for planning.

We are encouraged that the Government of Yukon has followed through on their recommendations. This has provided much needed breathing room in Chu Kon Dëk (Yukon River Corridor), Wehtr'e (Antimony), Nän Dhòhdäl (Upper Indian River Wetlands), and Wëdzey T y (Fortymile Caribou Corridor). In line with joint implementation, these withdrawals should be kept in place until agreed by both Parties.



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"The primary instrument for Renewable Resource Management in the Tr'ondëk Hwëch'in Traditional Territory."

Submitted via email
December 14th, 2022

Attention Government of Yukon and the Tr'ondëk Hwëch'in Government

Re: Recommended Dawson Regional Land Use Plan Consultation

The Dawson District Renewable Resources Council (DDRRC) is pleased to provide the following response to the Parties regarding the Recommended Dawson Regional Land Use Plan, released to the public on September 7th, 2022. We wish to begin our response by directing the reader to our attached response to the Draft Dawson Regional Land Use Plan, submitted to the Commission on October 29th, 2021.

As was stated in our October 29th, 2021 response, we acknowledged the Draft Plan was a good start towards identifying and accommodating the needs of all land users within the Planning Region. We still feel this is the case for the Recommended Plan and again would like to show our appreciation for the immense efforts made by the Commission to accommodate and engage with all members of the public affected by this initiative. Moving forward, we recommend the existing Commission remain involved and not be disbanded. We feel strongly the Commission can positively contribute to the resolution of issues that may arise during the final approval stage of the Recommended Plan by the Parties.

Regarding the specific interests the DDRRC brought to the attention of the Commission in our October 29th, 2021 response, we remain concerned that implementation of the Recommended Plan can be easily slowed or stalled due to the extensive policy and research recommendations identified throughout. Upon further consideration we would like to see clear timelines established to monitor implementation efforts and define a solution framework that can be followed when implementation issues arise.

It appears that all our comments with regards to Key Species were incorporated, in addition to our statement regarding the Traditional Economy. Specific references in which the DDRRC are mentioned in the Recommended Plan all appear correct and appropriate. Upon review of the delineation of Land Management Units we are not opposed to the current configuration detailed in the Recommended Plan and still support the concept of integrated stewardship even in areas where industrial development is permitted.

The issue of accommodating economic interests within identified wetland conservation areas remain a contentious issue in our opinion. Our comment above regarding the establishment of

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implementation timelines is especially important when considering wetland management. Defined timelines we believe are crucial in avoiding conflict between user groups / stakeholders and fulfilling the extensive wetland related Policy and Research recommendations identified throughout the Recommended Plan.

In closing, we hope our input will assist the Parties positively and look forward to the next steps of this endeavor.

Regards,

Mark Wierda (DDRRRC Co-chair) on behalf of the DDRRC.

CC: Katie Fraser (Katie.Fraser@trondek.ca) and Joseph Petch (Joseph.Petch@yukon.ca)



"The primary instrument for Renewable Resource Management in the Tr'ondëk Hwëch'in Traditional Territory."

Submitted via email
dawson@planyukon.ca
October 29th, 2021

DRLUP Commission
978 2nd Avenue
Dawson City, Yukon

Dear Dawson Planning Commission,

Thank you for your dedication and commitment to developing the Draft Dawson Regional Land Use Plan (the Draft Plan). Since the release of the Draft Plan on June 15, 2021, our Councilors have been busy attending the various public consultation sessions offered by the Commission. We have listened to the many sentiments voiced by the public and stakeholder organizations and have met numerous times as a Council to prepare our response.

In general, we think the plan is a good start towards identifying and accommodating the needs of all land users within the Planning Region. We support the concept of stewardship even in areas where industrial development is permitted. We understand the challenging task of balancing ecological, socio-cultural, and economic interests and appreciate the immense efforts made by the Commission to accommodate and engage with all members of the public affected by this initiative.

Finding a middle ground for sustainable development requires significant effort and compromise from all involved. In the spirit of accommodation, we acknowledge and support the Commission's very important role in promoting collaboration within our region for all.

The DDRRC (the Council) has specific interests we would like to bring to the attention of the Commission as follows:

Access / Implementation

A significant concern of the Council is the development of new access and the resulting cumulative effects on key species. The Draft Plan adequately identifies policy and research gaps required to mitigate the negative effects of access. However, we are concerned that without the resources required to implement the plan, policy and research alone cannot ensure access is regulated at sustainable levels. The Council would like to see more focus in the Draft Plan on identifying implementation gaps related to regulating access, this could be accomplished by



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identifying recommended research to determine what tools and resources may be required to successfully implement the Plan once finalized.

The Council would also like to see a mechanism developed to monitor and assess the implementation process. We certainly do not want to see many years pass between the finalization of the plan and implementation, this would cause a significant increase in conflict between land users and would likely also increase the negative impacts we have observed on key species within the Planning Region.

Key Species

Caribou

The Council appreciate an ISA1 classification for ridgetops within LMU #23 (Fortymile Caribou Corridor). We are currently in the process of drafting a document to provide clear, accessible guidance for project proponents, assessors, land use planners, and governments in their consideration of decisions related to industrial activities impacting the Fortymile Caribou Herd (FMCH) range. The document is currently being developed by a technical team assembled of representatives from the DDRRC, YG Environment and Tr'ondëk Hwëch'in. We hope to provide the Commission an opportunity to apply and incorporate aspects of the guidance document once completed.

Salmon

Tr'ondëk Hwëch'in elders and other Dawson locals have long voiced concerns that salmon rearing and spawning habitat have been diminishing within the Tr'ondëk Hwëch'in traditional territory. The Council recognizes that the recommended Sub Regional Plans for the Yukon River Corridor (LMU 3: Yukon River – Chu kon dëk) and the Klondike Highway Corridor (LMU 13: Klondike Valley) may go a long way towards protecting Salmon habitat within the planning region. We would like to see development of these Sub-Regional Land Use Plans expedited. The Council has grave concerns about the impact of human activity on Salmon spawning areas within the two yet to be developed Sub Regional Plans.

The Draft Plan states that "salmon-specific indicators may not be needed at this time". The Council recommends that salmon specific indicators be identified as a research recommendation instead of as described.



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Additionally, within Section 4.1.2.5 (Water Access) the Draft Plan states that impacts to key values in LMU #21 (White – Tädzan dëk) and LMU #15 (Fortymile River - Chëdähdëk) from jet boats are not well understood and recommends research into the potential for this activity to be affecting water quality and salmon habitat should be conducted in these areas. The DRRRC agrees and would like to see LMU #6, #10 and #13 (Klondike Highway Corridor, Upper Klondike and Klondike Tr'ondëk) and LMU #17 (60 Mile) added to the list as well.

Traditional Economy

Not only does the traditional economy provide a lifestyle and economic benefit to those who are involved, the activity is rooted in stewardship which is a key concept of the Draft Plan. The traditional economy also provides a necessary tool to facilitate the teaching and passing on of traditional knowledge to the younger generations of all Yukoner's. We are concerned that specific details regarding allowable trapping and hunting activities, including surface development associated with the building of trapping and hunting infrastructure, is not well defined within the Draft Plan especially for those that conduct traditional economy activities within Land Management Unit's 1 & 2.

Specific DRRRC References

The Council did not have any issues with any instance where we were named as a recommended organization that could contribute to the implementation of the Draft Plan. We did however observe an instance where our organization's acronym (DRRRC) was misspelled in Section 4.2.1.1 – top of page 80.

Wetlands

For the Council the issue of accommodating economic interests within identified wetland conservation areas has become the most contentious issue discussed throughout this planning initiative. We are very concerned that this issue alone has caused a significant amount of conflict between user groups and has negatively impacted the Commission's ability to focus on all aspects of the plan with equal attention.



"The primary instrument for Renewable Resource Management in the Tr'ondëk Hwëch'in Traditional Territory."

The Council recommends that the Commission consider delaying the delineation and classification of wetland LMU's until sufficient mapping has been developed and extensive identification of wetland landscape representation throughout the entire region can be verified. If this requires the development of Sub-Regional Land Use Plans for Wetlands, the Council will support this.

Furthermore, the Council believes a significant wetland area within LMU #21 (White – Tädzan dëk) along the Ladue River has not been considered as a key wetland area within the region, further research to delineate and identify the landscape representation of all wetlands in the region could help confirm this.

Conclusion

The Dawson District Renewable Resources Council (DDRRC) is honoured to provide this response to the Commission, we hope our input will assist positively in finalizing the Draft Plan and we look forward to the next steps of this endeavor.

Regards,

Mark Wierda (DDRRC Co-chair) on behalf of the DDRRC.



Fisheries and Oceans Canada Pêches et Océans Canada

Yukon Transboundary Rivers Area
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December 15, 2022

Land Planning Branch
Department of Energy, Mines and Resources
Government of Yukon
(Joseph.Petch@yukon.ca)

Natural Resources Policy Advisor
Natural Resources Department
Tr'ondëk Hwëch'in Government
(Katie.Fraser@trondek.ca)

**Subject: Recommendation – Adoption of Dawson Regional Land Use Plan
Section 6.3: LMU 3: CHU KON DĚK (Yukon River Corridor)**

Fisheries and Oceans Canada (DFO) has reviewed the Dawson Regional Land Use Plan (“the Plan”) submitted by the Dawson Regional Planning Commission to Government of Yukon, Tr'ondëk Hwëch'in First Nation, First Nation of Na-Cho Nyak Dun, and Vuntut Gwitchin First Nation in June 2022.

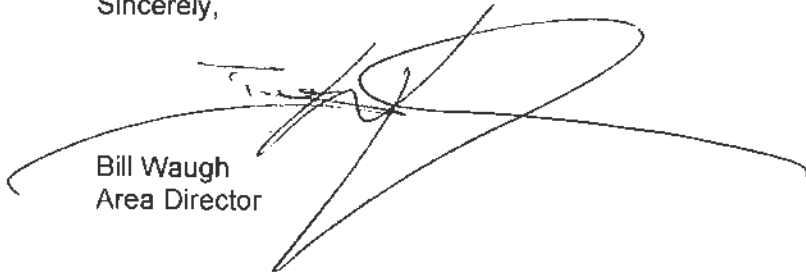
We acknowledge the Dawson Regional Planning Commission's efforts to develop the recommended Plan which establishes guidance for the management of land, water, and renewable/non-renewable resources while advancing First Nation self-governance and reconciliation.

Yukon River salmon stocks have experienced significant declines in abundance over the past two decades. Although there are a number of factors influencing this situation, maintenance of intact migration, spawning and rearing habitats is essential to sustaining and facilitating the recovery of these iconic species. We note that the objectives and special management directions identified within in Section 6.3: LMU 3: CHU KON DĚK (Yukon River Corridor) of the Plan align with DFO's goal of conserving, protecting, and enhancing water quality and salmon habitat. Given the significance of the CHU KON DĚK to Pacific salmon during various life stages, maintaining the integrity, and intact nature of habitats in this area is critical to sustaining and rebuilding Yukon River stocks.

The objectives of CHU KON DĚK are consistent with the habitat provisions of Chapter 8 of the international *Pacific Salmon Treaty* between the United States and Canada, which require the signatories to maintain the productive capacity of ecosystems and habitat including unobstructed access to and from, and use of migration, spawning, and rearing areas for salmon within the Yukon River and its tributaries.

Recognizing the above, we strongly recommend establishment of CHU KON DĚK as outlined within the Plan. We would like to express appreciation for the opportunity to review the Plan and look forward to the benefits realized through implementation.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Waugh". The signature is stylized with a large, sweeping loop that extends across the text below it.

Bill Waugh
Area Director



December 20, 2022

DUC Submission on the Recommended Dawson Land Use Plan

Ducks Unlimited Canada (DUC) is pleased to provide our comments on the *Recommended Dawson Land Use Plan*. We commend the Dawson Regional Land Use Planning Commission for their hard work and dedication over the last number of years compiling such a thorough plan. We understand that land use planning is a challenging task, particularly in a region such as Dawson where there are overlapping interests and limited information with which to make decisions. We believe our comments will be constructive with the aim of improving the plan, and overall, we believe the plan is good and will provide guidance to land managers and land users allowing sustainable development that conserves the important ecological and cultural values of the Dawson region.

DUC has participated in the creation of the Dawson Land Use Plan since 2014, and the focus of our comments and participation has been on wetland habitat. We are a science-based organization and have used the best available science to inform our comments to the Commission and in this submission to the Parties. We have, in partnership with Tr'ondëk Hwëch'in, provided a wetland inventory to the Commission to help with decision-making at the regional level. This inventory and our knowledge of how wetlands function guides the comments we make below.

We agree with the Vision and Guiding Principles for this land use plan. DUC strongly supports these statements and believes that the land will be used in a manner that allows for sustainability when these measures are followed. We concur that sustainable development and stewardship, guided by the precautionary principle and adaptive management, and combined with important areas being protected is an appropriate approach for this plan. We also support the Plan Goals and feel these are suitable, acknowledging the breadth of land uses that currently exist throughout the planning region.

DUC agrees with the Vision, Guiding Principles and Plan Concepts for this land use plan.

We feel the Plan Concepts, such as Land Use Designations and Cumulative Effects Indicators, are a good approach to guide decision making and monitor impact levels over time. DUC supports the overall land designation system proposed in the Recommended Plan, and we agree that used in conjunction with Land Management Units (LMUs), different intensities of development are justified. We will provide our suggestions on a few aspects of the land designation system that we feel could benefit from further clarification as well as a couple LMUs that we feel should receive a higher level of conservation.

Over the next few pages, we provide our suggestions on the topics of wetland management, Wetlands of Special Importance, Special Management Areas, and Implementation.



5.2.5 Wetlands

As of this submission, the Government of Yukon has yet to release their Wetland Stewardship Strategy. Without the details of that policy, we are providing comments that we believe will be compatible with whatever guidance the policy will provide assuming there is not drastic change from the draft policy. DUC fully agrees with the statement that the management directions provided within this plan should take precedence unless the new Wetland Stewardship Strategy provides higher levels of conservation.

In general, DUC acknowledges the difficulty in managing activities in wetlands. Wetlands provide great value to people but also overlap with other land uses. Unfortunately, these land uses, particularly placer mining, have significant impacts to wetlands and their benefits. To help implement effective actions that provide clear and consistent direction for those looking to undertake development activities in wetlands, and to guide those who assess and regulate these activities, a vision of what the desired outcome for wetlands and their values are required. The Recommended Plan provides an improved Objective in this section compared with the Draft Plan. However, we suggest that some Management Directions are not consistent with this Objective.

The Objective calls for functioning wetland ecosystems that support ecological and socio-cultural values. DUC supports this goal though improved clarity of what the end goal is would be beneficial. Unfortunately, we believe that management directions that allow activities in wetlands without clear guidance on what the goal of reclamation will be, will lead to an overall loss of functioning wetlands despite the use of the mitigation hierarchy. DUC fully advocates for the use of the mitigation hierarchy, but we believe it needs to be used in conjunction with a goal that sets the direction for knowing when the hierarchy is used successfully. We recommend that the Parties adopt a no-net-loss of wetland values as part of the Objective. Adopting this goal will provide clarity on when each step of the mitigation hierarchy has been adequately achieved and will better ensure the original objective the Commission put forth is achieved by maintaining the values associated with wetlands.

DUC recommends that the Parties adopt a no-net-loss of wetland values as part of the Objective.

Adoption of no-net-loss of wetland function or value would also better ensure the existing carbon stocks found in fens are managed in a manner that maintains these stocks. Maintaining these carbon stocks is a form of climate change mitigation. Enabling a no-net-loss of wetland function or value – in this case the function is carbon storage, and the value is mitigating climate change – supports Section 5.2.6.2 Wetlands and the Recommended Management Practices in Section 5.2.6 Climate Change. As we documented in our submission to the Draft Plan, our analysis suggests a minimum of nearly 32,000 kilotonnes of CO₂ equivalents are within the fens of the Dawson planning region. We believe that this number is much higher, but estimates are limited to available data. Given that recent estimates of the Yukon's annual emissions are 624 kilotonnes of CO₂, loss of a small proportion of these fens could result in a year's worth of the Yukon's carbon emissions over a few decades following a disturbance. A no-net-loss of wetland function or value would maintain these carbon stocks and thereby mitigate some of the climate change impacts from development in wetlands.



Similarly, the Recommended Plan states that there will be no development in undisturbed bogs and marshes throughout the planning region and in undisturbed fens in certain LMUs. DUC supports this management direction but feels further definition is required, ideally in the plan itself or as part of implementation. The word “undisturbed” does not necessarily provide the clarity that land users and managers will require, as its meaning is open to interpretation. Some of these wetlands may have had some minor levels of activity within them at some point in the past but are still functioning and are recognizable as a given wetland class. We feel that this minor amount of activity does not result in the wetland having been disturbed and therefore open to further development. We recommend a definition that considers the functionality of these wetlands rather than whether there was a disturbance. A definition that defines wetlands as “undisturbed” when common wetland functions and/or values of a given wetland class are present would provide more clarity for the regulatory process.

DUC recommends a definition that considers the functionality of these wetlands rather than whether there was a disturbance.

The Recommended Plan recommends a buffer of 20m surrounding bogs, marshes, and protected fens. DUC supports the use of buffers. However, we believe that 20m is not an adequate buffer size to protect these wetlands. In previous submissions, DUC has recommended a 30m buffer as the initial size based on our research into buffers currently used across Canada, and we recommend this size be included here. We agree that more research is needed to determine the most appropriate buffer size given the unique characteristics of wetlands in the Dawson region including permafrost and more complex hydrology than other regions of Canada. Adoption of adaptive management is the best tool to utilize as there is a clear goal to be achieved.

DUC recommendeds a 30m buffer be included in the Recommended Plan.

Wetlands of Special Importance

We are pleased to see the three wetland complexes that have been identified as Wetlands of Special Importance. These three areas are productive and nearly fully intact areas that hold value for people, biodiversity, and offer ecological goods and services. We recommend that clarification is provided regarding allowable activities in these areas. In Policy Recommendation 47, it is stated that Wetlands of Special Importance are designated as no-loss, meaning that activities cannot cause a loss of the value or function of all wetlands in the area. This would apply not only to bogs and marshes as it does across the planning region, but also to fens, swamps, and shallow open water. However, in Section 6 the management direction varies under each LMU from Policy Recommendation 47. Section 6 only provides additional protection to fens, with swamps and open water being under general management direction. It is our understanding that the Draft Wetland Stewardship Strategy applied the no-loss approach to all wetland classes. We strongly recommend that all Wetlands of Special Importance be under the management direction provided in Policy Recommendation 47 and be considered no-loss of function or value for all wetland classes.

DUC recommends that clarification is provided regarding allowable activities in Wetlands of Special Importance, and we strongly recommend that all Wetlands of Special Importance be under the



management direction provided in Policy Recommendation 47, and be considered no-loss of function or value for all wetland classes.

Two of the Wetlands of Special Importance, Flat Creek and Ladue River, are subareas of a larger LMU. We request clarity on the spatial extent of these areas. This greater clarity will provide the necessary guidance to allow developers to structure their projects in a manner that complies with the management direction of the land use plan. DUC recommends the watershed as the boundary for the Wetlands of Special Importance for both Flat Creek and Ladue River. A map would be beneficial.

DUC recommends the watershed as the boundary for the Wetlands of Special Importance for both Flat Creek and Ladue River.

Special Management Areas

DUC is concerned with the amount of development still permitted within Special Management Areas (SMAs). This is particularly true for LMU 10: Tintina Trench and LMU 20: Łuk Ttha K'ät (Scottie Creek Wetlands). This level of development, in our opinion, does not match with the management intent for these LMUs. While there would be a preference for no new access, similar to some SMAs in the Peel River Land Use Plan, we believe the impact allowed within an Integrated Stewardship Area (ISA) 2 is too high for these SMAs. We acknowledge that disturbance analysis suggests that current disturbance is near that allowed in an ISA 2, but we suggest a land use plan should be forward looking with guidance that aims to achieve the goals for each LMU. In this case, full protection is the stated goal so management direction should move towards less disturbance, not more. If development of existing claims is deemed to be necessary, then these SMAs should have ISA 1 level of allowable disturbance, combined with other management objectives such as no-loss of wetland function or value for the two SMAs designated as Wetlands of Special Importance.

DUC suggests a land use plan should be forward looking with guidance that aims to achieve the goals for each LMU.

DUC proposes that the Ladue River Wetland of Special Importance be designated an SMA. We feel this is a more appropriate designation as the other two Wetlands of Special Importance are both SMAs. Designating this area as an SMA would also contribute to a corridor that connects large protected areas to the south in both the Yukon and Alaska with protected areas identified in the Dawson Land Use Plan, the Peel Land Use Plan, the North Yukon Land Use Plan, and protected areas in Alaska such as Yukon-Charley National Park and Arctic National Wildlife Refuge. The boundaries for a Ladue River SMA should be those of the watershed although if the entire White River LMU were designated as an SMA that would ensure protection of not only the Ladue River but also the many wetlands within the White River LMU.

DUC proposes that the Ladue River Wetland of Special Importance be designated an SMA.

LMU 17: Nän Dhòhdäl (Upper Indian River Wetlands)

In our opinion, how best to manage activities in Nän Dhòhdäl LMU is one of the most contentious decisions within this land use plan. The Indian River has been the epicentre for placer mining for the last

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century. The historical impacts are obvious when traveling through the watershed where only a handful of areas are relatively unimpacted. Nän Dhòhdal is one of those areas with limited impacts. The wetlands within Nän Dhòhdal seem to be pristine, providing carbon storage, habitat for plants and wildlife, and storing water among other ecosystem goods and services. However, the gold potential seems high with numerous mining claims throughout the LMU. If mined, many of the existing wetlands will be lost with some replaced by open water or marsh wetlands and uplands. Much of Nän Dhòhdal would likely look similar to mined areas within the rest of the Indian River watershed.

The Recommended Plan aims to balance the desire for mining with the desire to keep some portions of the Indian River watershed in its natural state. We respect that goal but believe that it will not be achieved given the current management direction. The Wetland Stewardship Overlay for this LMU calls for 50% of fens per claim block to be left unmined. DUC's analysis of this policy suggests that the goal of 50% of fens being left on the landscape will not be met and we therefore do not support this goal or management direction. The reason for this, is fens are characterized by their hydrology – moving water across the landscape, often times from groundwater or adjacent uplands to other areas downstream. Many fens in the Dawson planning region are also underlain by permafrost. Fens can also be quite large which results in an individual fen potentially spanning multiple claim blocks. These characteristics make fens sensitive to disturbance. When a fen is mined, there can be a disruption to hydrology that can cut off source water to the portion of the fen downstream. Changes in water levels and direct disturbance can lead to changes in vegetation cover and permafrost which can cause a feedback mechanism that continues the changes in water, vegetation, and permafrost. This results in the impacts to fens being greater than just to the 50% that are directly impacted, and in some cases to portions of fens that are not on a mined claim block. DUC believes that the impact to fens will be much greater than the 50% threshold that the Commission has set as a goal. We acknowledge that the Commission felt bound by the current regulatory regime that calls for assessments and permits to be issued at the claim block level, however, we remind the Parties that the Successor Mining Legislation process is underway. New mining legislation will ideally better allow for an ecosystem-based approach to regulating mining activities which will be much more aligned with cumulative effects management and the goals of this plan. For this reason, we encourage the Parties to set the Management Direction for this LMU based on what the long-term goal is rather than limit the goal due to existing regulations. We believe that through implementation the proper framework can be built to best achieve the new goal for this LMU.

DUC encourages the Parties to set the Management Direction for the Nän Dhòhdal LMU based on what the long-term goal is rather than limit the goal due to existing regulations, and designate Nän Dhòhdal as an SMA with disturbance levels on par with an ISA 1.

There are a few avenues for managing Nän Dhòhdal that DUC believes will better conserve the existing wetland values of this LMU. The no-net-loss of wetland function approach we described above could better maintain some of the existing values and allow for new mining and reclamation techniques that minimize impact. However, given that both the Draft and Recommended Plan highlighted this LMU for its wetland values and the need for managing it differently we suggest that another approach is required than using what should be the management direction for all ISAs.



A preferred option is to designate Nän Dhòhdal as an SMA with disturbance levels on par with an ISA 1. This option will make it difficult for further mining to occur so implementation of the plan may require decreasing the number of claims in the LMU by some manner but provides the most certainty that the wetland and cultural values of this LMU are conserved. Another suitable option would be to designate Nän Dhòhdal as a Wetland of Special Importance and an ISA 1. This option would conserve wetlands as the no-loss of wetland value and function management direction would be in place but would still allow some mining to occur. We acknowledge that some mining claims would not be able to be mined if no mining in wetlands occurs, at least given current mining practices.

Implementation

Implementation is key for this land use plan to be a success. Once the plan is finalized, implementation needs to start immediately and be done in a timely manner. We have seen other land use plans in the Yukon take many years to implement with some aspects not completed even ten years after the plan was finalized. DUC is pleased to see some timelines proposed in this section and we encourage the parties to establish more timelines and commit to following them.

The first sentence of this plan recognizes that this plan is for all people with an interest in the region. Implementation of the plan should reflect that as well. DUC believes that Tr'ondëk Hwëch'in and Government of Yukon should work jointly to implement this plan to ensure implementation achieves the goals and spirit of this plan. As well, this plan was created with input from many organizations and community members. Opportunities for organizations, including industry and conservation organizations, to work alongside the Parties through management plans, sub-regional plans, research, and policy implementation should be provided. These organizations provided their expertise to the plan and have much to provide to the implementation phase as well.

Summary

Overall, there is much to like about this plan. DUC is offering some recommendations that we believe will increase the clarity of the plan and allow for improved implementation to achieve the ambitious, yet appropriate, goals of this plan. Below is a bulleted list of the plan components we support and the recommendations we have made above.

- Keep existing plan Vision, Guiding Principles, and Plan Goals
- We agree with land designation system but provide recommendations for improvement
- DUC supports this plan taking precedence over the Wetland Stewardship Strategy unless the strategy provides equal or increased conservation measures
- DUC fully supports the use of the mitigation hierarchy as part of the management directions for wetlands
- Recommend adopting a no-net-loss of wetland function or value in conjunction with the goal for functioning wetland ecosystems to provide the necessary clarity on implementing the mitigation hierarchy
- Adopting a no-net-loss of wetland function or value will also better allow for conservation of carbon stocks stored in wetlands which aligns with the Plan's goals for climate change mitigation



- DUC recommends a 30m buffer around protected wetlands as a starting point of the adaptive management cycle until such time as research determines a more appropriate buffer distance
- Clarify the discrepancy between Policy Recommendation 47 and LMU descriptions for Wetlands of Special Importance in Section 6 by adopting Policy Recommendation 47 which provides no-loss of wetland functions and values for all wetlands types in Wetlands of Special Importance
- Provide the spatial extent of the Wetlands of Special Importance designation for the Ladue River and Flat Creek areas, preferably as the entire watershed
- Designate all SMAs that currently allow cumulative disturbances to reach ISA 2 to only allow ISA 1 levels of disturbance
- Designate the Ladue River as an SMA
- DUC does not support allowing 50% of fens per claim block as a management direction for Nän Dhòhdal as we believe the impact will be greater than the defined mining footprint
- Set the wetland goal for Nän Dhòhdal based upon the assumption that Successor Mining Legislation can provide a better framework for ecosystem management than the current claim block approach
- Adopt one of two options for Nän Dhòhdal that would better conserve one of the few intact areas within this LMU: designate as SMA or designate as a Wetland of Special Importance with ISA 1 disturbance levels
- Set timelines for plan implementation
- Implement the plan jointly between the two Parties with opportunities for plan partners (e.g. industry and conservation organizations) to participate

DUC thanks the parties for the opportunity to provide our comments. Please do not hesitate in contacting us to further discuss any of the recommendations we have provided. We can be reached at 867-668-3824 or j_kenyon@ducks.ca. We look forward to working with Tr'ondëk Hwëch'in and Government of Yukon on the implementation of this plan.

Erik Val

PO Box 20204, Whitehorse, Yukon, Y1A7A2

December 16, 2022

Dawson Planning Commission, Tr'ondek Hwech'in Government and Yukon Government

Re: Comments on the Recommended Dawson Land Use Plan

Dear Commission and Parties to the Plan:

Thank you for the opportunity to comment on the Recommended Dawson Land Use Plan.

In 2000 I came with my family to the Yukon from the Northwest Territories to work as the Director of the Yukon Protected Areas Strategy Secretariat and subsequently as the Director of Yukon Parks until retirement 10 years ago. During that time, I spent much of my time working with Parks staff and cooperatively with the Tr'ondek Hwech'in First Nation on establishing and managing *Ddhal Ch'el Cha Nan*, (Tombstone Territorial Park) and other related conservation initiatives according to the Final Land Claim Agreement. I also worked for a 2-year period on assignment to the Fisheries and Oceans Canada as the Chief, Habitat Restoration, Stewardship and Enhancement. The focus of that work was to engage with the placer mining industry with the aim to better conserve Yukon salmon stocks in the Dawson region.

Based on my work experience and the time spent with my family exploring, hiking, and camping in the Dawson region I offer these following thoughts regarding the Recommended Dawson Land Use Plan:

- 1) Much has been achieved by the Commission in preparing this plan that provides clear direction for long-term protected area establishment and carefully managed economic growth of the region. These recommendations must not be tampered with especially in consideration of Yukon's recently commitment to the 25 by 25 and 30 by 30 targets for protected area establishment. This was agreed to by all provinces and territories at the COP 15 Bio-Diversity Convention held in Montreal.
- 2) However, there are several initiatives that are missing in the plan and need to be added to the recommendations:
 - While the Indian River wetlands have been forever impacted by placer mining, there remain intact areas rich with bio-diversity in the upper watershed that must be protected.
 - There are areas of high wildlife and harvesting values in the White River area and beside Tombstone Territorial Park that need further protection from future mineral development.

- Key rivers such as the Yukon, White and Stewart are the life blood for not only the Dawson Region but also for all of the Yukon, and, as such must be protected and specifically include provisions to protect salmon habitat and stocks.
- Beyond what is provided in the plan recommendations, the Forty-mile caribou herd needs further protection from future hard rock mining in it's higher elevation alpine habitat.

In closing the future success of the plan depends on full, ongoing collaboration of the parties to plan which therefore must include a detailed implementation and review plan/schedule and must commit Yukon Government funding to undertake the necessary research and monitoring. The final plan must reflect this commitment to ensure that it will be fully implemented rather than simply gathering dust on a government book shelf.

Yours truly,

Erik Val



Comments on Dawson Region Recommended Land Use Plan.

December 20, 2022

3 Pikas
2180 2nd Avenue
Whitehorse, Yukon Territory Y1A 5N6
By Email: jacob@3pikas.com

Att'n: Jacob Newkirk

Friends of the Dempster Country (FoDC) sincerely appreciates the time and energy the DRLUP Commission has allotted to learning about the planning region, gathering public input on the draft plan and developing this comprehensive Recommended Plan. Both the process and the scope of this work can be used as a model for future land use planning.

FoDC is a not-for-profit society dedicated to increasing understanding and appreciation of the unique land through which the Dempster Highway passes ultimately cultivating a deeper respect for “Dempster Country.” As in the past, we will limit our comments on the Recommended Dawson Land Use Plan to that portion of the planning region that lies north of the Tintina Trench.

As stated in our comments on the Draft Plan in November 2021, FoDC has heard and appreciates the Planning Commission’s reasons for dividing this northern portion of the planning region into several different land units with varying levels of protection. However, we continue to point out that the result is just that — a land divided.

FoDC suggests that the Special Management Directions and the Priority Objectives as outlined in this Recommended Plan for LMUs: #6, Tr’ondëk; #7, Weht’re; and even #8, Brewery Creek, make them good candidates for inclusion as Special Management Areas. As SMAs they would uphold the “priority to maintain ecological integrity and cultural resources” while not negating the Priority Objectives listed for each of them in the current plan.

FoDC agrees with the Yukon Conservation Society on LMU #9, Clear Creek, and the recommendation that it be set aside and assigned for future sub-regional planning. The vision for this LMU “to conserve key habitat for woodland caribou while allowing for sustainable development” has already been compromised. Any new mine exploration or development must be considered in relation to the Clear Creek Caribou herd and the habitat they require. We suggest that the Clear Creek Caribou herd be made the first consideration in the Priority Objectives for this land unit.

As this Recommended Plan has stated the Dempster Highway Corridor is another area north of the Tintina Trench that will require a sub-regional plan. It will be important for that plan to consider the impact on adjacent land units of cumulative effects of any activity—including regular highway maintenance—within the corridor. As FoDC wrote in comments on the Draft Plan in 2021: “By itself the Highway is a linear disturbance. The mining, crushing, and storing of aggregate in “borrow pits” creates areas of surface disturbance. Both types of disturbance have impacts on vegetation and wildlife. Add the noise and dust of traffic on the road and the impact increases - with the size and speed of the vehicle.” These impacts affect the adjacent land beyond the highway corridor and need to be considered when evaluating cumulative effects.

FoDC suggests that the Final Land Use Plan for the Dawson Region using adaptive management practices and following the “precautionary principle” can increase the size of the Special Management Area north of the Tintina Trench to include LMUs #6, #7 and #8; can set aside LMU #9 for sub-regional planning; and can consider cumulative effects of any activity within the Dempster Highway Corridor on the adjacent land.

In so doing the Land Use Plan for the Dawson Region could:

- fulfill the obligation under the Umbrella Final Agreement to “...not undermine the ecological and social systems upon which communities and societies are dependent;”
- honour the wishes of the Tr’ondëk Hwëch’in for their Traditional Territory by legally protecting 60% of the planning region;
- and provide a refuge—a large connected wilderness area—that climate scientists around the world are calling for.

Thank you for accepting these comments.

Julie Frisch,
For Friends of the Dempster Country Society

Suite 201, 307 Jarvis St.
Whitehorse, Yukon
Phone: 867-667-7397

via email: Katie.Fraser@trondek.ca
Joseph.Petch@yukon.ca

RE: Dawson Regional Planning – Recommended Plan

Dear Planning Commission,

Please accept this letter as a formal commentary on the Dawson Regional Planning Commissions (DRPC) *Recommended Land Use Plan* (August 2022) and supporting documents. We commend the Commission, and all involved with the hard work and many years which have culminated in *Dawson Regional Land Use Recommended Plan*. As this plan is part of fulfilment of the §11 (Land Use Planning) of the Umbrella Final Agreement (dated July 16, 1998) we are grateful to be part of the discussions for planning the future and the stewardship of land management and resources of the Dawson Region in Tr'ondëk Hwëch'in (THFN) Traditional Territory.

Recognizing that the intention of the public comment period is to open up the platform for commentary on the Recommended Plan, with the goal of finalizing a sound, balanced Regional Land Use Plan, we have included some notable scoping issues and recommended solutions.

1. Significant amount of land withdrawn from staking.

Successful mineral exploration requires a large land base available for exploration. Companies do not have the luxury of locating a mineral deposit in any given location, as it is dependent on underlying geology. Economic mineral deposits are extremely rare, and a large amount of land needs to be evaluated (with low-impact activities) to find the few deposits which may be economic to allow for a sustainable economic future.

The Final Recommended Plan has 54.1% of the land area marked for permanent or interim withdrawal of staking for quartz claims. The Dawson region is host to very significant mineral potential – particularly for critical minerals, copper, cobalt, uranium, zinc, molybdenum, antimony and manganese – and a withdrawal of this scale will severely impact Yukon's economic future. This withdrawal is more than **double** the amount recommended in the recently completed Yukon Mineral Development Strategy, where "parcel-specific moratoriums should not exceed 20% of a regional planning area". Large withdrawals do not support the Recommended Plan's stated goal to "ensure that economic development in the Region continues."

2. Inconsistency between land designations, overlays, and special management directions.

Overlaying caribou and wetland zones on Land Management Units (LMUs) with Integrated Stewardship Area (ISA) designations conflicts with the intent of an ISA: "the intent of all ISAs is to enable existing and future economic activities for both surface uses and subsurface resource extraction." There is inconsistency in various portions of the Plan as to whether existing tenure is maintained and can be developed in these areas.

In particular, the statement that “effective restoration of wetlands is impossible” is inconsistent with results from a number of successful wetland restoration projects across Canada that have demonstrated cost effective methods for restoring carbon sequestration and the return of habitat values in disturbed wetlands in the Canadian north. It also contrasts with the surface disturbance recovery objectives and may discourage Operators from implementing costly best management restoration practices which should aim at doing their part to battle arctic warming and global climate change.

Further, the rationale for the singling out quartz activity in LMUs with caribou herd conservation efforts, does not reflect the ability for caribou and mineral exploration or other development to co-exist – despite recent data demonstrating that the Fortymile herd population has been on the rise despite exploration and mining taking place in the area.

3. Cumulative effects thresholds in Integrated Stewardship Area (ISAs) are low.

We support the rationale proposed that an “adaptive approach to the management, monitoring, and assessment of priority ecological, economic, and cultural values and to attempt to balance all three” (§4.1).

Threshold values presented are very low compared to other land use plans in comparable sub-arctic, low-density populated areas and particularly relative to ecologic thresholds from scientific studies which generally indicate threshold preservation of >60% of habitat or perhaps 80% for rare species. This compares with preservation of 95%, 97.5% and 99% of habitat for the high, medium, and low development LUD’s that are proposed.

Adequate implemented monitoring, predictive modelling and reassessment of proposed Cumulative Disturbance Thresholds should be dynamic, and proposed thresholds should be adjusted to allow for flexibility. This should be an iterative process advised by a Technical Working Group who can advise adjustments to thresholds as appropriate to support the adaptive approach as stated in §4.1.

Establish science-based ecological habitat disturbance thresholds for the Regional planning area to reflect adequate baseline assessment, monitoring and incorporation of factual research, traditional knowledge, and data. This could be achieved with the formation of an objective technical working group who can evaluate, monitor, implement modelling, and advise on suitable disturbance thresholds to ensure the integrity of key values (ecological and heritage) whilst allowing for sustainable economic development to prevent disincentivizing investment in the Yukon (the largest non-government economic contributor). These working groups should include qualified representatives from governments, First Nations, industry and ENGOs. This would align with the Plan objectives as laid forth in §4.1.

We strongly recommend the parties consider the following recommendations when finalizing the plan:

1. Remove staking withdrawals in areas with ISA designations to align with the definition statement: *“the intent of all ISAs is to enable existing and future economic activities for both surface uses and subsurface resource extraction.”*
2. Establish science-based ecological habitat disturbance thresholds for the Regional planning area to reflect adequate baseline assessment, monitoring and incorporation of factual research,

traditional knowledge, and data. This could be achieved through the formation of an objective, highly qualified, technical working group who can evaluate, monitor, implement modelling, and advise on suitable (and potentially dynamic) disturbance thresholds to ensure the integrity of key values is adequately protected.

3. Update language around caribou to recognize that the Fortymile Caribou Herd has been successfully recovering, and that mitigations exist to reduce conflicts between quartz exploration and mining and caribou migration, as has been demonstrated at numerous mines and exploration projects in the north.
4. Incentivize surface disturbance recovery objectives through backing collaborative research which has demonstrated functional wetland restoration methodology is possible and develop collectively supported wetland restoration guidelines.
5. Ensure that ISA's account for all currently permitted and environmentally assessed projects in a LMU and consider the reasonably foreseeable future development in the area.
6. If temporary staking withdrawals are maintained, provide assessment relief until such time as the withdrawal is lifted, or made permanent, so companies are not forced to either conduct work in an area that may be permanently protected or risk loss of tenure.
7. If the parties wish to expropriate mining claims (quartz or placer), owners should be adequately compensated for the value of the claims. Resources, time, and investment have been made in good faith and that should be honoured.
8. Finally, we need certainty in the implementation of the plan and that unclear language is not left for environmental assessment bodies, YESAB and YWB to interpret. Industry recommends scenario workshopping of projects through the conformity process **far in advance of the acceptance of any Land Use Plan.**

We appreciate the opportunity to provide comment and hope that the final Dawson Regional Land Use Plan provides an balanced outcome that meets the needs of all involved and safeguards the environmental and economic future of the region.

Thank you kindly for your consideration,

Tim Johnson
CEO, Granite Creek Copper Corp.





Friday December 20, 2022

Foreword

Dear Dawson Regional Planning Commissioners and Staff;

The Board of Directors and members of the Klondike Placer Miners' Association (KPMA) would like to thank you for your attention reviewing our response to your Recommended Land Use Plan for the Dawson Region.

Placer miners are significantly affected when it comes to determining appropriate and responsible land use in the region, as we have been working on the land since the gold rush. This is not lost on you, and neither is the distance we have come from our historic roots. We believe that the current Recommended Plan is a good step into a more balanced future; where excellence in mining practices and environmental stewardship is expected; where our long time placer community members and their families remain and continue to provide good jobs to TH citizens, Yukoners and service and supply businesses; and, where all Plan users in the region have both opportunities and responsibilities to the lands we walk. Nän kāk ndä tr'ädäl.

We are grateful that the Commission took time to carefully review our response to the Draft Plan, we can see ourselves throughout the Recommended Plan and it brings us hope to know that the members of the KPMA are part of your vision for the future. Innovation is only possible when there is space for it to occur; we will continue our work advocating for mining excellence and an innovative and bright industry for generations to come. Our immediate challenge lies in the implementation and interpretation of the Plan, and our comments speak largely to this.

We look forward to working with you in the near future.

Continued on next page.



Dear Tr'ondëk Hwëch'in Government and Government of Yukon representatives (the “Parties”);

The following submission is something we have put time and care into, to provide what we believe are fair and reasonable suggestions to ensure the Final Land Use Plan is something all Plan users can understand, follow, and have confidence in using going forward. The implementation of a Plan will be critical to the success of the Commission’s vision of balance coming to fruition. Most of our comments are to identify areas that could be further clarified or detailed to prevent miscommunication in the future.

The Commission has listened long and hard to many diverse opinions and perspectives and we believe that for the most part, their Recommended Plan is something that reflects industry; however, there are critical problems that can likely be mitigated by working through some concepts as a larger group, to truly understand the Commission’s intent. While we may not agree with everything as written, we understand WHY the Recommended Plan reads as it does.

We encourage you to include the KPMA, other industry associations and environmental advocacy groups in any conversations you have on future updates. We are all engaged in the process and want the best for the land that we walk on, together. We look forward to continuing to walk with you, as Parties to the Plan, on this beautiful land that we all love.

Please find the KPMA’s response to your Recommended Plan, attached.

Electronically signed by the Board of Directors:

President. Fellers, Will. Fellhawk Placers, LMU 11, LMU 13, LMU, 15, LMU 21.

Vice President. Loveless, Neil. Northern Envy Placers, LMU11, LMU13, LMU15, LMU 21.

Secretary Treasurer. Favron, Lisa. Favron Enterprises, LMU11, LMU13, LMU15, LMU 21.

Director. Ferguson, Liam. Ajax Mining, LMU 9, LMU 11, LMU 12, LMU 13, LMU 14, LMU 15, LMU 21.

Director. Mather, Mark. Dawson City General Store, LMU13.

Director. McBurney, Pascal. Slate River Mining, LMU11, LMU 13.

Director. McDougall, Mike. K1 Mining, LMU15, LMU 21.

Director. Schmidt, Harold. Schmidt Mining Corp, LMU 9, LMU 11, LMU 12, LMU 13.

Director. Schmidt, Stuart. Schmidt Mining Corp. LMU 9, LMU 11, LMU 12, LMU 13, LMU 18.



Electronically signed by KPMA Members and Non-Members:

The following is not an exhaustive list of KPMA members, rather, a list of individuals who have requested their names be put on this submission, in writing, **after** reviewing the submission draft and providing feedback for changes. Feedback from miners has been incorporated in this document to ensure the KPMA is fairly and accurately representing the people that work across the planning region.

This is a selection of the people that work in or with the placer industry, whose businesses will be directly affected by the Land Use Plan, and who are interested in working collaboratively to ensure an approved Dawson Regional Land Use Plan is something we can ALL use.

1. Alexander, Mandi. Treadstone Gold. LMU 11.
2. Algotson, Davie. LMU 11.
3. Algotson, Hans. LMU 11.
4. Allen, Grant. LMU 12, LMU 15.
5. Bayer, Matthew. Scott and Son. LMU 9.
6. Beaudry, Mike. TD Oilfields. LMU 11, LMU 12.
7. Beauséjour, Jeremy. Fellhawk Mining. LMU 11, LMU 13, LMU, 15, LMU 21.
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Dawson Regional Recommended Land Use Plan – KPMA Response

Introduction and Key Themes

This is the Klondike Placer Miners' Association (KPMA)'s review of the Dawson Recommended Land Use Plan (the Plan), dated June 2022. Section 1.1 of the Plan states that the document *“is for all people who live, work, and play in the Dawson Region including Tr'ondëk Hwëch'in (TH), whose connection to the land goes back to time immemorial, multi-generational families who have made the Region their home, newcomers, and visitors to the Region. The Dawson Regional Planning Commission (DRPC) wants all people of the Region to be able to see themselves in the Plan.”* We would like to start by congratulating the Commission in presenting a Plan that we see ourselves in. Balancing the values of so many groups of people in one document was an incredible challenge. While we may not like or agree with all of the recommendations within, we can appreciate why certain recommendations were made the way they are.

Yukoners, Yukon First Nation governments, and Yukon regulatory bodies have LONG been waiting for a Land Use Plan to guide us into a balanced future that provides certainty for land use and protection. One that respects the rights enshrined in the Tr'ondëk Hwëch'in Final Agreement, while allowing for development to occur to the greater benefit of the people that live and work in the Territory. The fact is that not all Yukoners are also Yukon First Nation citizens, this Plan must work for everyone. The Commission and the Parties MUST look out for all land users; human, animal and spiritual, to guide us in this moment. The current Recommended Plan is one that we largely support, but we do not have confidence that it will be implemented in the way the KPMA objectively reads it. Please provide more clear language on what land use *is* appropriate, to prevent infighting and promote innovation and improvement. Help us to try and innovate and improve by giving clear guidance on where we CAN work, so assessment bodies and regulatory agencies have the direction and confidence they need to issue licenses that have the flexibility real transformation requires.

Please see our comments in section 7 for a potential solution to some of the challenges implementation will bring.

Challenges

While conservation is an important value of the Plan, the point of a land *use* plan is to guide and manage the use of the land in areas determined to be 'useable'. The implementation details of the Plan will be critical to the usability of the Plan, crucial to prevent position-based disputes down the road, and foundational for regulators to use the Plan as guidance on what activities are “allowed”. The KPMA and our membership have significant concerns with lack of information around key topics outside of the control of the Commission, which we will cover in detail throughout our submission. An agreed upon definition of reclamation, for example, is fundamental to using the Cumulative Effects framework and surficial disturbance thresholds (4.5.1). It is difficult for us to comment on cumulative effects or surficial disturbance thresholds



without knowing how they will be calculated or how reclaimed ground will be formally recognized. This is one example of a fundamental gap in the usability of this Land Use Plan.

Opportunities

There are other aspects of the Plan that are very positive. Multiple recommendations throughout the Plan identify industry as a possible partner to find solutions for shared issues. For example, in the Mineral Exploration and Development section, recommendation 82, it is recommended that Tr'ondëk Hwëch'in (TH) and industry work at *“fostering relationships based on trust, understanding, and respect, TH and industry organizations should seek to provide joint educational opportunities for TH citizens and employees of the mineral industry”* (5.4.1). This is something that is already happening, and we whole heartedly agree that this kind of recommendation can direct us to work together, and will limit divisive attitudes or position-based commentary to thrive in the long run. We deeply appreciate the recognition in recommendation 83 as another example, our efforts with the KPMA101 training program, to continue educating industry from within and *“promoting excellence and innovation in mining reclamation, strengthening partnerships, and building confidence in the placer mining industry”* (5.4.1). We agree that this positive approach is something that can be used to make responsible land use by placer miners a reality at all active sites.

Methodology

Similar to our response on the Draft Plan, the KPMA’s response to the Recommended Plan will address **almost** every recommendation made throughout the document, to the best of our ability. We provide recommendations to the Parties and/or the Commission on possible solutions to the issues we’ve raised throughout the document, titled “Recommendations”, to consider going forward. We see our response as illuminating the placer industry’s position on the issues as presented. Just as the Commission aims for its indicators to be practical, measurable, accurate, sensitive, and relevant, we aim for our comments to be “SMART”: specific, measurable, attainable, realistic, and timely (4.2.2). Citations within this document are to sections in the Plan, to direct recommendations or Land Management Units (LMUs) – unless otherwise specified.

Our Perspective

There are three key themes that we have identified through reading the Recommended Plan that give us some concern: clear language, reclamation, and the likelihood of success for implementation. Clear language around “go” or “no go” for placer mining in LMUs with conflicting value statement make it unclear for assessment processes. Reclamation guidelines, including clear and reasonable metrics for putting reclaimed or restored ground “back into the pot”, is essential to using the Plan. Implementing the Plan with such a diversity of values, management directions and in the context of a cumulative effects framework is overwhelming; placer operators represent over 80% of the volume of applications submitted to YESAB and the



Yukon Water Board – implementing such a complex system without being tested could produce devastating effects.

We must have future potential and possibility to grow and continue responsibly mining in order to contribute to our greater Dawson Region community in similar or greater ways than we currently do. This means clear language around adjusting threshold values to consider opportunities in ISA 1, ISA 2 and SMA areas, with support from the Parties.

We hope the Commission has fully considered what the future that we all walk towards looks like. We encourage the Parties to do the same. Please note, the Yukon Bureau of Statistics will have a report on the economic impact of the placer industry on the community of Dawson available early Q1 of 2023. We encourage the Parties and Commission to consider this important (non-biased) information when it becomes available. Even we do not know what it will contain.

The Recommended Plan provides sustainability and confidence for conservation values, but not so for the sustainability for local economic drivers, like the placer industry. We expect clarity on our future in a Land Use Plan.



Section 1 - Introduction

“Plan goals express the desired future conditions in the planning Region and should be used when monitoring and measuring the success of the Plan. Management direction provided in the Plan is organized around these goals. Following the definition of sustainable development and the vision statement, the Plan identifies goals that should guide the implementation.”

Our challenge with the Plan Goals is not in the content of the goals, but in the way they will be interpreted going forward. Our response identifies specific examples throughout, but at a very high level, consider a placer operator renewing a license in Landscape Management Unit (LMU) 21, Wëdzey Tay (Forty Mile Caribou Corridor), for example. The ecological goal of “healthy aquatic and terrestrial habitats”, is supported by the socio-cultural goal to “strengthen connections to the land”; but is invariably at odds with the socio-economic goal of “land use certainty”. Even considering the special management directions, we are not at all confident that through the YESAB and Water Board assessment and licensing processes, any certainty will be provided for operators in this area. Though the Plan is clear that placer work is allowed with special precautions (LMU21 Special Management Directions 4.a through 4.b.v; 5 and 7), it is the *interpretation* of these directions in the assessment process that brings us concern. We believe the Commission, in collaboration with the Parties, can make bolder recommendations to provide even more certainty to ensure the Land Use Plan is exactly that: a land USE plan.

Currently, interventions to license renewals both through the YESAB and Yukon Water Board processes are strong, and rely on the lack of a land use plan. This forces these assessment agencies to act more as regulators, developing policies or requiring increasingly difficult mitigating conditions, which is NOT the purpose of either body. While the Recommended Plan *does* identify “go” and “no go” areas, which the KPMA largely supports, we do not trust the various assessment bodies in the territory to adequately interpret the Plan as written. We need clearer language around where we can “go” in the Plan to provide assessors with more certainty and confidence in allowing applications to go forward. It is the responsibility of the regulator (at this time, Yukon Government inspections staff) to ensure licenses are followed in accordance with their application – difficult and potentially unworkable terms and conditions do not improve mining, and the Recommended Plan is sure to launch some difficult terms and conditions without more guidance for land *use*.

Recommendation 1.3.2

Improve language around “go” areas to minimize conflict. Specific examples provided for each LMU.

1.7 Mandate of the Commission



We would like to recognize the work the Commission and Staff have done on this Recommended Plan, and thank you for your commitment and hard work. We see ourselves in your Recommended Plan. We appreciate and respect that immensely.

1.7.1 Final Agreement Chapter 11 Objectives

As an industry association, we would like to take an opportunity to note that the Final Agreement seeks to integrate protection and other values to “*ensure Sustainable Development*”. Importantly, we wish to support your approach outlined in the table under 11.4.5.10: “*It is important to the Commission that the Parties follow through on implementation of an approved plan. The Commission should have an active role when the Plan is being implemented.*” Further comments on this concept follows in the implementation section of this response.

1.9.2 Stewardship

Thank you for including the mining community in the collective definition of *community* stewardship. Many of the miners in the region, as well as members of the KPMA board and staff, are either Tr'ondëk Hwëch'in citizens or indigenous Canadians from other areas in the Territory or country. The concepts of *ancestral* stewardship could possibly apply to us as well. While we recognize the Plan is integral to the rights outlined in the Umbrella Final Agreement(s) and is critical to genuine reconciliation, we also hope for less division and for all Yukoners to take a similar role in land stewardship going forward. The current approach, while inclusive of some, is interpreted by the KPMA as meant to diminish and exclude the placer community's approach to stewardship as voiced through our response to the Draft Dawson Land Use Plan. To assume community stewards are non-First Nation land users is incorrect. It is a shame that we must be divisive to achieve the goal of responsible land use.

1.9.3 Precautionary Principal

As stated in our 2021 response to the Draft Plan, while we understand the Commission's use of the precautionary principal in areas where there is “*limited understanding of some of the ecological functions*”; we do not believe that the precautionary principal is the best approach. We are disheartened at the level of reliance the Recommended Plan places on precautionary principle over guidance for known activities, particularly as it relates to cumulative effects frameworks, and for the active work that occurs in Chu Kon Dëk (Yukon River Corridor) or LMU 21 Wëdzey Tay (Fortymile Caribou Corridor) and others. Please see our comments on individual LMUs, and specifically LMU 3, 9 and 21 for a more fulsome discussion.

1.9.4 Adaptive Management

This is perhaps one of the most significant aspects to the Plan's success going forward, as it is implemented, used, and reassessed over time. Having industry, as well as environmental



groups, engaged and involved through implementation and revision periods will be critical to the Land Use Plan being used as a land *use* plan, and to limiting conflict going forward. Throughout our response we identify areas where we hope to see clearer language to provide guidance for land use.

Recommendation 1.9.4

Extend the timeline between Recommended Plan review and Implementation to include scenario workshops that involve governments, YESAB, the Yukon Water Board, industry and ENGOs, with guiding support from the Commission or staff. This will prevent misinterpretation going forward and will provide confidence to all parties in how the plan will be practically used before implementation.



Section 2 – Description of the Planning Region

We have no comments on this section.



Section 3 – Plan Concepts

3.2.2 Special Management Areas

The KPMA does not challenge the LMUs that have been designated as Special Management Areas (SMAs), as we believe that protection balances use. As stewards of the land we work on, this is important to us, too.

This being said, we wonder if the Commission has considered including some language around the review of the Plan in the future to determine if and what new uses could be allowed in an SMA in the future. The spirit and intent of the Plan will be followed by leaders and Dawson Planning Region constituents for generations. A forward-looking statement on how SMAs may or may not be adapted in future could be useful, and will certainly provide more certainty one way or the other.

Recommendation 3.2.2

Include clear language on existing tenure renewal guidelines, especially for operators working in LMU 20 (Luk Tthe K'ät, Scottie Creek).

3.2.3 Sub-Regional Planning Areas

We do not have a problem with the future planning areas, however we believe language can be clearer around existing activities that already occur within these planning areas. Please see our comments on LMU 3, Chu Kon Dëk (Yukon River Corridor), and LMU 12, Tr'ondëk Täk'it (Klondike Valley), for a more fulsome discussion.

3.2.4.1 Caribou Stewardship Area

This section of the Recommended Plan states *“the intent is not to allocate these areas with a legal designation for protection, and they are not intended to be permanently withdrawn from activity.”* This overarching guidance is positive. It is the implementation of this guidance that we hope for clarity on, as discussed in LMU reviews in detail. Please see our comments on LMU 7 Wehr'e (Antimony), LMU 9 Clear Creek, and LMU 21 Wëdzey Tay (Fortymile Caribou Corridor) for a more fulsome discussion.

3.2.4.2 Wetland Stewardship Area

Like the Caribou stewardship area, the Recommended Plan states that *“the intent is not to allocate these areas with a legal designation for protection, and they are not intended to be permanently withdrawn from activity.”* We would like to thank the Commission in coming to this recommendation, which limits unplanned growth and allows for work to continue with care and an increase in research components. The KPMA looks forward to supporting the miners in



LMU 17, Nän Dhòhdèl (Upper Indian River Wetlands), to meet the Special Management Directions outlined in the Recommended Plan. More comments on LMU 17 are covered later in our response.

3.5 Results Based Management Framework

We would like to flag the monitoring and assessment portion of the results-based management framework as critical to responsible implementation of the Plan. More fulsome comments are made in section 7.

3.6.1 Cumulative Effects Management Overview

Surface and linear disturbance thresholds as written in the Recommended Plan identify an “*acceptable level of development*” with a goal to allow “*decision-makers to make consistent decisions*” depending on which LMU is being considered. We appreciate that “*the cumulative effects framework will be adapted as new information, ideas, and approaches become available*”, especially considering reclamation and how reclaimed disturbances can ‘go back in the pot’. We build on this comment throughout our response, as we believe a lack of clear language around putting reclaimed ground back into disturbance amounts makes thresholds and mining reclamation political and positional, rather than holistic and for the benefit of the environment.

We are heartened to read that “*successful management under this framework will require cooperation of the Commission, Government of Yukon, Tr’ondëk Hwëch’in Government, YESAB, and industry operating in the Region*”, as we believe we can be excellent and reasonable partners in this discussion.

3.6.3.1.1 Surface Disturbance

We disagree with your statement: “*disturbance footprints represent a decrease in habitat*”. This is not always the case, especially for placer operations. In many examples it would be fair to say “*disturbance footprints represent a CHANGE in habitat*” or for some placer operators, a “*temporary decrease in habitat*”. We agree that disturbances from placer mining makes changes to habitats, in some cases “*like to like*” reclamation is not possible in our lifetime; however, we are not leaving permanent scars like the dredge piles of the past, our tailings ponds and contoured tailings piles become habitats for other species. Language is important, and the Plan will guide interventions for licenses.

It is essential for the success of our operations to have reclamation as a key component to our work – financially, practically, and culturally, modern placer miners place a great deal of value on the way we interact with the land we work on. As reclamation is not included in the surface disturbance calculations, and as the Commission isn’t in a position to create policy, we hope



that the Plan will be more transparent on how surface disturbance is evaluated over time, especially with reclamation work in mind.

While we are incredibly disheartened there is no metric for including reclamation into calculations of surface disturbance, we appreciate that this policy level decision is not up to the Commission to make. However, now we are all in a tricky place. Should the Recommended Plan go forward without any plans for including reclaimed ground as “natural”, operators will be disincentivized to clean up and reclaim old historic workings, there will be less incentive to do excellent and more costly reclamation work, and eventually LMUs will become unworkable. This is not good land management.

In addition to the practical challenges this lack of direction poses for miners, it also creates division and opens the Parties to conflict as it makes reclamation positional/political. When we include interveners that lean towards complete conservation included in the development of these metrics, we further politicize the issue. Then we must add in the fact that the industry, in concert with its inspectors, are likely the most knowledgeable resource for determining what level of reclamation is reasonable for each site (as each site’s reclamation objectives will vary depending on geography, geology, spatial positioning, history and the capabilities of the miner). If, for example, “3 meters of growth” is acceptable as “reclaimed”, areas with extensive historic workings will likely never get to this state in our lifetimes, but that is not due to bad mining practices (particularly in areas with dredge tailings). Or if the presence of certain species are the metric, how do we evaluate that in the winter (when reporting is usually written), or after a natural event like a forest fire comes through. Or for value-based reclamation, what is the process for determining this value, and at what stage in the mining permitting lifecycle is this addressed? For another example, see our comments on LMU 17 around why reclamation guidance developed for a LMU cannot be expected in other LMUs.

New mining legislation is currently being written for the Placer and Quartz Mining Acts. The concepts behind reclamation is being considered through this process, but until there is legislative reform, we are all stuck with these artificially large disturbances.

One fair option we can see going forward is to state a commitment in the Plan that the Parties will work with industry to determine how reclamation will be considered in surficial disturbance values going forward. In certain LMUs with reduced thresholds, an opportunity to address reclamation work being considered “complete” could be done on a case-by-case basis with support from YG and TH inspectors/land stewards as well as requesting operators. This would not only help provide a framework for what is possible in reclamation, but also encourage operators to continue working towards excellence in reclamation.

Recommendation 3.6.3.1.1

Change the language around disturbance as a change in habitat (as is the case in placer mining).



Have the parties commit to work with industry to determine reasonable metrics for including reclamation into surficial disturbance calculations in the absence of legislative reform.

Have the parties include a statement to address reclamation work being considered “complete” on a case-by-case basis in the absence of legislative reform.

3.6.3.1.2 Linear Feature Density

We recognize the concept of determining impacts from linear features (roads, cut lines, trails) is difficult to manage from a planning perspective. The Recommended Plan “weighs all linear features equally. [...] The measure is simply based on whether a linear feature exists, not its level of use.” Our challenge lies in how to consider when linear density is reclaimed. We appreciate the Commission has recommended the reclamation and restoration fund (4.5.1); however what we need is a way to get values “back in the pot” if a linear feature is decommissioned. As linear feature decommissioning in placer mining has a longer time frame (most placer linear features are either roads that cannot be closed under current legislation, or are access points to future mine development and will be included in surficial disturbance and reclamation metrics) we believe this important part of the conversation can take longer to determine, unlike surficial disturbance reclamation values, which remain crucial to placer miners being successful Plan users.

Recommendation 3.6.3.1.2

Have the parties commit to work with industry to determine reasonable metrics for including reclamation into linear disturbance calculations in the absence of legislative reform.

3.6.3.2 Applying Thresholds

Including reclaimed surficial and linear disturbances “back in the pot” will be critical to successful land use in LMUs like 21 Wëdzey Tay (Forty Mile), and 15 Khel Dëk (Sixty Mile). This will not only help motivate placer operators to perform reclamation in a timely manner, but more importantly, help preserve the values outside of industry in those LMUs.

In some cases, one project (related OR unrelated to placer) in one of these more sensitive LMUs could push industry over the thresholds for development before there is time to react and reclaim ground that has been worked (either recently or historically). We understand this is a complex issue that will require many interested parties to provide feedback, as is being contemplated in new mining legislation work, however in the absence of legislative reform, the Parties must have an idea of how they can approach reclamation in the plan, perhaps on a case-by-case basis. Reclamation is good for the environment, good for Yukoners, and good for the miner. Help us make it part of the Land Use Plan.



In addition, we understand the current disturbance mapping from 2020 does not account for the permitted or environmentally assessed disturbances that can and are likely to take place in the future. ISA's should not have thresholds less than this. It appears that some ISA's may have thresholds that are less than currently permitted and environmental assessed projects.

Recommendation 3.6.3.2

Have the parties commit to work with industry to determine reasonable metrics for including reclamation into surface and linear disturbance calculations in the absence of legislative reform.

Ensure that ISAs account for ALL currently permitted and environmentally assessed projects in an LMU, and consider the reasonably foreseeable future development in the area.



4 Cumulative Effects Framework

4.1 Introduction

We support the Commission's comments in this section but will raise a concern. Currently, YESAB is only allowed to consider negative effects. If a value-based interconnected system is introduced, economic values must be included in this equation. For example, should a proponent apply to work in LMU 15 (Khël Dek, Sixty Mile), YESAB will consider the negative impacts of the operation on caribou, moose, water, and other values identified by the Commission (4.2.1); however this consideration will not include the socio-economic impacts should a project be allowed or not. A proponent has very little agency in today's heavily politicized regulatory regime, the Parties have an opportunity, not to enable our agency, but to at least take a holistic view of the region and guide the assessment bodies to proactively consider the social and economic impacts of a project. This could be partially achieved within the scope and mandate of the Planning process by clarifying "go" opportunities, and clarifying language around how socio-economic values must be considered.

Recommendation 4.1

Consider if conservation values are assessed as "more valuable" than socio-economic ones in assessment, this will create a negative effect (loss of businesses, economic spending with trickle down effects on local businesses) and a decline in quality of life for residents in the area. Include clearer language around socio-economic values and how they might be evaluated by a project assessment body.

4.2.2 Indicators

Our comments in this section pertain to socio-economic indicators. We believe that we are the experts in determining indicators for the health of OUR population. A healthy placer sector will see an increase in economic INPUT, like community spending, a low unemployment rate, an increase in newer equipment and technologies being used, or an increase and improvement in reclamation work, as all of these metrics can be tied to an operators confidence in reinvesting into their business.

Counterintuitively, gold production and surficial disturbance density can provide a false positive and identify that miners do NOT have confidence in the future (due to timelines and delays in the assessment processes, difficult terms and conditions that make existing mine plans unworkable). This could be demonstrated in operators mining their ground quickly, with the aim of leaving the territory, likely to a standard of care that is below the usual. While this may be considered a boon to an uninformed eco-warrior, it is the worst possible solution for our community, our environment, as well as the families that make up our unique industry. The best outcome would be for our good operators to be encouraged to continue and grow as the regulatory framework grows and constantly improves, thus having continued positive impacts



on socio-economic, socio-cultural, and ecological indicators in the planning region. A healthy placer industry can afford more efficient, lower carbon footprint equipment, can focus on long term community partnerships and infrastructure building, and has confidence that allows them to move more slowly and with care.

Should placer mining be removed from an area through the implementation of various directions of a Land Use Plan, or even if the business is no longer viable after implementing a Plan (as may be the case with some caribou timing window areas), the Plan must address how compensation for operators will be determined.

Recommendation 4.2.2

Have the parties work with industry to consider both input and output economic indicators to consider the health of the industry.

Review the Dawson centric economic impact work that is occurring at the Yukon Bureau of Statistics when it is available early Q1 of 2023.

Include language around fair determination of compensation for expropriation of industry off existing licenses or claim blocks. While we recognize it is not up to the Commission to determine compensation values, we do believe they have a duty to outline this as a likely outcome of implementing the Recommended Plan as is visioned.

4.2.3 Thresholds

Please see our comments on including reclamation into the surficial and linear disturbance calculations from that section. In general we believe the thresholds for LMUs are too low and do not adequately take into account current disturbance, likely (and permitted or planned) disturbance, nor reclamation methods to positively adjust disturbance values and balance the thresholds for all LMUs.

Recommendation 4.2.3

Reconsider disturbance thresholds to include known disturbance values (both existing and planned) for each LMU, and ensure ISAs are adjusted reflect this amount.

Have the parties commit to work with industry to determine reasonable metrics for including reclamation into surface and linear disturbance calculations in the absence of legislative reform.

4.5.1 Cumulative Effects Framework

For indicator 2 on socio-economic values-based indicators, please see our comments on section 4.2.2.



For indicator 4 on Reclamation and Restoration, we support the Commission's statement and believe that reclamation is critical to effectively implement the Plan over time. See our comments on including reclamation into disturbance values earlier in this document (section 3). We support the Commission's recommendation to have reclamation as values-based outcomes as this has the greatest potential for holistic success. We hope to be consulted by the Parties in developing these metrics.

For surface disturbance recommendations, we support research recommendations 5 through 7, and recommended actions 8 through 10. We believe we should be consulted by the Parties in supporting this research as we are experts in placer mining and reclamation.

For monitoring and management recommendations, please see our comments and recommendation from 1.9.4, to extend the timeline between implementation and development to include scenario workshops that involve governments, YESAB, and industry and ENGOs, with guiding support from the Commission or staff. This will prevent misinterpretation going forward and will provide confidence to all parties in how the plan will be practically used before implementation.

For monitoring and management actions, we support the recommendations and believe there is an opportunity to include miners in data collectors, as long as the information created is publicly available, unbiased (based solely on easily measured scientific data), and is provided following clear guidance from YG.

Recommendation 4.5.1

We encourage the Parties to work with the KPMA to consider value-based reclamation actions that are reasonable and implementable, to include in considerations for a broader scope of interested parties to provide feedback on what value-based reclamation is or could look like.



5 General Management Directions

5.2 Ecological integrity and conservation

We support the ecological goals, including that *“disturbances from human activities on the landscape are reclaimed in order to reduce cumulative effects, restore ecosystem functions”* and would like to highlight that this goal is not possible in the absence of reclamation guidance. Please see our recommendation from 4.5.1, for the Parties to work with the KPMA to consider value-based reclamation actions that are reasonable and implementable, to include in considerations for a broader scope of interested parties to provide feedback on what value-based reclamation is or could look like.

5.2.1.1 Caribou

We support the protection of this important species, and stand by the comments we made to the Draft Plan: “we encourage the Commission”, and now the Parties as well, to consider ways to achieve the goals outlined in the Recommended Plan “with clear language that supports responsible mining that can coexist with this important species.”

We support the recommended management practices in general, but there are some inconsistencies that make this Recommended Plan ineffective for all Plan users in the absence of key policies or guidance from the Parties.

Recommended Management Practice a is something we support, as long as the guidance is simple to explain and follow. For example, suspending all mining operation if a caribou is x meters away from you seems reasonable, but is difficult to do if you don’t know they’re there. As many placer miners will tell you, the animals often gather nearby the mining activity as they are somewhat protected from predators. This puts the operator in a tough spot if they don’t know the caribou are near, but have a term in their license conditions that requires them to shut down when they are.

Recommended Management Practice b is also something that seems reasonable at first, but without guidance on reclamation or how reclaimed land will positively contribute to surficial and linear disturbance values, it will be difficult for a regulator to consider this in practice. For example, an operator that has been mining and reclaiming their ground for 30 years could have over half of the property reclaimed, but according to the Recommended Plan, that 50% of reclaimed ground is still considered disturbed. As is often the case, areas that were historically mined could be considered by an operator to be re-mined and restored to a better condition, but the surficial density will look extreme on a map. We must be careful and leave opportunity for flexibility and decision making on a case by case basis until reclamation can be considered as disturbance restoration. See our recommendations on reclamation in sections 3, 4 and 5.



Recommended Management Practice d on timing windows is something we believe could be improved. See our comments in specific LMUs, especially LMU 9, 7 and 21 for more detail.

5.2.1.2 Moose

We wholeheartedly believe that moose are important and should be considered as a key value in the Plan. However we wholeheartedly DISAGREE with Recommended Management Practice that seeks to “*avoid or minimize development activity within seasonal use/concentration areas*”. We know that moose do very well in placer mining areas, living among the miners all season long. Regional biologists’ recent surveys do show a high proportion of moose in the gold fields. If moose are coming to a mine and choose to live there to feed off the willows that grow in our reclaimed areas, take refuge in the thick bushy reclamation or in our tailings ponds, or raise their young next to the sluice plant because it keeps the wolves away, how can limiting disturbance (placer mining) that CREATES these conditions, be a positive effect for this significant Plan value? The direction, as written, is not practical.

Should *harvesting* moose on placer mines be the concern, perhaps that would be the best way to conserve the species rather than create unintended negative consequences for industry? Be sure that minimizing or avoiding work in moose habitat will most certainly have unnecessary negative effects on the placer industry.

For Recommended Management Practice b, we suggest there be language that considers the pending Land Use Regulations that may allow for road decommissioning, road gating and other aspects of road and trail building, maintenance and decommission that can support moose values.

We support Research Recommendations 19 and 20, and hope the research corroborates what placer miners know: moose and placer mining do well together. Recommended Action 22 is in line with our comments from this section.

Recommendation 5.2.1.2

Amend the Recommended Management Practices for this value to better consider the symbiotic relationship placer mine site and moose have.

5.2.1.3 Salmon

Thank you for including a reference to the Fish Habitat Management System for Placer Mining (FHMS) in this section. Many KPMA members remember that the FHMS took a conservative approach that erred on the side of caution in modelling the predicted habitats and resulting standards. The adaptive management process is an important part of the system. We support the Recommended Management Practices and Policy Recommendation 23.



The Research Recommendation in 24 is something we can see value in, however we believe that in the absence of data from such research there needs to be clear language on whether a proponent applying to work in an area that has not yet been mined will be allowed. Again, see our recommendations on clearer language around “go” or “no go” zones. Leaving it up to a possible research study does not inspire confidence.

Research Recommendation 25 must also include KPMA in this review, as we are critical parties to the FHMS evaluation process. There are many aspects to the program that would be beneficial that have been dropped by YG without notice (economic surveys, a functioning Secretariat position, etc) that we would like to see reimplemented.

We support Recommended Actions 27 through 30, as long as industry is included in FHMS related changes, as we are parties to the program.

Recommendation 5.2.1.3

Consider that decisions on license applications will depend on the Land Use Plan, often in absence of various research recommendations. We suggest the Parties and/or Commission include clearer language around whether projects are “go” or “no go” in the absence of the recommended research goals.

Include the KPMA as parties to the Research Recommendations and Recommended Actions that relate to the Fish Habitat Management System. Reintroduce the placer secretariat, and consider reevaluating their job criteria to include things like land use plan conformity for placer miners.

5.2.3 Water

We support the comments made in this section. With the exception of the timing of LMU 3 planning, which we would like to see done as part of this Plan, we believe that the Recommended Plan protects the value of Water sufficiently. If you are tempted to add additional conservative measures to this (or any) aspect of the Plan, remember that there is an entire regulatory system that is set up to protect these values as well. Additional measures of protection at this stage of the process will have serious negative impacts on the health of the placer industry, and eventually the economy, consequently lowering the quality of life of many Yukoners.

5.2.4 Rivers and Watercourses

We agree with and support the Objectives, Recommended Management Practices, Policy Recommendations and Recommended Actions outlined in the planning strategy for this section. Again, see our comments on 5.2.3 and the sufficient protection of water as they also apply to rivers and watercourses.



5.2.5 Wetlands

The Recommended Plan states that *“Ducks Unlimited Canada, in collaboration with Tr’ondëk Hwëch’in, have completed a wetland classification mapping project in the Dawson Planning Region to be used at the watershed level”*; however the KPMA has **significant** concerns with this information being used in a Land Use Plan as it is **not available** for proponents to review, and it is not being accepted at the Decision Document phase of a project assessment by the Government of Yukon. We firmly believe that any scientific information that influences public policy and planning must be available to the public. We respectfully ask the Commission and Parties to either make this information public if referencing it in the Plan, or, to remove this reference and data set from the Plan as it cannot be objectively viewed.

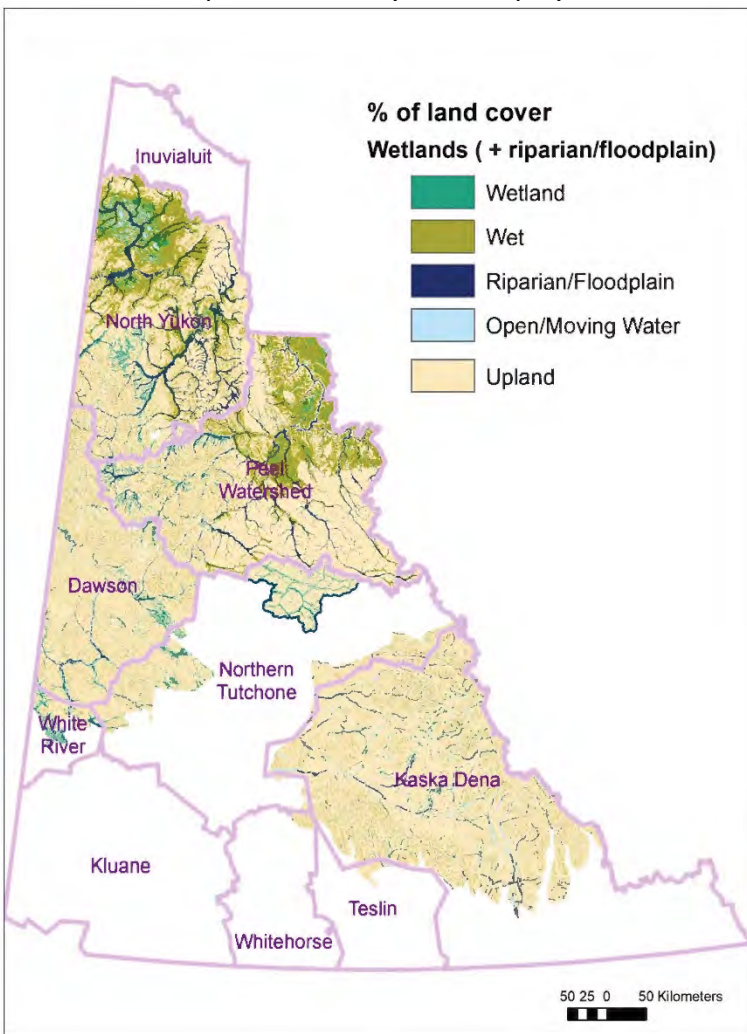
We agree that the statements in the key planning issues and interests section are accurate – but we also want to point out that the wetlands placer miners are interested in are NOT all wetlands in the planning region. We would like to bring attention to information provided to the KPMA for the purposes of responding to the Yukon Water Board’s Hearing in the Public Interest on Placer Mining in Wetlands (PM20-018):

“The Indian river drainage has less than 2%, of disturbance out of the total TH Territory wetlands, which is estimated at 10% of their Traditional Territory. Due to the increased landscape diversity from placer work over the last 120 years, the Indian river drainage is known to have higher moose densities than surrounding areas, and significantly high populations of other animals like lynx, rabbits and beavers.

The Department of Environment provided the KPMA with a rapid wetland assessment of the know land planning regions: Dawson (~2012); Ross River (~2012); Peel (~2007); North Yukon (~2005); and a recently completed Beaver River area. Of these broadly mapped locations, 58.6% is shown as being wetlands and all types of wet soils. Only 0.56% of this area is covered in placer claims, and only a SMALL FRACTION of the 0.5% of claims have historically or may become disturbed.

Of the Dawson Region Planning area alone, at least 10% of the land is covered by wetlands as per the most recent Resource Assessment Report, conversely, 4% are covered by placer CLAIMS, and again, only a fraction of that has historically or could potentially have disruption. In noting this small footprint, we are not suggesting that land use planning is irrelevant. To the contrary, we think it is an important part of the process. To be clear, we also agree that the YWB must be respectful of the constitutional rights enshrined in the Final Agreements. [...]

We would like to correlate the economic and physical impacts of the placer industry in this example: an industry that employs around 500 people total will contribute 6.5% of Yukon's GDP, input \$118M directly into the economy while having a staked fraction of 0.5% of the territory." (KPMA Closing Remarks, Yukon Water Board public file PM20-018).



We wish to include the following maps and graphics based on this information which outlines these written concepts clearly:

Figure 1 - Broad Ecosystem Mapping provided by the Department of Environment, 2020.

This map shows the distribution of broadly mapped wetlands, wet soils, and riparian/floodplains in large planning regions:

- Dawson Regional Land Use Planning Area (~2012)
- Ross River Planning Area (~2012)
- Peel Regional Land Use Planning Area (~2007)
- North Yukon Regional Land Use Planning Area (~2005)

Wetlands are defined in this map as “areas identified as “**wet**” are possibly wetlands or have soil and vegetation wetland characteristics [...] captured in broad ecosystem mapping. [...] A recently completed wetland map for the Beaver River area does not yet have a supporting report.” (Data provided by Department of Environment. October 26, 2020. Prepared by Nadele Flynn, ELC Coordinator.)

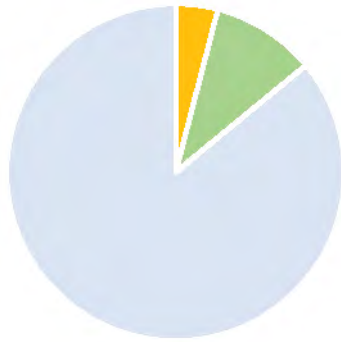
Footprint of Claims

Claims and disturbance are VERY different numbers – only a fraction of a claim block has historically or may be disturbed in the future. Claims can include areas: held for exploration, held as part of multi-decade business plans, used to access other more economic locations, or



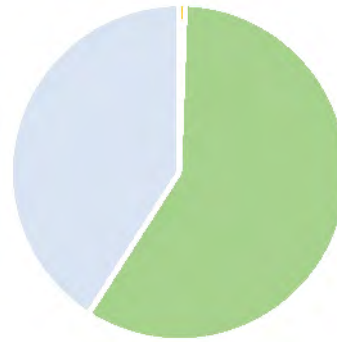
have historically been mined but are being re-evaluated for their feasibility using different mining techniques.

Dawson Region Placer Claims – 4.03%
Dawson Region Known Wetlands – 10%
58.6%



■ Placer Claims ■ Wetlands ■ Other

Yukon Placer Claims – 0.56%
Yukon Broad Mapped Wetlands –



■ Placer Claims ■ Wetlands ■ Other

While the KPMA believes the current approach to wetlands in the Recommended Plan provides a balance to interests related to wetlands as a value (for example, protection of the Flat Creek wetlands, Scottie Creek wetlands, and countless wetland complexes that exist in LMUs 1, 4 and other areas of the plan where gold values are estimated at low or very low for placer potential), we also see that interpreting the guidance outlined in this section will need more attention and care for implementation.

For example, the 3rd tool in the Mitigation Hierarchy is “reclaim impacted wetlands”, yet we still have an absent wetland policy, no metric for using reclamation as a positive factor in considering surface disturbance values, and politicization of the topic of placer mining, wetlands and climate change (see KPMA’s report “Climate Politics vs Climate Action” on our website: <https://www.kpma.ca/news/climate-politics-vs-climate-action/>).

We support all of the information in the Mitigation Hierarchy section, but have little faith this will be heeded in ways that will allow for mining in wetlands, without scenario workshops with wetland impacts considered in all levels of Integrated Stewardship Areas. This scenario running is critical to, for example, renewing the licenses that are currently active in LMU 20 (Luk The K’ât, Scottie Creek), or LMU 17 (Nän Dhòhdël, Upper Indian River) should the associated claims remain in good standing.

With regard to Climate Change and Wetlands, we urge the Commission and Parties to read the KPMA’s paper, *Climate Politics vs Climate Action*, which was written in response to some misleading information provided in CPAWS’ report titled *The Yukon’s Climate Blind Spot*. Both papers are available on the respective organizations’ websites. It should be noted that most images in the CPAWS report were taken several seasons ago – this year the Little Flake Mine



received the Leckie Award for completing over 200 acres of reclamation work in the Indian River where these images were taken; today these same perspectives would tell a different story.

We strongly believe that placer miners can work WITH the Parties to come up with ways to research wetlands, new ways to perform wetland reclamation, and ways to maintain water quality, quantity, and flow during the life of a placer mine.

Recommendation 5.2.5

Ensure there is a way to consider when surficial disturbances have been “reclaimed” based on outcomes-based or environmental metrics, as determined by the Parties with collaboration from industry and ENGOS.

As recommended in Recommendation 1.9.4, extend the timeline between implementation and development to include scenario workshops that involve governments, YESAB, and industry and ENGOS, with guiding support from the commission or staff. This will prevent misinterpretation going forward and will provide confidence to all parties in how the plan will be practically used before implementation.

Regarding Policy recommendation 44, ensure language is also clear for license renewals to ensure confidence for miners, regulators, assessors and interveners alike.

Regarding Policy recommendation 45, ensure language is clear for the handful of long-time placer operators that will seek license renewals in LMU 20 (Luk The K’ät, Scottie Creek). This will ensure confidence for miners, regulators, assessors and interveners alike. Placer claims in LMU 20 are not in wetland areas, rather at higher elevations.

We support Policy Recommendation 46 around Fen thresholds and management in LMU 17 (Nän Dhòhdäl, Upper Indian River). We hope the Parties will consider changing the thresholds in the future, should reclamation practices continue to improve and water quality, quantity and flow is maintained.

Regarding Policy recommendation 47, ensure language is clear for the handful of long-time placer operators that will seek license renewals in LMU 20 (Luk The K’ät, Scottie Creek). This will ensure confidence for miners, regulators, assessors, and interveners alike. Placer claims in LMU 20 are not in wetland areas, rather at higher elevations.

We support Policy Recommendations 48 through 50, and any transparent scientific research that is developed and made publicly available in a non-biased way. Bias can be both pro- and anti- mining, the KPMA is interested in neutral data.

We do not support Research Recommendation 51 as written, and believe that in addition to a desktop review of “best available data and literature”, there are *many* miners that are more



than willing to work with scientists to review what has and is happening on the ground as placer operators work near and in wetlands. This will reinforce data (which tends to be from out-of-territory) reviewed and help support other research goals in the region. Should the Parties be interested in working with industry on this research, the KPMA would be pleased to recommend operators that have good examples of a variety of landforms and wetland types with varying buffers implemented.

For Research Recommendation 52, please see our comments on the opacity of the Ducks Unlimited mapping, which cannot fairly be used when it is not available to the public. We do not support work that is biased, or presumed to be biased, due to the secrecy around the data. Unless the Parties make these maps widely available on GeoYukon or other easily accessible platforms, we cannot support this recommendation.

The KPMA does, however, support transparent wetland mapping and classification. Our Wetland Classification Handbook, and related module on Wetland Classification (developed with Ducks Unlimited Canada and the Department of Environment) is a good example of how we are actively working to improve industry's awareness and knowledge of wetlands as the framework around mining in wetlands becomes more nuanced and complex.

We whole heartedly support Research Recommendation 53 and hope to work with the Parties on reclamation pilot programs with the goal of better outcomes for the environment and thus the community. As transparency is important to data collection, we also believe it is important for ENGOs to be included in the review process of reclamation pilot programs to ensure all stakeholders have confidence in the industry.

5.2.6 Climate Change

Climate change is a very real issue that we must address across the planet. We ask that the Parties keep in mind Yukon's opportunity for rare earth mineral development as a key to renewable energy; as well as the small footprint (approximately 0.56% of the territory) of placer mining that contributes over 12% of Yukon's GDP (see comments above, 5.2.5). As mentioned above, a healthy placer industry can afford more efficient, lower carbon footprint equipment, can focus on long term community partnerships and infrastructure building, and has confidence that allows them to move more slowly and with care.

We are not suggesting that placer mining is more important than climate change, rather, that we have an opportunity to maintain a strong placer industry without significant effect on Canada's carbon targets, especially when reclamation is considered. In addition, with outcomes-based reclamation as a possible option for miners to work with in the future, we hope to see more multiple-land uses with multiple benefits on the ground.

Finding efficiencies is something placer miners are good at. If policy is too strict to allow for innovation, operators will be forced to get their work done quickly, instead of slower and with



the curiosity of efficiency in mind. We believe we are part of the solution of climate change. We need to be able to mine to support positive change.

We also ask the Parties to consider how wetlands will change with climate change as permafrost thaws leaving more marsh/highland areas than we currently see, naturally. This was discussed in a presentation by Palmer Environmental Group at the 2022 Placer Forum and shows natural examples of this in the Australia Creek area with fens turning into marsh. If wetlands are naturally changing from bogs and fens to marshes and shallow open water wetlands, shouldn't miners have an opportunity to apply for work that may meet these outcomes with reclamation work?

Recommendation 5.2.6

Consider adding clear language around the intersection of natural climate changes and how water quality, quantity and flow is measured as a metric for "responsible" placer mining. We recommend the Parties carefully consider forest fire areas and water runoff, or record rain years for example, if assessing water monitoring stations with known placer activity upstream – correlations between changes in water quality are not always related to human disturbance – and this needs to be recognized in the Fish Habitat Management System adaptive management framework.

Please see our recommendations on 5.2.5 on Wetlands.

5.2.6.1 Special Management Areas

With the exception of our concerns highlighted in LMU 20 for the continued tenure of placer miners in the area, we can support the Special Management Areas being removed from development for the life of the Dawson Region Land Use Plan if that is the will of the Parties. We believe the Parties may wish to reevaluate aspects of the Plan in the future and we will be available to work with them if and when that time comes.

5.2.6.2 Wetlands

Please see our recommendations from 5.2.5 on Wetlands for comments.

For Policy Recommendations 55 through 57, we support these recommendations and believe there is opportunity to work with the placer community to achieve food security and energy production goals.

For Research Recommendation 59, we see opportunities to partner with industry to achieve some of the permafrost research goals in a transparent, non-biased way.



For Recommended Action 63, consider that the placer industry is often used for emergency preparedness and response. A healthy industry will see this field support continue.

5.3 Culture, Heritage Resources and Community

We support the context and Key planning issues for this section. The Recommended Management Practices and Actions are daunting to consider implementing on a broad scale in the short term, especially since there are few resources for proponents to adequately consider, assess, and mitigate heritage finds (or the potential of these finds).

Recommendation 5.3

We suggest including a management practice or action that supports capacity building to bridge current knowledge gaps between industry and the Parties as it relates to heritage resource assessment and mitigation. The KPMA is currently engaged with TH and YG Heritage departments to this end, but discussions have not considered proactive ways to mitigate issues related to heritage finds. We are still firmly in the education of heritage realm and this section of the Plan will require more work.

5.3.2 Stewardship

We appreciate the concept of the Dawson Land Stewardship Trust that would be managed by the Commission. We believe the Commission is the correct body to manage this kind of resource.

5.3.3 Harvesting Rights and Activities

Our comments on this section relate to access. It is frustrating that placer miners are limited due to opening access for harvesting, while section 5.3.3 outlines the many ways harvesting needs to remain a key component to the Plan. Perhaps harvesting would be an easier metric to control, even administratively, compared to linear disturbances for example.

5.3.5 Community Growth

We support comments made in this section and see opportunity in the Recommended Management Practice c for the Parties and the City of Dawson to collaborate with industry to create potential residential, commercial, or agricultural developments as part of a values-based or outcome-based reclaimed placer project.

5.3.6 Recreation

We support the recommendations in this section. Please see our comments on section 5.3.5 on mutually beneficial land uses and our comments on reclamation throughout the document. We



see opportunity for industry to partner with community members or government to design creative multi-use recreational projects as an outcome of value-based reclamation work. This could include bike trails or tracks, interpretive gardens or other desirable outcomes.

One example of a miner looking to develop a recreational area as part of their reclamation plan was recently declined due to inflexible terms and conditions in a license. This is an example of the regulatory framework being too stiff to achieve the goals outlined in Land Use Planning. We look forward to working with regulators in the future to ensure mutually beneficial outcomes can be realized efficiently.

5.4.1 Mineral Exploration and Development

We hope the Commission has fully considered what the future that we all walk towards looks like. We encourage the Parties to do the same. Please note, the Yukon Bureau of Statistics will have a report on the economic impact of the placer industry on the community of Dawson available early Q1 of 2023. We encourage the Parties and Commission to consider this important (non-biased) information when it becomes available. Even we do not know what it will contain.

Recommend 5.4.1

Take the economic impact of placer mining on the community of Dawson study that is currently being completed by the Yukon Bureau of Statistics into account, when it is released.

Please see our comments from 1.3.2, to further clarify language around “go” areas to minimize conflict. Also 1.9.4, to extend the timeline between implementation and development to include scenario workshops that involve governments, YESAB, and industry and ENGOS, with guiding support from the commission or staff. This will prevent misinterpretation going forward and will provide confidence to all parties in how the plan will be practically used before implementation. We want to see how the recommendations from this section will balance with other values in the Recommended Plan, before the stakes are high and the Plan is implemented.

5.4.2 Resource Development and Impacts to MMIWG2S+

We do not support Recommended Action 86 as written, and question what meaningful information can be determined by having gender-based socio-economic impact assessments for placer projects? It is not that there is information to hide, nor that we do not support the mission of the Yukon Advisory Committee on Missing and Murdered Indigenous Women, Girls, and Two-Spirited People, but we are concerned with extra administrative reporting that may not impact anything.



Recommendation 5.4.2

Extra administrative reporting that may not impact anything in practice should not be required as part of a Land Use Plan.

5.4.3.1.2 Top of the World Highway Corridor

The Top of the World Highway Corridor area provides important access for many placer operators. We suggest the Commission considers recommendations around policing responsible harvesting of caribou over blanket recommendations on industry that will have significant adverse socio-economic effects and still not result in an improvement to caribou mortality (as mining does not kill caribou as much as harvesting does). Please see our comments and recommendations from LMU 9 and 14 for more information.

We largely support the policy, research, and action recommendations; however Recommended Management Practice d, about reclamation, is currently not supported as there is no reclamation guidance nor policy to guide this work.

5.4.3.2.1 Northern Access Route

While the placer industry, as users of various goldfield roads, have concerns with aspects of how the Northern Access Route (NAR) will develop, the KPMA is supporting members and non-members through an MOU we have with Newmont. Through our collaboration, we look forward to ensuring risks are mitigated responsibly and well communicated. We support the comments made by the Commission in this section.

5.4.3.2.2 Access Management Planning Recommendations

Recommendation 5.4.3.2.2

Include industry in the development of overarching access management plans for LMUs identified, as industry will be key Plan users in Goldfields, Sixty Mile, Clear Creek and Coffee Creek.

5.4.3.3 Off-Road Vehicle Access

We support recommendation 103 for the DDRRC to seek public input on areas that may need additional ORV consideration.

5.4.3.4 Air Access

We support the Recommended Management Practices on air access.



5.4.3.5 Water Access

Barge landings are critical to industry and other users of the river. Research Recommendation 106 calling for a barge impact study, is likely an expensive and unnecessary one. There are very few (2?) barge operators (one of which happens to be on the KPMA board) and perhaps the Parties could meet with those individuals with barges or water taxis and discuss this topic in detail with an operational perspective in mind. This approach would likely take significantly less time, and require significantly less capacity (and cost) than a full study.

Creek fording, especially in exploration, is often the only option a proponent has. Terms and conditions in licenses can prohibit culverts/bridges to be used in many cases, and once a license has been determined, it is often not amended for 10 years.

Recommendation 5.4.3.5

Do not conduct a barge impact study. Instead, have a call with the select few operators that do this work, saving time, money and capacity. This would also support planning LMU 3 now as part of the current Plan.

5.4.4 Agriculture

We support development to respond to food security concerns in the region. See our comments from 5.3.5 and 5.3.6 on outcomes based reclamation goals. We believe agriculture and mining can work collaboratively, even though the current regulatory framework does not always allow for it.

5.4.7 Forestry

We support responsible forestry practices and opportunities for forestry to cohabit with mining when possible. We believe that the forestry industry may have challenges with disturbance thresholds like placer does, as both industries see nature reclaim and regrow with time, yet the Recommended Plan does not consider how this restoration will be accounted for.

Recommendation 5.4.7

Thresholds cannot be implemented as part of a working Plan nor cumulative effects framework if reclamation or restoration is not also included.

5.4.8 Aggregate Resources

We support recommendation 130 for considering permitting material from placer sites to use as material in local roadway armouring, subject to a signed release to ensure gold bearing placer gravels are not removed without the consent of the mineral right holder.



5.4.9 Traditional Economy

We read Recommendation 136 for impact studies as being meant from the Quartz/hardrock industry. However, most placer operations have class 4 placer water licenses. If this recommendation is meant to apply to placer operators, then we do not support the recommendation that: “proponents shall implement and prepare traditional use impact studies”. Impact studies are an administrative exercise that will exhaust capacities without providing meaningful benefit. Should the goal be for Tr'ondëk Hwëch'in to work with miners to see the impacts of industry on the traditional economy, we suggest collaborating with the KPMA first, as our broad membership engagement is likely see stronger results than a report-based program.



6 Landscape Management Units

LMU 1 – Tthetäwndëk (Tatonduk)

This Special Management Area LMU has been identified as conservation area with limited use. Tthetäwndëk takes up 20% of the planning region. The KPMA supports complete conservation of LMU 1 if that is the goal of the Parties and the Commission. We believe that conservation is important to help balance land use in other areas with known resources and existing activity.

It should be noted that while we support conservation as these are the goals of the Parties, we also see potential prospectability in the area. Who knows what will happen in the future as humans and our climate changes the planet – there may be interest to explore (particularly for critical minerals) in the future, but we want to be good partners and support no users having access to it should that be the wish of the Parties.

We would like to note that the table for LMU 1 states that “available wetland mapping indicates considerable wetland coverage within much of the area lowlands, including bogs, fens, and marshes, which provide for important wildlife habitat and ecosystem services”. We bring this note up as it reflects the balance we see in other LMUs with development allowed.

Key Points:

- The KPMA supports protection of this LMU if that is the wish of the Parties and Commission.
- We suggest the Parties consider how Settlement Land may want to be considered by TH citizens in the future, and include language in the Plan that would either support or deny this type of land use before a Plan is approved.



LMU 2 – Horseshoe

We have no comments on this LMU.



LMU 3 – Chu Kon Dëk (Yukon River Corridor)

This LMU has been designated as a future planning area. We do not believe that LMU 3 should be left for future planning.

The Commission and/or Parties have some additional work on the Management Directions to limit conflict from existing work in this area. Currently, Special Management Directions (which are read as additional to General Management Practices outlined in section 5 of the Recommended Plan) seem to contradict other directions in subtle ways that we anticipate will cause significant conflict for the Parties, assessors and land users going forward.

Special directions one, three, and four seem to be in contradiction: 2 “withdrawal of lands from placer and quartz mineral staking” or unless “both Parties agree to remove withdrawal”; while 3, “mineral development permitted within existing mineral tenure”; and 4, “industrial land use permitted within ISA 2 cumulative effects thresholds”. With the example of barging supplies to and from a select few number of remote sites, how would one navigate these directions with any certainty – especially through the YESAB process when surely there will be strong interventions against any kind of development in favour of complete conservation. The vision for the area includes “managing important industrial access points”, but the direction within fails to provide any level of confidence in industrial activities surviving.

The suggestion that the Yukon River Corridor Planning would be initiated within 6 months of an approved Plan is only delaying an inevitable process. This needs to be done now, the Parties and Commission should delay implementation of a Recommended Plan that is “close” to ensure there is something that works on paper, and most crucially, in practice. Please see our comments on section 7, implementation, for more detail.

We strongly believe that Chu Kon Dëk needs to be planned as part of the current Planning Process. We believe that planning under the current Commission will result in less conflict, increased confidence, will simplify the process and strengthen the Plan.

If the Parties decide to delay decision making down the road, then the interim guidelines as stated in the Recommended Plan are not workable; and until a Plan has been created for LMU 3, use of the Yukon River Corridor needs to be unrestricted and usable as it currently is under the existing regulatory framework.

Key Points:

- Complete planning for the Yukon River Corridor now, as part of the Recommended Plan and not down the road
- Should the Recommended Plan not include LMU 3, special management interim measures should be waived (what is the risk these directions would mitigate in the “6 month” interim?) and use of the area should continue as it did before the Recommended Plan was initiated until the area has a Plan in place, developed with due care it deserves.



- Interim measures 1, 3 and 4 are contradictory around use.



LMU 4 – Tsey Dëk (Fifteenmile)

This Special Management Area LMU has been identified as conservation area with limited use. Tsey Dëk takes up almost 7% of the planning region. The KPMA supports conservation values in LMU 4 if that is the goal of the Parties and the Commission; however, we also suggest the portion of Tsey Dëk with known prospectability changes to a ISA to allow for future development opportunities by proponents, if and when the Tr'ondëk Hwëch'in Government develops a Mining Act to allow citizens to work on settlement lands.

Conservation is important to help balance land use in other areas with known resources and existing activity. The ability for Tr'ondëk Hwëch'in citizens to consider development opportunities on settlement lands is also important.

Key Points:

- The KPMA supports protection of this LMU if that is the wish of the Parties and Commission.
- We suggest the Parties consider how Settlement Land may want to be considered by TH citizens in the future, and include language in the Plan that would either support or deny this type of land use before a Plan is approved.



LMU 5 – Ddhäl Ch’ël (Tombstone)

We have no comments on this LMU.



LMU 6 – Tr’ondëk (Klondike)

This LMU is an Integrated Stewardship Area 2, with limited development thresholds. The KPMA asks that clearer language be included around placer claims and leases being allowed to continue, as the area has “high to moderate mineral potential”.

Key Points:

- Keep this area open to prospecting and permitted mining that follows the guidance of an approved Plan. Ensure language is clear to give regulators and proponents confidence in this potential.
- Thresholds cannot be implemented as part of a working Plan nor cumulative effects framework if reclamation or restoration is not also included.



LMU 7 – Wehtr’e (Antimony)

This LMU is an Integrated Stewardship Area 1, with very limited development thresholds. Our children rely on areas like this to prospect and explore, and possibly eventually permit and work within (following all regulatory requirements). We ask that this potential remains open and that language is clear in the Plan.

We believe that mineral prospecting and exploration, as well as placer mining, can coexist with more stringent guidelines around caribou in areas like this; but the Order in Council to ensure a staking ban in the area needs to be taken off with no land withdrawals planned. The whole of the land use Plan, as well as the regulatory framework will serve to ensure the Plan is implemented in ways that meet the goals.

Key Points:

- Keep this area open to prospecting and permitted mining that follows the guidance of an approved Plan. Ensure language is clear to give regulators and proponents confidence in this potential.
- Consider making this LMU an ISA 2 area rather than ISA 1, as inferred in special management direction 4e.
- Thresholds cannot be implemented as part of a working Plan nor cumulative effects framework if reclamation or restoration is not also included.



LMU 8 – Brewery Creek

This LMU is an Integrated Stewardship Area 3, with moderate-low development thresholds. We are concerned that the existing or future footprint of the Brewery Creek mine will not allow any other work to occur, especially as there is no context nor confidence in how reclamation will be treated either in this Plan, in a future Plan, in future Policy, nor considered by regulators (see comments in sections 4 and 5 regarding reclamation, wetlands, and thresholds).

We suggest the Parties consider including the ability for the Commission (or an ad-hoc future Commission) to isolate a project from the rest of the surficial disturbance thresholds when it is able to be managed independently from other interests (like placer).

Key Points:

- Consider including the ability to isolate a project from surficial disturbance thresholds when it is able to be managed independently from other interests.
- Thresholds cannot be implemented as part of a working Plan nor cumulative effects framework if reclamation or restoration is not also included.



LMU 9 – Clear Creek

This LMU is an Integrated Stewardship Area 4, with moderate development thresholds and very challenging timing windows for placer mining around caribou. Although development thresholds for this area are relatively high, the ability for work to commence is significantly hampered by caribou timing windows (complete closure from September 15 to October 10 as outlined in section 5.2.1.1), making this LMU far less attractive for an operator to want to explore or develop, and potentially unfeasible to continue to operate under current licenses. The management directions in this LMU and the recommended management practices in section 5.2.1.1 are at odds and not practical.

We believe an administrative change to one of the special management directions in this section could still provide protection to caribou without causing significant adverse effects to miners. The LMU's special management direction 1 states that *"industrial activities within caribou fall breeding (rut) habitat should be suspended during the key rutting period, (or as advised by a Regional Biologist) each year"*. The recommended action urges the Parties to consider *"the development of access management plans in LMUs where a high degree of overlap exists between caribou habitat and development activities"* (5.2.1.1). We suggest that in the absence of any approved access management plans for caribou and placer mining, rather than have the Regional Biologist be obligated to "approve" work during these timing windows (a responsibility that may be challenging to a biologist to approve), the Regional Biologist is instead empowered to implement these timing windows as needed. This means the biologist can consider stopping certain activities from occurring when caribou are known to be in the area, but allows for work to occur when it is low risk to the animals. Miners are already familiar and compliant with distance related shut-down terms and conditions in their licences that relate to caribou.

We would like to note that timing windows are meant to protect caribou values, and question why restrictions are placed on miners accessing their claims, and not placed on harvesting instead? If we want to protect the caribou, shouldn't we better control access to harvest? What does running an excavator have to do with hunting? Hunters will access the ground whether or not miners are present. In fact, miners are likely to protect the caribou more than anything, as hunters will have a difficult time shooting around humans at work. Please note the objectives stated in the caribou planning strategy in section 5.2.1.1: *"1 healthy and resilient caribou herd populations that grow towards historic levels; 2 habitat and migration pathways are sufficient to support historic population levels; and 3 a society that respects and is connected to caribou."*

Key Points:

- Special management direction 1 should read: "certain industrial activities within caribou fall breeding (rut) habitat should be suspended during the key rutting period when advised by a Regional Biologist". This empowers the biologist to protect caribou, and to work with miners to develop acceptable and implementable access management plans. This has good potential for win-win-win outcomes for caribou, miners and the Parties.



- *“The vision for this area is to conserve key habitat for woodland caribou while allowing for sustainable development.”* Mining does not harm caribou, harvesting harms caribou. Timing windows that don’t reflect the presence of caribou, nor consider the low risk of certain activities (like placer mining), will cause significant harm to mining.
- Thresholds cannot be implemented as part of a working Plan nor cumulative effects framework if reclamation or restoration is not also included.



LMU 10 – Tintina Trench

This Special Management Area LMU has been identified as conservation area with limited use. The KPMA supports conservation values in LMU 10 if that is the goal of the Parties and the Commission; however, we also suggest the portion of Tintina Trench with known prospectability changes to a ISA to allow for future development opportunities by proponents, if and when the Tr'ondëk Hwëch'in Government develops a Mining Act to allow citizens to work on settlement lands.

Conservation is important to help balance land use in other areas with known resources and existing activity. The ability for Tr'ondëk Hwëch'in citizens to consider development opportunities on settlement lands is also important.

Key Points:

- The KPMA supports protection of this LMU if that is the wish of the Parties and Commission.
- We suggest the Parties consider how Settlement Land may want to be considered by TH citizens in the future, and include language in the Plan that would either support or deny this type of land use before a Plan is approved.



LMU 11 – Goldfields

This LMU is an Integrated Stewardship Area 4, with moderate development thresholds, and a vision for sustainable development by means of cumulative effects management, access management, and the identification and preservation of key areas.

The KPMA supports the special management directions for this LMU, however we are concerned that the current cumulative effects framework with threshold designations will still cripple the industry's health if reclamation is not considered and accepted, before a Plan is implemented. Please see our comments on reclamation, wetlands and thresholds in sections 4 and 5 of this document.

Key Points:

- The KPMA supports the direction of this LMU.
- Thresholds cannot be implemented as part of a working Plan nor cumulative effects framework if reclamation or restoration is not also included.



LMU 12 – Tr’ondëk Täk’it (Klondike Valley)

This LMU has been designated as a future planning area. There are existing mineral activities occurring in this area. There is a desire from industry to see overlapping interests (residential development or agricultural leases as a result of outcomes-based reclamation) which seems to fit with the Sub-regional Planning guidance in section 2 of the table.

Key Points:

- The KPMA supports the direction of this LMU as long as existing placer operators or claim holders are able to continue working or managing their leases responsibly.



LMU 13 – Ch’enyäng (City of Dawson)

We have no comments on this LMU.



LMU 14 – Tay Dëkdhät (Top of the World)

This LMU is an Integrated Stewardship Area 2, with limited development thresholds. The area is “highly to significantly prospective” with “active placer mining” and mineral potential. Our children rely on areas like this to prospect and explore, and possibly eventually permit and work within (following all regulatory requirements). We ask that this potential remains open and that language is clearer in the Plan about the ability for placer to continue. We also suggest including the ability for the Commission (or an ad-hoc future Commission) to isolate a project (Clinton Creek mine) from the rest of the surficial disturbance thresholds when it is able to be managed independently from other interests (like placer).

We are concerned that special management direction 1 will be interpreted as being over and above the current regulatory framework and that without removing it, unreasonable terms and conditions will creep into decision documents for operators in the area. Fish management should not be more or less stringent than the laws that we all have to follow across the Territory, and stating this one LMU needs to follow the law assumes that other areas are either not of a concern, or that the law is not being followed. There is no reason to believe that placer miners are affecting the salmon differently in this creek compared to any other in the region.

Key Points:

- Remove language around placer mining and fish that has no change on the way a placer operator works under the current laws.
- Consider including the ability to isolate a project from surficial disturbance thresholds when it is able to be managed independently from other interests.
- Keep this area open to prospecting and permitted mining that follows the guidance of an approved Plan. Ensure language is clear to give regulators and proponents confidence in this potential.
- Thresholds cannot be implemented as part of a working Plan nor cumulative effects framework if reclamation or restoration is not also included.



LMU 15 – Khel Dëk (Sixty Mile)

This LMU is an Integrated Stewardship Area 3, with moderately-low development thresholds. The area is “highly to significantly prospective” with “placer exploration and mining” with quartz mineral potential. With the historical, existing and future health of placer operations in the area, we believe this area should be an ISA 4 area with higher thresholds for development (assuming reclamation and/or restoration are considered in the threshold context). This area is another part of the goldfields, with a placer mining history that predates the find on Bonanza Creek. Glacier and Miller Creeks were the first two creeks that were heavily mined, and we’re concerned that without strong reclamation guidance built into the cumulative effects framework and throughout the Plan, the existing thresholds will quickly become unreasonable.

Key Points:

- Change this LMU to an ISA 4 to allow for a higher threshold considering the historic disturbance, that will in turn promote better reclamation or remediation of historically mined sites (like the significant dredge disturbances in the area).
- Thresholds cannot be implemented as part of a working Plan nor cumulative effects framework if reclamation or restoration is not also included.



LMU 16 – Wëdzey Nähunzhi (Matson Uplands)

This LMU is a Special Management Area, with conservation values and no development thresholds. Matson Creek area (located outside the LMU boundaries) has been a significant placer area in the past, and is currently accessed through this LMU by several operators. Access needs to be maintained, the Plan should include clearer language allowing for the continued use of existing access routes with an ability to maintain or upgrade rough spots for safety reasons.

Key Points:

- The Plan should include clearer language allowing for the continued use of existing access routes with the ability to maintain or upgrade rough spots for safety reasons. Road maintenance can include quarry or gravel pits and widening to ensure passage can be safe. The future of the Matson Creek mining area (located in LMUs 15, 19 and 21) is an example of the “pockets of high to significant potential” referenced in LMU 21’s tables. Access through LMU 16 is critical to this opportunity.



LMU 17 – Nän Dhòhdäl (Upper Indian River Wetlands)

This LMU is an Integrated Stewardship Area 2, with low development thresholds. The Indian River area is “the most important placer gold producing watershed in Yukon”, and this LMU is covered by a wetland overlay. The change from Special Management Area to Integrated Stewardship Area with special management directions related to placer mining, reclamation and wetlands, was a good way to provide balance to both mineral and conservation values. As it is read, we support section 3.2.4.2 on Wetland Stewardship Areas, but have some comments on the special management directions in the LMU table.

We do not understand the reasoning or intent behind Special management direction 3a on no mining in marshes. While we understand the desire to leave bogs (a peat-type wetland) untouched, marshes are much more common in the Yukon, and are typically the result of placer reclamation as it stands. We would like to see a removal of marshes from direction 3a, as the guidance in this document will also be overlaid by the pending wetland policy and new mining legislation (which will bring reclamation guidance – we hope). We suggest marshes are removed from the document, or deferred to the Upper Indian River Stewardship Plan.

The Upper Indian River Stewardship Plan, that will be jointly created by the Parties, should also include proponents in the area (there are not many) or a representative of these proponents. This will likely result in the best case scenario for all parties. Direction 4 under this section is a great example of how we hope the Parties will consider collaborative work on wetland stewardship.

Our main concerns are with direction 6. The concern is not that the Parties jointly develop reclamation guidance and standards for placer operators; rather, it is that miners are not included in this direction, and that the Plan should state that this guidance is specific to LMU 17. Industry must be fully involved in the conversation around reclamation standards, as we are the best positioned to respond. The guidance must also be specific to this LMU, for if these reclamation guidelines were applied to an area with heavy historical mining or dredging in LMU 11 (Goldfields), it is unlikely the results will be the same. Likewise, applying these techniques on alpine operations in LMU 9 (Clear Creek) will also have limited success as the geography, geology, mining style and equipment will be different. We cannot set a precedence for reclamation in this one LMU without considering how the results may be (however well intentioned) misapplied in other areas.

Key Points:

- We do not believe marshes should be included in direction 3a.
- Industry must be deeply involved in developing reclamation guidance and standards.
- Reclamation guidance specific to this LMU cannot be applied elsewhere without greater care and consultation with non-biased scientists and industry.
- Thresholds cannot be implemented as part of a working Plan nor cumulative effects framework if reclamation or restoration is not also included.



LMU 18 – Therian Dök (Coffee Creek)

This LMU is an Integrated Stewardship Area 3, with moderate development thresholds. The area is “highly prospective”. Our children rely on areas like this to prospect and explore, and possibly eventually permit and work within (following all regulatory requirements). We suggest including the ability for the Commission (or an ad-hoc future Commission) to isolate a project (the Coffee mine) from the rest of the surficial disturbance thresholds when it is able to be managed independently from other interests (like placer).

Key Points:

- Consider including the ability to isolate a project from surficial disturbance thresholds when it is able to be managed independently from other interests.
- Thresholds cannot be implemented as part of a working Plan nor cumulative effects framework if reclamation or restoration is not also included.



LMU 19 – Tädzan Dök (White River)

This LMU is an Integrated Stewardship Area 1, with very low development thresholds. The area is “high to significantly prospective” with “active placer exploration and mining” and “high placer potential in the north”. Our children rely on areas like this to prospect and explore, and possibly eventually permit and work within (following all regulatory requirements).

We suggest changing this area from an ISA 1 to an ISA 2 to allow for the placer potential to continue to be an opportunity. We also question if the Ladue River Wetlands are overlapping placer claims. If so, an approach like in LMU 17 would be beneficial for balancing the mineral and conservation values as part of the land use plan. Active operators that are expropriated from their claims because of land use planning direction or policy must be adequately compensated. Adequate compensation for placer operators has not been considered to date.

Key Points:

- Make this area an ISA 2 with higher thresholds for development.
- Consider applying concepts from LMU 17 on wetland planning to areas where placer mining and wetlands overlap in this LMU.
- Thresholds cannot be implemented as part of a working Plan nor cumulative effects framework if reclamation or restoration is not also included.



LMU 20 – Luk The K’ät (Scottie Creek Wetlands)

This LMU is a Special Management Area with conservation values and existing placer operations in the area. The area is “significantly prospective” with “active placer” mining in the “northern portion of the area.” We can appreciate the vision “is to protect the function of the wetland complex as fully as possible”, but this LMU is home to several family operations that have been in the area for many years.

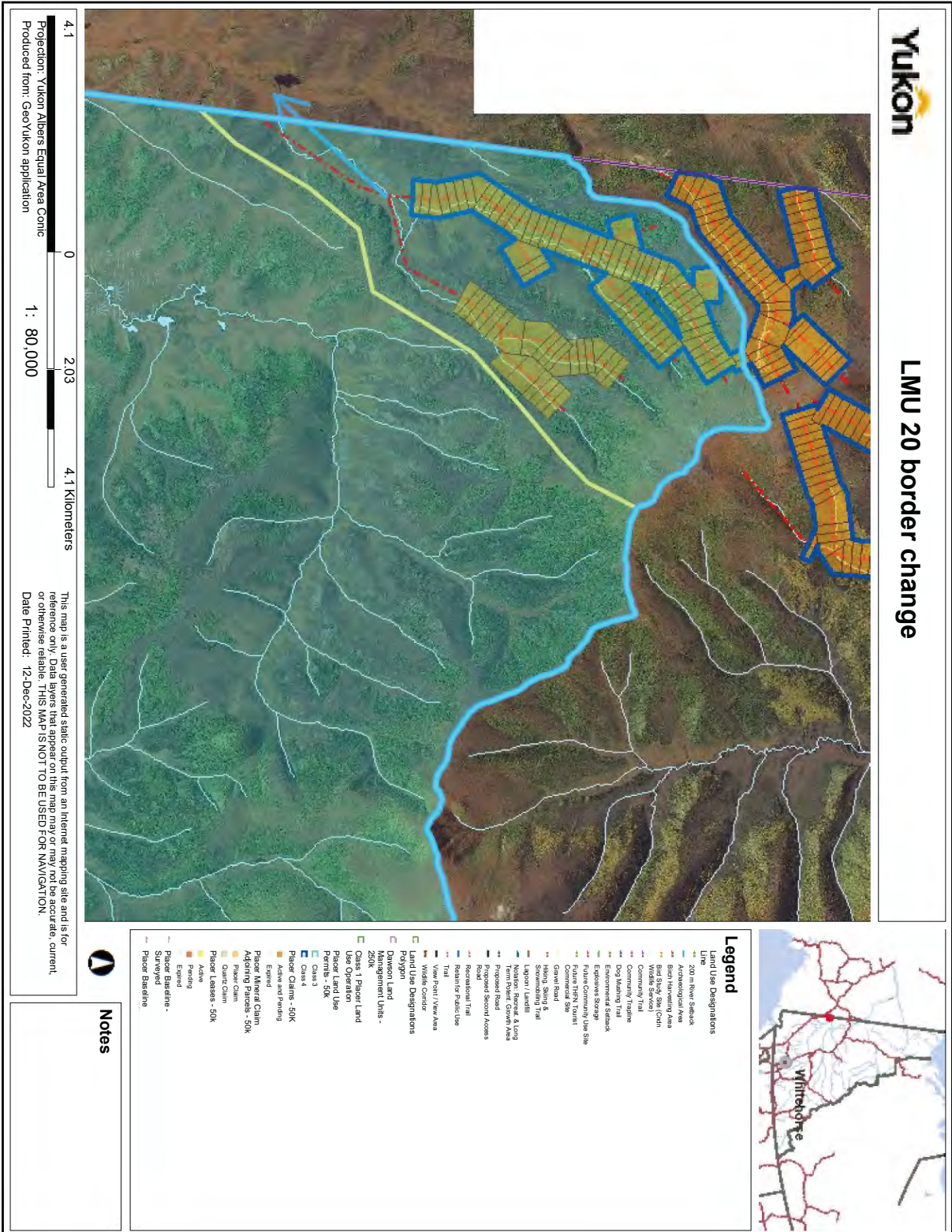
The dividing line of this LMU could easily be adjusted to follow the ridgeline (and natural watershed location) instead of the valley, and remove these placer interests from this LMU altogether, which would allow complete conservation of Luk The K’ät AND protect the livelihoods of these families. It must be noted that the creeks flow into Alaska, so the claims in question do not effect the watersheds that eventually flow into Yukon, rather they flow towards the west, where known Alaskan placer operations are also working. See the map titled “LMU 20 Border Change”. A blue arrow shows the direction of the creek flow. The yellow line depicts the proposed border change.

Although the special management directions state that development is permitted within existing tenure, we do not believe the Plan is clear enough to ensure these operators can renew their licenses to keep working the same claim block (assuming it is in good standing) when their licenses expire. Placer mining like most businesses, can’t start and stop in 10 year increments. Developing a resource and completing reclamation doesn’t happen in chunks, rather it is a more fluid process. If the LMU boundaries are not changed, the Plan needs to be clearer that renewals of operators in good standing can occur, which would balance the value of conservation with the livelihoods of the miners in the area.

Key Points:

- Adjust the LMU boundary to follow the ridgeline (distinguishing the watersheds) and remove placer interests from the LMU completely.
- If boundaries are not altered, include clear language that ensures existing families can renew their licenses when the time comes, assuming they are in good standing.
- Thresholds cannot be implemented as part of a working Plan nor cumulative effects framework if reclamation or restoration is not also included.
- See “LMU 20 Border Change Map” on the following page for detail.

LMU 20 Border Change Map



Notes



LMU 21 – Wödzey Tay (Fortymile Caribou Corridor)

This LMU is a Integrated Stewardship Area 2 with low development thresholds and a focus on caribou protection. The area is “moderately prospective” with “pockets of high to significant potential. Placer exploration and mining is prevalent in the area.” Timing windows “as determined by the Parties” could prove to make the ability for placer miners to work significantly hampered by caribou timing windows (like a complete closure from September 15 to October 10 as outlined in section 5.2.1.1), without careful balance of interests.

We believe caribou timing windows as they relate to placer mining specifically must consider the impact mining has on the animals (which is not the same as the impact of harvesting); also the impact mining has on the area if there are no animals around (as is the case in some years). Like our recommendation from LMU 9 Clear Creek, we urge the Parties to consider “the development of access management plans in LMUs where a high degree of overlap exists between caribou habitat and development activities” (5.2.1.1), and suggest that allowing the Regional Biologist to implement timing windows as needed (when caribou are near during sensitive times on a calendar) is the most balanced approach. This would mean the biologist could stop activities from occurring when caribou are known to be in the area, but allows the regulatory framework to allow operators to work when animals are not in the area. Miners are already familiar and compliant with distance related shut-down terms and conditions in their licences that relate to caribou.

Again, we would like to note that timing windows are meant to protect caribou values, and question why restrictions are placed on miners accessing their claims, and not placed on harvesting instead? If we want to protect the caribou, shouldn't we not harm them? What does running an excavator have to do with hunting? Hunters will access the ground whether or not miners are present. In fact, miners are likely to protect the caribou more than anything, as hunters will have a difficult time shooting around humans at work. Please note the objectives stated in the caribou planning strategy in section 5.2.1.1: *“1 healthy and resilient caribou herd populations that grow towards historic levels; 2 habitat and migration pathways are sufficient to support historic population levels; and 3 a society that respects and is connected to caribou.”*

Lichen is an important part of caribou diet, and we can appreciate that locating lichen habitat and protecting it is a priority. While we support lichen reclamation work occurring in the future, and remain open to working with other parties in doing this kind of research, including special management directions 4b ii, and 4b iii, will make it near impossible for a regulator to implement, monitor and enforce. Instead, we suggest that the special management direction say:

4bii Suggest: “Reclamation in lichen habitat areas should take into consideration the high value of lichen in the area as food for caribou. Work in areas with lichen should follow the reclamation hierarchy as outlined in section 5.2.5: avoid, minimize unavoidable impacts, reclaim impacted lichen (where possible), or offset residual impacts where appropriate.” This type of recommendation achieves the same outcome of a focus on healthy lichen



environments, but does not limit the important existing economic development that also occurs in this LMU.

Special management direction 4biii should be removed completely. Not only is this direction overly prescriptive, but it isn't possible to control. The *“avoidance of reclamation that leads to dense, wide thickets of willow in major creek or river bottoms”* is not only opposite to all the current reclamation best practices and standards, but also almost impossible to control. This is not a SMART recommendation and will certainly lead to the closure of all operations in this LMU as no human can promise that willows won't grow in large claim blocks, regardless of their physical impacts on the ground (for example post-fire or climate change). In addition this special management direction contradicts the general management directions around moose and moose habitat. Moose thrive on young willow trees and especially in reclaimed placer ground.

Key Points:

- Application of timing windows must consider the presence of caribou.
- Reclamation that avoids willows and promotes lichen growth is, at this time, not a reasonable goal for a land use plan.
- Wildlife monitoring and mitigation plans should be co-developed with industry and the Regional Biologist to ensure plans are “SMART”.
- Placer operators in the area will be invaluable in fire suppression efforts in the case of a wildfire.
- Thresholds cannot be implemented as part of a working Plan nor cumulative effects framework if reclamation or restoration is not also included.



7 Plan Implementation

7.1 On the Land We Walk Together – Nän Käk Ndä Tr'ädäi

The Recommended Plan covers the importance of the *“Parties to involve other organizations and groups during implementation”*, however the KPMA strongly believes that this involvement **MUST** occur far in advance to the implementation of a Plan. As *“a collaborative approach to management will be essential if the Dawson Regional Land Use Plan’s goals, objectives, and recommendations are to be realized”*, we believe that the only way to find success in applying this large, complex, and detailed Recommended Plan, is to workshop it. Run scenario land use examples with the Parties, assessors, regulators, proponents and interveners involved – so the true intent of the Commission can be determined, and the Plan can be amended – **BEFORE** it is approved. The KPMA has been asking for this type of review and has only received positive feedback – this will take time, but it will be time well spent. If we implement something with conflicting guidance, we will quickly exhaust ALL capacity as the placer renewals will not stop (mining is our livelihood); a year delay in a license renewal can put a family out of business, we cannot afford to knowingly stress our already taxed system. Delays, which **ALREADY** happen as a result of broad-scale (even global) capacity issues, can be avoided. Let us practice; let us try, collectively, to use the Recommended Plan and see how it works in practice. This is not the Peel. We are certain that all persons will appreciate the time and effort spent, and that the Commission and the Parties will all be much prouder of a Land Use Plan that works in a region with significant land USE.

In the end, a good land use plan may not describe all of the why’s, have quotes from community members or contain long descriptions on First Nation stewardship roles and how they differ from industry. A good land use plan should give us clear and simple guidance on what activities can happen, and where; and what cannot. The Recommended Plan needs improvement (and possibly 100 less pages) to get us closer to a clear and simple Plan. Great works have great editors, we will be most discerning (generating the most clarity and applicability) after trying to go through it a few times. There is no shame in going back for another run. The Commission, as we stated throughout Section 1, did an excellent job of balancing all of the values, opinions and feelings presented.

Recommendation 7.1

We petition the Parties to hold scenario workshops far in advance of a Recommended Plan being approved or signed. Scenario workshops would be more detailed than Conformity Checks; site-specific hypothetical examples testing general and special management directions in specific LMUs.

In addition to the Parties and Commission, we ask that this work include YESAB, the Yukon Water Board, proponents, and likely interveners. The results of this type of work would be positive: an opportunity to edit the Recommended Plan through practical application, a better



understanding of what is meant by a broader group of experts, support other future land use planning exercises by providing greater context, and ultimately result in a Land Use Plan for the Dawson Region that works, after some improvements, “out of the gate”.

As the Dawson Region Land Use Plan comes at a time when new mining regulations are being developed, and as the majority of our membership works within the region, we see this Plan as being used by some as an interim way for many aspects of new legislation to be used before it is drafted. Canada describes Procedural Fairness as it relates to citizenship as ensuring “that applicants: be provided with a fair and unbiased assessment of their application; be informed of the decision-maker’s concerns; and, have a meaningful opportunity to provide a response to concerns about their application” (Canada.ca). Workshopping the Recommended Plan will be a step towards procedural fairness.

Recommendation 7.2.1

The KPMA supports ongoing involvement from Commission members or staff through Implementation, Conformity Checks, Variances and Amendments, Monitoring, and Revision of the Final Plan. As stated, “*the DRPC has developed strong relationships with Planning Partners*”, and we trust the Commission and its staff to ensure their intent is implemented through the Plan.

7.3 Capacity Building

Please note that industry is also at capacity, engaging in all Yukon’s changes as well as trying to do the work required to have a successful business.

We support recommendations 141 through 144.

7.4 Sub-Regional Plans

As stated in our comments for LMU 3, we believe Chu Kon Dëk should be planned for now, and not later with a sub-regional land use plan.

7.5 Plan Conformity and Assessment

We do not believe the Recommended Plan would pass a conformity check. Please see our comments from section 7.1.

Recommendation 7.5

For policy recommendations 145 and 146, the KPMA should be considered as a party that could support a committee that is working with conformity checks, whether formally or informally on an as needed basis.



7.6 Implementation Strategy and Guidelines

Recommendation 7.6

We believe that workshopping the Recommended Plan to illuminate inconsistencies and issues should occur before recommended actions 147 and 148 are enacted. Not only will this provide the Parties with a better understanding of how the Plan will be implemented, it would also provide as training for the various parties involved in submitting and reviewing applications under the new Plan, saving time when it is critical, and supporting the capacity issues outlined in section 7.3.

7.6.3 Implementation Priorities

We support most of the timelines suggested, however we believe that LMU 3 should be included in the Recommended Plan, or have directions removed until sub-regional land use planning is completed. (See our comments from LMU 3).

7.7 Plan Monitoring

Feedback loops built into the monitoring section for the Plan are good, assuming that the Plan that is implemented works. However, there should be emergency measures clarified should some aspect of the Plan NOT work. As we have mentioned throughout section 7, workshopping the Plan will likely remove much of this concern. However, should the Recommended Plan be implemented as is, there should be a clear line of communication for proponents to seek support from the Commission as applications go through the assessment process. It is important to remember that the placer industry is built on families, and what may seem like a small change in the regulatory processes can have significant and severe impacts on the health of our industry. We may not have the time that Planners need, so we need to try and eliminate these problems before they arise. It is unlikely that the Plan Variance tools in section 7.8.1 will provide the kind of response we anticipate will be needed should the Recommended Plan be implemented as is.



Closing

Key Recommendations

- We are including a list of key recommendations made throughout this document; however to understand the intent and reasoning behind these recommendations, the reader must consider the document as a whole.
- The Recommended Plan provides sustainability and confidence for conservation values, but not so for the sustainability for local economic drivers, like the placer industry. We expect clarity on our future in a Land Use Plan.
- Improve language around “go” areas to minimize conflict. Specific examples provided for each LMU.
- Thresholds cannot be implemented as part of a working Plan nor cumulative effects framework if reclamation or restoration is not also included.
- Extend the timeline between Recommended Plan review and Implementation to include scenario workshops that involve governments, YESAB, the Yukon Water Board, industry and ENGOs, with guiding support from the Commission or staff. This will prevent misinterpretation going forward and will provide confidence to all parties in how the plan will be practically used before implementation.
- Include clear language on existing tenure renewal guidelines, especially for operators working in LMU 20 (Luk Tthe K’ät, Scottie Creek).
- Change the language around disturbance as a *change* in habitat (as is the case in placer mining), not a decrease in habitat.
- Have the parties commit to work with industry to determine reasonable metrics for including reclamation into surficial and linear disturbance calculations in the absence of legislative reform.
- Have the parties include a statement to address reclamation work being considered “complete” on a case-by-case basis in the absence of legislative reform.
- Ensure that ISAs account for ALL currently permitted and environmentally assessed projects in an LMU, and consider the reasonably foreseeable future development in the area.
- Consider if conservation values are assessed as “more valuable” than socio-economic ones in assessment, this will create a negative effect (loss of businesses, economic spending with trickle down effects on local businesses) and a decline in quality of life for residents in the area. Include clearer language around socio-economic values and how they might be evaluated by a project assessment body.
- Review the Dawson centric economic impact work that is occurring at the Yukon Bureau of Statistics when it is available early Q1 of 2023.
- Include language around fair determination of compensation for expropriation of industry off existing licenses or claim blocks. While we recognize it is not up to the Commission to determine compensation values, we do believe they have a duty to outline this as a likely outcome of implementing the Recommended Plan as is visioned.



- We encourage the Parties to work with the KPMA to consider value-based reclamation actions that are reasonable and implementable, to include in considerations for a broader scope of interested parties to provide feedback on what value-based reclamation is or could look like.
- Amend the Recommended Management Practices for Moose values to better consider the symbiotic relationship placer mine sites and moose have.
- Include the KPMA as parties to the Research Recommendations and Recommended Actions that relate to the Fish Habitat Management System. Reintroduce the placer secretariat, and consider reevaluating their job criteria to include things like land use plan conformity for placer miners.
- We whole heartedly support Research Recommendation 53 and hope to work with the Parties on reclamation pilot programs with the goal of better outcomes for the environment and thus the community. As transparency is important to data collection, we also believe it is important for ENGOs to be included in the review process of reclamation pilot programs to ensure all stakeholders have confidence in the industry.
- Remove restrictions around protection of certain wetland types, look to the best and most effective reclamation of wetlands over like-to-like outcomes.
- Consider adding clear language around the intersection of natural climate changes and how water quality, quantity and flow is measured as a metric for “responsible” placer mining. We recommend the Parties carefully consider forest fire areas and water runoff, or record rain years for example, if assessing water monitoring stations with known placer activity upstream – correlations between changes in water quality are not always related to human disturbance – and this needs to be recognized in the Fish Habitat Management System adaptive management framework.
- We suggest including a management practice or action that supports capacity building to bridge current knowledge gaps between industry and the Parties as it relates to heritage resource assessment and mitigation.
- Extra administrative reporting that may not impact anything in practice should not be required as part of a Land Use Plan.
- Include industry in the development of overarching access management plans for LMUs identified, as industry will be key Plan users in Goldfields, Sixty Mile, Clear Creek and Coffee Creek.
- Do not conduct a barge impact study. Instead, have a call with the select few operators that do this work, saving time, money and capacity.
- We suggest the Parties consider how Settlement Land may want to be considered by TH citizens in the future, and include language in the Plan that would either support or deny this type of land use before a Plan is approved.
- Complete planning for LMU 3, the Yukon River Corridor now, as part of the Recommended Plan and not down the road. Should the Recommended Plan not include LMU 3, special management interim measures should be waived (what is the risk these directions would mitigate in the “6 month” interim?) and use of the area should continue as it did before the Recommended Plan was initiated until the area has a Plan in place, developed with due care it deserves.



- Keep LMU 6 Tr'ondëk (Klondike) area open to prospecting and permitted mining that follows the guidance of an approved Plan. Ensure language is clear to give regulators and proponents confidence in this potential.
- Keep LMU 7 Wehtr'e (Antimony) open to prospecting and permitted mining that follows the guidance of an approved Plan. Ensure language is clear to give regulators and proponents confidence in this potential.
- Consider making LMU 7 Wehtr'e an ISA 2 area rather than ISA 1, as inferred in special management direction 4e.
- Consider including the ability to isolate a project from surficial disturbance thresholds when it is able to be managed independently from other interests. For example, LMU 8 with Brewery Creek, LMU 14 with Clinton Creek, or LMU 18 with Coffee.
- Reconsider caribou recommendations in LMU 9 Clear Creek. See our comments from LMU 9 for more detail.
- Change LMU 15 Khel Dëk (Sixty Mile) to an ISA 4 to allow for a higher threshold considering the historic disturbance.
- The Plan should include clearer language in LMU 16 Wëdzey Nähunzhi (Matson Uplands) allowing for the continued use of existing access routes with the ability to maintain or upgrade rough spots for safety reasons. Road maintenance can include quarry or gravel pits and widening to ensure passage can be safe. The future of the Matson Creek mining area (located in LMUs 15, 19 and 21) depends on existing access to be maintained through LMU 16.
- Industry must be deeply involved in developing reclamation guidance and standards in LMU 17 – Nän Dhòhdäl (Upper Indian River Wetlands). Reclamation guidance specific to this LMU cannot be applied elsewhere without greater care and consultation with non-biased scientists and industry.
- Make LMU 19 Tädzan Dëk (White River) an ISA 2 with higher thresholds for development. Consider applying concepts from LMU 17 on wetland planning to areas where placer mining and wetlands overlap in this LMU.
- Adjust the LMU 20 Luk The K'ät (Scottie Creek Wetlands) boundary to follow the ridgeline (distinguishing the watersheds) to remove placer interests from the LMU completely. If boundaries are not altered, include clear language that ensures existing families can renew their licenses when the time comes, assuming they are in good standing.
- Consider language around timing windows in LMU 21 Wëdzey Tay (Fortymile Caribou Corridor). Remove language around reclamation that avoids willows and promotes lichen growth as this is not practical nor implementable at this time. Wildlife monitoring and mitigation plans should be co-developed with industry and the Regional Biologist to ensure plans are "SMART".
- For policy recommendations 145 and 146, the KPMA should be considered as a party that could support a committee that is working with conformity checks, whether formally or informally on an as needed basis.



Final Comments

The placer industry is under immense scrutiny and pressure as we work diligently to not only respond to external changes, but to motivate positive changes internally. Our industry is vital to the quality of life of Dawson region residents. We believe the ability of industry to improve historically disturbed ground, and to generate wealth for the region, Territory, and country, with a small and temporary land use footprint is important.

Developing a Land Use Plan that is clear, practical, and balances resource use with conservation is a challenge. Add in multiple governments, stakeholders and a diverse array of opinions, and the process is overwhelming. The KPMA believes the Commission has done a very good job of representing the feedback provided to date, but there are key pieces missing:

- Reclamation values are not included in the Recommended Plan, but low threshold values are. There **must** be a way for the Parties to consider when ground has been “reclaimed”, a significant portion of the Recommended Plan depends on this. Thresholds cannot be implemented as part of a working Plan if reclamation is not also included.
- Aspects of wetland protection in the Recommended Plan do not consider how future reclamation techniques may develop – protection is too strong to allow certain wetland types to possibly be accessed in future (ex bogs, fens and marshes) even when they can be successfully reclaimed into biodiverse, productive wetlands.
- The current recommendations for LMU 3 Chu Kon Dëk (Yukon River Corridor) will not work in the interim.
- Caribou timing windows as written are not practical.
- Placer miners that work in LMU 20 Luk Tthe K’at (Scottie Creek) must be protected to continue working their claims.

The risks of implementing the Recommended Plan as written is confusion through assessment processes, a drain on the capacity of assessors learning the new system (as referenced in section 7.3) but receiving the same volume of applications (placer mining takes up approximately 80-85% of the volume through YESAB and the Water Board), delays in assessments leading to financial ruin of families, likely economic harm in the community of Dawson with a lower quality of life, and growing mistrust and a lack of confidence.

The KPMA does not support the Recommended Plan as is, and cannot not support a Plan that cannot be used in practice. The only way to test the plan without impacting the businesses in the region is to run scenario workshops. Our lives and livelihoods are at stake. Please take your time and see how it works before you sign it.



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December 19, 2022

RE: Response to the Recommended Dawson Regional Land Use Plan in regards to the Quartz (hard rock) exploration and mining industry.

I expect the Recommended Plan as drafted will have significant negative ramifications on the future of mineral exploration and development in the Dawson region, with corresponding negative impacts to Dawson's (and the territory's) broader economic future. I concur with the Yukon Chamber of Mines that there are problems with the land use plan in its present form including:

1. Significant amount of land withdrawn from staking. Successful mineral exploration requires a large land base available for exploration. Companies do not have the luxury of locating a mineral deposit in any given location, as it is dependent on underlying geology. Economic mineral deposits are extremely rare, and a large amount of land needs to be evaluated (with low-impact activities) to find the few deposits which may be economic.

The Final Recommended Plan has 54.1% of the land area marked for permanent or interim withdrawal of staking for quartz claims. The Dawson region is host to very significant mineral potential – particularly for critical minerals, copper, cobalt, uranium, zinc, molybdenum, antimony and manganese – and a withdrawal of this scale will severely impact Yukon's economic future. This withdrawal is more than double the amount recommended in the recently completed Yukon Mineral Development Strategy, where "parcel-specific moratoriums should not exceed 20% of a regional planning area". Large withdrawals do not support the Recommended Plan's stated goal to "ensure that economic development in the Region continues."

2. Inconsistency between land designations, overlays and special management directions. Overlaying caribou and wetland zones on Land Management Units (LMUs) with Integrated Stewardship Area (ISA) designations conflicts with the intent of an ISA: "the intent of all ISAs is to enable existing and future economic activities for both surface uses and subsurface resource extraction." There is inconsistency in various portions of the Plan as to whether existing tenure is maintained and can be developed in these areas. Rationale for the caribou designation, in particular, does not reflect the ability for caribou and mineral exploration or other development to co-exist – even as evidence of successful cohabitation of land by humans and caribou was submitted by industry in response to the Draft Plan.

3. Cumulative effects thresholds in Integrated Stewardship Area (ISAs) are low. Academic research into critical thresholds for wildlife have found significantly higher thresholds than are present in the plan. With the low thresholds and relatively small size of many LMUs, some ISAs would not even be able to support one moderate sized mine. Another approach could be to combine adjacent small LMUs with the same designation and similar management direction.

I strongly recommend the parties consider the following recommendations when finalizing the plan:

1. Remove staking withdrawals in areas with ISA designations to align with the definition statement: "the intent of all ISAs is to enable existing and future economic activities for both surface uses and subsurface resource extraction."
2. Ensure that ISA's account for ALL currently permitted and environmentally assessed projects in a LMU and consider the reasonably foreseeable future development in the area. Current disturbance mapping from 2020 does not account for the permitted or environmentally assessed disturbance that can and is likely to take place in the future. ISA's should not have thresholds less than this. It appears that some ISA's may have thresholds that are less than currently permitted for environmentally assessed projects.
3. Remove caribou and wetland stewardship areas as they conflict with the underlying LMU designations and provide conflicting management directions.
4. Recognize that effective mitigations exist for exploration and development that can minimize impacts on wildlife and the environment.
5. Provide appropriate compensation to claimholders located within areas designated for conservation (permanent staking withdrawals) as claims will be effectively prohibited from future development and investment. There is no excuse for expropriation without compensation in a just democracy.
6. If temporary staking withdrawals are maintained, provide assessment relief until such time as the withdrawal is lifted, or made permanent, so companies are not forced to either conduct work in an area that may be permanently protected or risk loss of tenure.
7. Review and increase cumulative effects thresholds in ISAs to be consistent with academic research on critical wildlife thresholds, and to consider future critical minerals development (not just gold scenarios). YCM suggests that thresholds can be revised over time to reflect academic research supporting either threshold increases or decreases.
8. Update language around caribou to recognize that the Fortymile Caribou Herd (FMCH) has been successfully recovering, and that mitigations exist to reduce conflicts between quartz exploration and mining and caribou migration, as has been demonstrated at numerous mines and exploration projects in the north.
9. Finally, we need certainty in the implementation of the plan and that unclear language is not left for environmental assessment bodies, YESAB and YWB to interpret; Industry recommends scenario workshopping of projects through the conformity process far in advance of the acceptance of any Land Use Plan.

I appreciate the opportunity to provide comment and hope that the final Dawson Regional Land Use Plan provides an outcome that meets the needs of all involved and safeguards the environmental and economic future of the region.

Regards,



Randy Clarkson P.Eng.



December 20, 2022

3Pikas
2180 2nd Ave
Whitehorse YT Y1A 5N6
matthias@3pikas.com

Dear Matthias,

I am writing on behalf of Parks Canada to provide feedback on the Recommended Dawson Region Land Use Plan (the Plan). I applaud the Dawson Regional Planning Commission and Parties to the Plan on their achievement of this important milestone.

It is acknowledged that the Plan - in accordance with the Tr'ondëk Hwëch'in Final Agreement - does not apply to Klondike National Historic Sites of Canada (KNHS). Regardless, Parks Canada appreciates the opportunities to contribute to the planning process and values its ongoing relationship and collaboration with Tr'ondëk Hwëch'in First Nation and the Government of Yukon in the management and operation of KNHS.

My feedback is focussed in the following three areas:

1. Description (including spatial) of Klondike National Historic Sites of Canada

A description of KNHS in the Plan's glossary and potential inclusion of a spatially explicit map may help orient readers to "adjacent uses" of lands as described in the Plan. It should be noted that in addition to the National Historic Sites listed below, Parks Canada is the custodian of federal real property at Bear Creek and the Upper Bonanza Historic Reserve.

A glossary addition could read: "KNHS includes five distinct national historic sites managed by Parks Canada in and around Dawson City, namely the Dawson Historical Complex; Dredge No. 4; S.S. Keno; Discovery Claim; and the Former Territorial Court House. The management of KNHS is guided by an advisory committee comprising of: Tr'ondëk Hwëch'in First Nation, the City of Dawson, The Government of Yukon, cultural heritage organizations, tourism industry associations, and community representatives."

Parks Canada would be pleased to co-develop an additional map reference should the Commission wish to position KNHS within the Plan and the specific spatial context of Landscape Management Units.

2. Consideration for exploring the possibility of a national park protection designation within the Plan area

The Plan identifies a number of Landscape Management Units that – **respective of the Parties’ respective decision making authorities** - could be suitable for national park designation. Parks Canada works with more than 300 First Nations, Inuit, and Métis communities across Canada in conserving, restoring, and presenting outstanding examples of natural and cultural heritage. Parks Canada would be pleased to discuss further should the Parties wish to explore this possibility during the final planning steps and implementation of the Plan.

National park designations align well with the Plan’s *Intent Statements* for Special Management Areas and the overarching importance of the ***Tr’ondëk Hwëch’in Land Vision*** and a shared responsibility and respect for the land. New national parks are only created in collaboration with Indigenous nations and communities through co-management agreements and shared governance models. There are many modern examples of national parks that support Indigenous Knowledge systems, world views and ways of life important for Indigenous communities. Ecological Integrity, a value featured prominently through the plan, is also of primary importance to national parks. National parks are managed for the maintenance or restoration of ecological integrity, through the protection of natural resources and natural processes, as a first priority. National parks contribute positively to local and territorial economies.

The following feedback is provided with the intent to inform and better position the Plan for exploring possible national park designations during final planning steps and implementation of the Plan:

Page 43 and Page 326 - Co-management of national parks: The Plan states that the “*management of each [Special Management Area] SMA will be further defined in a management plan developed for each area, with co-management among the Yukon Government and First Nation governments, and input from Renewable Resource Councils and Fish and Wildlife Management Board, depending on the area and the jurisdiction*”. It may be worthwhile considering – while recognizing management authorities within the Tr’ondëk Hwëch’in Final Agreement –

the inclusion of the Government of Canada as another potential level of government that may share management of a SMA should the Plan Parties pursue potential federal designations for protection during Plan implementation.

90% of lands in Parks Canada protected areas are cooperatively managed with Indigenous partners, where representation of Indigenous governments equals that of other governments in shared management of the protected area.

Page 104 - 5.2.6.1 Special Management Areas: Also relevant to this section is the National Parks System Plan which describes each of Canada's unique natural regions with an aim to protect a representative sample of each of these landscapes across the country. The Northern Interior Plateaux and Mountains Natural Region (Natural region 7) is considered unrepresented in national parks in Canada and the region overlaps a significant area of the Recommended Plan area.

Page 166 - Special Management Directions for LMU 1: TTĤETÄWNDĚK (TATONDUK): The Plan includes a recommendation that the area *“is not to be promoted as a tourism destination, as extensive use may have a negative impact on sensitive wilderness values”*. While national parks do have a balanced mandate for protection, education, and inviting people to these special places, Parks Canada works in collaboration and through consensus to develop a vision for visitation that fits the regional context of each place, and Parks Canada has the tools to carefully plan for and regulate visitation within that vision.

Page 181 - Special Management Directions for LMU 4: TSEY DĚK (FIFTEENMILE): The Plan indicates that *“Tr’ondĕk Hwĕch’in should have the primary responsibility of managing this area through the establishment of an Indigenous Protected and Conserved Area (IPCA)”*. National parks are being considered by many Indigenous Nations in support of a larger vision for IPCAs. Thaidene Nĕné National Park Reserve is a recent example of a national park reserve designated as a component of a larger IPCA **designated by the Łutsĕl K’ĕ Dene First Nation** under Dene Law.

Parks Canada works with Indigenous Nations within strong consensus based governance models for protected areas across the country.

General – national parks and Industrial Land Use: In general, LMUs envisioned for strong protection and conservation and with fewer Industrial Land Use interests may be more suitable candidates for potential national park designation consideration. Per the Tr'ondëk Hwëch'in Final Agreement, *“where a Special Management Area includes a National Park or its extension or national park reserve or its extension, exploration and development of nonrenewable resources shall not be permitted, except in respect of the removal of sand, stone and gravel for construction purposes within the National Park or national park reserve”*.

3. Editorial and general feedback:

Page 40 - Climate Change: The plan suggests “It is therefore important that consideration be given to both challenges and potential opportunities associated with climate change during the planning process”. Given the various levels of government that have declared a climate change **emergency and the Plan’s focus on the challenges of climate change** rather than the opportunities, does **the concept of “opportunities associated with climate change” need** further definition? Is the inclusion of climate change opportunities necessary?

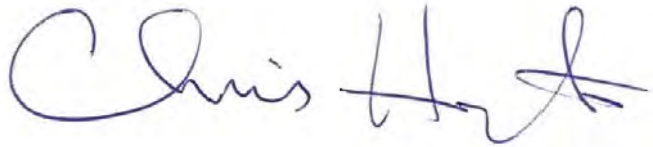
Page 100 - Rewording for clarity: The following sentence could use rewording to improve clarity: “Subject to approval of a Yukon Wetland Policy, Scottie Creek, Flat Creek, and Ladue Wetlands are to be designated as Wetlands of Special Importance, under the condition that the provisions in the final Wetland Policy meet or exceed the standard for conserving wetland values management of this Plan.”

Page 147 – Typo: 2nd paragraph under **Recommendations to the Parties:** “pPanning” should be “Planning”.

Parks Canada would be pleased to continue the conversation with the Dawson Region Planning Commission and Parties to the Plan should there be interest to further explore the potential for national park establishment within the Plan area, including providing information related to the establishment process, benefits, shared governance models, or any other items that might be of interest.

If there are any questions/clarity needed relating to this feedback, please feel free to contact me.

Regards,

A handwritten signature in blue ink that reads "Chris Hunter". The signature is fluid and cursive, with the first name "Chris" being more prominent than the last name "Hunter".

Christopher Hunter
Project Manager, National Park Establishment Branch, Parks Canada

c.c.:

Joseph Petch, Land and resource planner
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Lesaux Creek Project – DLUP Impacts
Dawson Land Use Planning Council
2022-02-20
Document Call Number:20220124-DI
MP/mp



Dawson Regional Planning Commission – Draft Plan comments as they relate to the Lesaux Creek Project.

The Moosehorne Range region north of the Scotty Creek drainage and south of Ladue Creek was discovered in 1969 during a regional copper study (Paul S. White 1979 Prospecting Report Aeries Resources Ltd.). Continued exploration discovered the placer deposits which went to production in 1975 and are still in production today. The region has produced over 100,000 raw ounces of placer gold. The region has a number of YG Minfile reports along many YMET grants for prospecting. That investment by individuals and YG is now a sunk cost with no return as the region is labeled ISAI and the access route is SMA II.

Access to the region is through aircraft and has two primary airstrips in the area. Overland access is a winter tote road through Scotty Creek called the Scotty Creek Winter Road. An all-weather road with river crossings accesses the region from the US side of the border. Sphinx Exploration has permitted the tote road along with another airstrip on Lesaux Creek should a deposit be discovered there.

Sphinx Exploration selected the Moosehorne Range in 2017 as an under explored region of the Yukon and committed resources towards exploration in the region. Part of the reasoning in selecting the region was the rich history of exploration in the region at the turn of the century and through the early 1900's. Competition for mineral tenure is limited due to the difficulty of access. Much of the region has not seen any real placer exploration. A Reverse Circulation exploration program was operated in the winter of 1975 & 1989 and local operators have done some Rotary Air Blast drilling. Sphinx Exploration spent over two hundred hours correlating past exploration projects into a GIS (Graphical Information System) compiling the data sets. Quartz exploration programs were also included. These data sets were encouraging enough that Sphinx advanced the Lesaux Creek Project to the permitting phase resulting in a Class 4 Water License being granted in 2018.

Sphinx Exploration commissioned the Great River Air – Inanda Images Joint Venture to fly the region in 2017 with their Cessna 172 aircraft equipped with a camera and linked GPS system. The raw data generated 5cm GSD orthogonal imagery which was used for prospecting, planning and a base measure of the project development. A DSM was created which generated contours which was utilized for slope design along with energy state prospecting.

Remote exploration is expensive and Sphinx Exploration prefers to leverage the investment that it takes to establish a conventional remote placer exploration program. If the original creek staked does not produce results, the exploration operation moves onto the next assessed creek or drainage. YESAB will assess ground

that is not currently under mineral tenure which allows Sphinx to explore larger remote areas without continued assessments though the leases require work to be inserted to the water license.

Sphinx operates rubber tracked large diameter (8 inch) auger drills along with rubber tracked support equipment. This reduces the exploration impact on the landscape. These are considered Class One activities and are designed to allow placer exploration with little impact on the land. None of the advances we, as an exploration industry have developed can be used if the land is closed to mineral tenure.

The classification and closure of mineral tenure in the Scotty Creek Wetlands core along with all the land west of the White River and north of the Ladue watershed has acted as a disincentive for this project. Though Sphinx Exploration holds a Class 4 Water License (PM18-001) the whole exploration program has been defunded due to the limits on exploration in the region.

Sphinx has dropped the claims on Lesaux Creek due to the disincentive created by the DLUP. The permit is maintained and reports are filed yearly as required by regulation. Should the DLUP process revise the land classifications, the Lesaux Creek Project can be revived.

As an industry that contributes to the regional economy, there was zero consolation with Sphinx Exploration even though there was contact information related through PM18-001. As a stakeholder and a signatory to the UFA and the TH Final Agreement as represented by YG, there was zero consolation with the prospecting industry and the stakeholders in the industry.

During the consultations to derive the mineral potential of specific regions the NGO's representing the Exploration Industry were not consulted, not invited to consult and were actively excluded from that data acquisition. Subsequently the draft plan has 44.7% of the Planning Region closed to mineral tenure directly affecting Sphinx Exploration's plans for the region.

What of the investment made by Sphinx Exploration? Is that a sunk cost now to be written off as an operating loss? Should the company be compensated for their investment in the region? Or do we as a company loose because that is how the DLUP planning system works?

Sphinx Exploration has moved their exploration focus out of the Dawson Region because of the planning commission. Our exploration budgets in the past have expenditures of up to half a million dollars. Local hire and developmental growth by training and promotion from within the company all support local economies. None of that work and the economic benefit derived from that work was included in the DLUP since we were not invited to the table. Developing manpower skillsets is as important as the mineral tenure. Without people to operate and work the ground, all the equipment sits idle. The current iteration of the DLUP ignores the development of personal to support the industry, those voice are silenced by the current DLUP.

I wanted to express the disappointment I feel as a prospector in this draft land use plan. Vast tracks of the planning area were closed to mineral tenure without actually mapping the ground to assess the mineral potential. "On the land we walk together" unless you are a prospector.

Thank you for your time.

Mark Prins



Comments and Recommendations from Wildlife Conservation Society Canada (WCS Canada) regarding the Recommended Plan for the Dawson Planning Region

December 8th, 2022

Comments submitted electronically to 3Pikas @jacob@3pikas.com

Dear Government of Yukon and Tr'ondëk Hwëch'in Government,

Thank you for the opportunity to submit our comments and recommendations regarding the Recommended Plan for the Dawson Planning Region. We appreciate the opportunity to take part in this public review of the document.

We submit these remarks in our capacity as conservation scientists on behalf of Wildlife Conservation Society Canada. WCS Canada (www.wcscanada.org) is a national non-government organization with a mission to save wildlife and wild places in Canada through science, conservation action, and by inspiring people to value nature. WCS scientists lead research and policy development in northern boreal and Arctic regions. Our expertise is in land use planning, impact assessment, and conservation and ecosystem science research focused on intact forests and aquatic ecosystems in northern Canada. We are affiliated with global WCS programs in more than 60 countries in the world, and are active at the science-policy interface in Canada and internationally. More specifically, we are conservation biologists with many years of experience in strategic land use planning and in cumulative effects research in western Canada.

We thank the Commission, and the planning staff, for the collective hard work in developing this Recommended Plan. Many of the issues and topics are highly contentious, with clashes of values and cultures. We understand that the resulting Recommended Plan is unlikely to satisfy all interests, and that our set of interests is one of many.

Our comments are in two sections: Overall Assessment, and Detailed Comments. The former covers the most important themes and topics we want to raise regarding the Plan as a whole. The second lays out observations and comments following the page and paragraph structure of the Recommended Plan. There is obviously some overlap, with the Detailed Comments often providing more extensive discussion.

OVERALL ASSESSMENT

Our overall assessment is that the Recommended Plan for the Dawson Region is a much stronger plan than the Draft Plan in terms of its support for conservation values and for the protection of water, wildlife and land. There have been several changes that warrant support, including legally designating all Special Management Areas (SMAs) for protection; recognizing the United Nations Declaration of Indigenous Peoples (UNDRIP); recognizing the importance of climate change in the region; nominating Wetlands of Special Importance for protection, and; removing the different threshold levels in the Fortymile caribou corridor based on elevation. These changes are definitely a step in the right direction, but based on our expertise, we still assess that several parts of the planning region and associated issues remain

concerning and leave too much of a questionable future. In particular, there are three modifications that we recommend the parties to consider:

1. Remove all existing mineral tenures from Special Management Areas (SMAs) to allow for true protection as per the International Union for Conservation of Nature's (IUCN's) recommendation of protecting 30% by 2030 to slow down the crises of biodiversity loss and buffer the effects of climate change.
2. Clearly link thresholds of human footprint to the published scientific literature and bring in aquatic ecosystems, using water quality as an indicator of salmon habitat quality, as part of the cumulative effects framework for Integrated Stewardship Areas.
3. Include a clearly laid out Implementation Strategy that can be readily implemented by the Parties.

Our overall assessment is organized in three themes: Protected Areas, Stewardship outside Protected Areas, and Implementation.

PROTECTED AREAS

Protected Areas are the most influential tool society can employ in confronting the biodiversity crisis, because they can conserve self-sustaining populations of most species when they cover appropriate ecological scales and when they represent the diversity of ecosystems and species in a region. Protected Areas are also a very valuable and necessary tool in confronting the climate crisis. This is because they store vast amounts of carbon that continually needs to be removed from the atmosphere, and, when appropriately situated, they provide means for species to adapt by shifting their distributions. Our thoughts focus on three issues: what proportion of the region would be protected? Are protected areas well located to provide comprehensive conservation? Is the proposed protection really going to work as protection?

Proportion: Proposed (34.1%) and already existing (Tombstone Territorial Park - 5.3%) Protected Areas (Special Management Areas (SMAs) in the Plan) cover a total of 39.4% of the region. This is well in line with the Canadian national goal of protecting at least 30% of terrestrial and freshwater ecosystems by 2030, and is a significant gain compared to the current level of regional protection at 5.3%. So, the Recommended Plan is a positive step forward for conservation (but see "Likelihood of protection working", below).

However, the Tr'ondëk Hwëch'in (TH) government has recommended that 60% of the region be in SMAs, to provide sufficient likelihood that the key ecosystem services that the First Nation relies on economically and culturally will continue to be available. The difference between 39.4% and 60% is large (i.e. 20.6%), and difficult to reconcile. In the absence of actual increases in the SMA quantum in the Plan, any reconciliation will depend on the ability of the Plan to conserve the vulnerable values and ecosystem services on at least 20% of the region outside SMAs (i.e. in Integrated Stewardship Areas (ISAs) where some levels of industrial development are permitted), and allow TH to have an equal voice alongside Yukon Government in implementing the plan and in the management of public resources in ISAs. Principal among those values are caribou populations, salmon habitat, and other harvesting opportunities. We comment on this under "Stewardship outside Protected Areas" below.

Locations of Protected Areas: In many respects the proposed SMAs are well located. Those in LMUs 1 Tthetäwndëk (Tatonduk) and 4 Tsey Dëk (Fifteenmile) are contiguous, forming a large enough block to comprehensively cover many ecosystem processes (e.g., fire regimes, watershed integrity). They also link other protected areas in Yukon (i.e. Tombstone Territorial Park, and SMAs in the upper Ogilvie drainage) to the Yukon-Charley Rivers National Preserve in Alaska. They also encompass significant portions of the known distributions of plants and invertebrates that are endemic to the Yukon-Alaska region (because of Beringian origins) and many of which are rare. These proposed protected areas would also take in two Key Biodiversity Areas (Chandindu River, and Fifteenmile River)¹ identified for the conservation of some of these rare species. Protection for LMU 10 (Tintina Trench) is well positioned to secure Indigenous harvesting, and protection for LMU 20 Łuk Tthe K'ät (Scottie Creek Wetlands) is well suited for conservation of important wetland values. Protection for LMU 16 Wëdzey Nähuzhi (Matson Uplands), largely with caribou conservation in mind, is a step forward, but is very small in relation to the needs of the target Fortymile caribou herd. Consequently, conservation of this herd will depend on extensive ISAs (see our comments under “Stewardship outside Protected Areas” below).

The Recommended Plan misses an opportunity to significantly improve representation of the Klondike Plateau ecoregion which is currently not represented in Yukon’s protected areas. In fact, the Plan does not directly address ecological representation at all. The Plan’s proposed SMAs fall mainly in North Ogilvie Mountains, Mackenzie Mountains, and McQuesten Highlands ecoregions. The first two of these are already well represented in existing protected areas (Tombstone in this region and others in Peel and North Yukon regions); representation for the McQuesten Highlands is a step forward. The proposed SMAs for Matson Uplands Wëdzey Nähuzhi (LMU 16) and Scottie Creek Wetlands Łuk Tthe K'ät (LMU 20) are in the Klondike Plateau ecoregion. These will provide the first representation for this unrepresented ecoregion, which is a step forward. However, they are small, and cover only about 5% of the Klondike Plateau ecoregion, in contrast to an optimum target of 30% (given that globally ratified targets for protection call for a fairly equitable spread of the total 30% across the diversity of ecoregions). This ecoregion only overlaps other planning regions to a small extent, so the Dawson Plan is the only significant opportunity for protection of this ecoregion.

There is an opportunity to improve protection in the Klondike Plateau ecoregion, because the Recommended Plan proposes Wetland of Special Importance (WSI) status for the Ladue River drainage (a portion of LMU 19 Tädzan Dëk – White River). This proposal is not well enough described in the Recommended Plan, and needs to explicitly lay out the entire Ladue River *watershed* (in Canada) as deserving this status. **We recommend that the Ladue River watershed be identified as an SMA, to truly conserve what is the only remaining, largely undeveloped, headwater river ecosystem in the Klondike Plateau.**

Likelihood of the proposed protection actually working: It is necessary to ask whether or not the SMA status in the Recommended Plan will actually provide protection because the Plan proposes to allow development of existing industrial tenures, including mineral claims, within most of the SMAs, totalling 27.8% of the region. Only 11.6% will effectively disallow mineral tenures outright, but new forestry and agricultural tenures will still be allowed in LMU 10 (Table 1).

¹ See map of Canadian Key Biodiversity Areas at: <https://kbcacanada.org/explore/map-viewer/>

Table 1. Percentage of Planning Region in each of the LMUs by different classes of SMA designation.

LMUs (Numbers & names)	SMA's with Full protection from mining	SMA's with Existing Mineral Tenures Allowed	Thresholds of Human Footprint fall within what ISA Class?
5. Tombstone Park	5.3*		n/a
1. Tthetäwndëk, Tatonduk		20.0	1
4. Tsey Dëk, Fifteenmile		6.9	1
10. Upper Klondike	4.5**		2
16. Wëdzey Nähuzhi, Matson Uplands	1.8		n/a
20. Łuk Tthe K'ät, Scottie Creek Wetlands		0.9	2
TOTALS	11.6	27.8	
GRAND TOTALS	39.4 (34.1 without Tombstone)		

* Existing protected area in which development of historical mineral claims has been rejected by YG in recent years

** No mineral tenures, but agriculture and timber harvest may be allowed

Only already existing mineral tenures, and no new ones, will be considered in these SMA's. But, even so, the mere presence of active mineral extraction may mean that these are not recognized internationally as true protected areas, and therefore would not contribute to Canada's goal of 30% by 2030. Also the active mineral extraction would most likely be based on new road development, which leaves the questions of public access, ancillary access, and decommissioning to future processes.

The cumulative levels of human footprint to be allowed in these SMA's must fall within limits for ISA classes 1 or 2 (the most restrictive two classes) (Table 1). So, if any mineral exploration and extraction on the existing tenures is to be allowed, restriction of footprint within limits set by these classes will be precautionary. However, only class 1 has strong chance of sustaining caribou (see "Stewardship Outside Protected Areas" below). And, within a very large LMU such as Tthetäwndëk Tatonduk, intense localized development could still be accommodated within LMU-wide measures of footprint based on % surface area and km/km² density. Because of the risk of intense localized development forcing caribou and other sensitive species from parts of the SMA's, **we recommend that the Plan removes all existing mineral tenures from Special Management Areas (SMA's).**

STEWARDSHIP OUTSIDE PROTECTED AREAS

Outside SMA's, the region is divided into LMU 3 Chu Kon Dëk (Yukon River corridor) for future sub-regional planning, and many LMUs classed as Integrated Stewardship Areas (ISAs). **We strongly support sub-regional planning for LMU 2. We also think that the Stewart and White River valleys deserve their own corridor status, with discrete LMUs, given their prominence as travel routes for humans and salmon, plus their relatively high ecological productivity and ecosystem diversity.**

Integrated Stewardship Areas (outside SMAs) cover 57.5% of the Plan region. The success of this Plan, for sustainability of ecological and cultural resources, will therefore depend a lot on how ISAs are stewarded. The main tools for stewardship are: thresholds for cumulative effects (CE) indicators; spatial buffers and timing windows on key habitats, sites and species occurrences; the management of ground access routes with respect to routing, public use and decommissioning; and General Management Direction more broadly.

Cumulative Effects Indicators and Limits (Thresholds): The Cumulative Effects (CE) framework lays out a complex array of four classes of ISA, and three levels of footprint intensity (Precautionary, Cautionary, and Critical) for two indicators (% surface disturbance, and linear feature density (km/km²)). However, of various ecological values of interest to citizens in the region and beyond, only caribou is addressed using cumulative effects assessment, with limits on human footprint being put forward for the two indicators.

This planning process has decided not to include in the CE approach values associated with water and therefore salmon habitat. This is a huge disappointment and leaves a lot of concern for ongoing high risk of impacts from placer mining on water quality. The *implication* (though not explicitly stated) is that the existing Fish Habitat Management System (FHMS) put in place to deal with placer mining will be sufficient to deal with salmon issues for the near future; the Plan suggests that further research and monitoring will come up with better solutions. The FHMS includes water quality objectives and a monitoring regime with lots of data. Why haven't those been built into a CE indicator and thresholds approach for streams with potential salmon habitat? In our own analysis of the FHMS's publicly available data on water quality in the Goldfields region of this Plan (presented to the Commission in our initial comments on the draft plan), we found that surface disturbance needs to stay at a 0% threshold to maintain 'high' salmon habitat sensitivity as per the Department of Fisheries and Oceans Canada (DFO) water quality objectives; 11.3% threshold for 'moderate' salmon habitat sensitivity, and; 63.7% for 'moderate to low' salmon habitat sensitivity. We also found that a road density threshold of 0.0 km/km² was needed to maintain water quality within limits of 'high' and 'moderate-high' salmon habitat sensitivity as derived by DFO and 0.84 km/km² for 'moderate – low' salmon habitat sensitivity (our report can be provided upon request). **One can build on this analysis to adapt to other areas within the Dawson region and we recommend that a scientific enquiry and working group do so.**

The Plan tries to deal with wetlands and with salmon through General Management Direction, such as no development in bogs or marshes (which is good), and a 50% development cap on fens (which is unlikely to be effective).

Here we reproduce Table 3-2 from the Recommended Plan, for comparison to scientifically assessed limits on development, in our assessment of whether the CE approach is likely to work for terrestrial values. This Table provides the Plan's quantified thresholds, or limits, to two indicators of human footprint.

Designation	Management Intent	Precautionary		Cautionary		Critical	
		Surface (%)	Linear (km/km ²)	Surface (%)	Linear (km/km ²)	Surface (%)	Linear (km/km ²)
ISA 1	Lowest development	0.0625	0.0625	0.1875	0.1875	0.25	0.25
ISA 2	Low development	0.25	0.125	0.75	0.375	1.0	0.5

ISA 3	Moderate development	0.5	0.25	1.5	0.75	2.0	1.0
ISA 4	Highest development	1.0	0.5	3.0	1.5	4.0	2.0

The main questions are whether or not the quantified limits are supported by science, and which of them will be of any use for sensitive terrestrial wildlife species (especially caribou) for which they are designed. The published literature says the following:

- Caribou – barrenground²: negative impacts on population size when footprint above 0.8 km/ km².
- Caribou – barrenground³: declining cow and calf numbers when footprint above 0.3 km / km².
- Caribou – mountain⁴: reduction in calving rates by 20% when footprint above 0.12 km / km².
- Moose – Nova Scotia⁵: population declines when footprint above 0.6 km/km².
- Grizzly Bear – British Columbia⁶: habitat avoidance, higher mortality and lower reproduction when footprint of motorized access roads exceeds 0.6 km / km².

Comparing these published limits to the “critical” values in the right-hand column of the Table indicates that only ISAs 1 and 2 have strong likelihood of sustaining caribou and grizzly bear populations. A precautionary approach (one of the principles for this Plan) would be to apply ISA 1 status to all LMUs deemed critical for caribou conservation. **Accordingly, we recommend that LMU 21 Wëdzey Tay (Fortymile Caribou Corridor) and LMU 14 Tay Dëkdhät (Top of the World) be reclassified as ISA 1.**

We return now to the gap identified earlier between the proposed proportion of protection in the Plan (39.4%) and that proposed by the Tr’ondëk Hwëch’in (60%), a gap of at least 20% of the region. Can ISAs conserve the core ecological values (caribou, salmon, wetlands, moose) that the Plan identifies, over at least 20% of the region. The answer is probably no for salmon and wetlands, because these values are not addressed in the CE approach, and because much of the likely development activity in ISAs (i.e. placer mining) will be targeting valley-bottoms, streams and associated wetland habitats. Wetland buffering of 20 m (proposed in the Recommended Plan) ignores the precautionary principle and will be less than is required to remove large risk of sediment inflow overland based on published science (see Detailed Comments below). The proposed attempt at true protection of some wetlands (Scottie Creek, Ladue, Flat Creek), by way of the Wetlands of Special Importance (WSI) designation, could be very valuable. However, one of these (Scottie Creek) falls within an SMA where existing mineral tenures would be allowed to proceed. The same would appear to be true for the Ladue River which is in LMU 19 Tädzan Dëk (ISA 1), but the text does not specify, nor does it suggest geographical boundaries for this WSI. Those boundaries should be the entire watershed. Overall, there are few constraints on impacts of the placer

² Vistnes, I., Nellemann, C., Jordhøy, P. and Strand, O., 2001. Wild reindeer: impacts of progressive infrastructure development on distribution and range use. *Polar Biology*, 24(7), pp.531-537.

³ Nellemann, C., and R. D. Cameron. 1998. Cumulative impacts of an evolving oil-field complex on the distribution of calving caribou. *Canadian Journal of Zoology* 76:1425–1430.

⁴ COSEWIC. 2014. COSEWIC assessment and status report on the Caribou Rangifer tarandus, Northern Mountain population, Central Mountain population and Southern Mountain population in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. xxii + 113 pp. (Species at Risk Public Registry)

⁵ Beazley, K.F., Snaith, T.V., Mackinnon, F. and David, C., 2004. Road density and the potential impact on wildlife species such as American moose in mainland Nova Scotia. *Proceedings of the Nova Scotian Institute of Science*.

⁶ Proctor, M.F., McLellan, B.N., Stenhouse, G.B., Mowat, G., Lamb, C.T. and Boyce, M.S., 2020. Effects of roads and motorized human access on grizzly bear populations in British Columbia and Alberta, Canada. *Ursus*, 2019(30e2), pp.16-39.

mining on water quality and wetland integrity, and very few riparian/wetland systems will remain intact outside of SMAs.

The answer is a conditional yes for caribou and moose because ISA 1 comprises 15.7% of the region, and ISA 2 comprises 13.1% of the region. The Porcupine and Hart River caribou herds are most secure. The Clear Creek caribou herd remains insecure with this Plan because much of its range is in ISA 4 (LMU 9). The Fortymile caribou herd lies somewhere in between because a substantial proportion of its range lies in ISA 2 and ISA 3. So, we repeat **our recommendation (from above) that LMU 21 Wëdzey Tąy (Fortymile Caribou Corridor) and LMU 14 Tąy Dëkdhät (Top of the World) be reclassified as ISA 1.**

Spatial Buffers and Timing Windows: Spatial buffers, and especially timing windows, are mentioned in the Plan (mostly in General Management Direction) for specific resource values: sheep, raptors, and migratory birds. We agree that this approach is valuable to conserving key habitats, species occurrences, and sites. We detail our concerns later in this document. Overall, the Plan does not specify what those timing windows or spatial buffers should be, so lacks the detail to be implementable. **We recommend that the Plan include specific details on timing windows and spatial buffers so that users of the Plan can readily implement it.**

Access Management: The Recommended Plan includes a number of positive decisions (e.g., Dempster Highway corridor; access management planning in certain LMUs) and useful direction in General Management Direction. It misses two opportunities to make steps forward for conservation. The first is that it does not prescribe any Off-Road Vehicle Management Areas; it only recommends that the Parties and associated agencies consider options. This is disappointing considering the prominent effect of motorized vehicles in remote areas inducing caribou to avoid tracks and trails, thereby reducing the amount of available habitat and forcing extra movements. It is unlikely that the mapping of linear features required for applying the CE thresholds in ISAs will be detailed enough to include all ORV trails. **We recommend that the ISAs critical for caribou conservation be classified as ORVMAs in the Plan, with ORVs restricted to using a mapped set of trails that provide general access to some areas but leave large areas undisturbed.**

The second is that the Plan defers decision-making about public access along new roads to future discussions between the Parties, and future access management planning. New resource access roads should not be publicly accessible because of the added game harvest and habitat alienation that will result. **We recommend that the Plan includes prohibition on public use of new resource access roads, a component of the Resource Road regulation (under the Territorial Lands (Yukon) Act) previously drafted by Yukon government.**

IMPLEMENTATION

Implementation is a much bigger concern for the Dawson Regional Plan than for the North Yukon and Peel Plans because *the effectiveness of the Dawson Plan relies much more on future activities* that include monitoring of indicators for cumulative effects assessments, implementation of sub-regional planning, periodic reporting on implementation, developing proposals and advocating for further decision making regarding such processes as Wetlands of Special Importance and access management plans (that are necessary topics laid out in the Plan).

The Implementation chapter certainly attempts to cover the wide variety of issues involved. However, this Recommended Plan could be criticized because it leaves so many vital decisions to be made by future processes, often without clarity as to which agency (the “Parties”, the Implementation Committee, YLUPC?) is responsible and to what technical standards. We provide many examples of this problem in the Detailed Comments section. Principally, **we recommend that implementation be the responsibility of an Implementation Committee (with priority membership of Commission members) supported by a Secretariat that provides the technical, logistic, administrative, and communications support.**

Regarding the need for clarity in responsibilities, **we recommend that the Plan forcefully assert a process and set of institutions/agencies that will deal with plan conformity.** The most straightforward ways to do this are to (a) be very clear as to what of the discussed bodies does what, and (b) provide a summary of what implementation will include. Regarding (a), the Plan currently does not clearly tell the reader the assumed functions of the ongoing Commission, the Implementation Committee, and a Secretariat. Implementation requires two bodies – one that provides conceptual and socio-political direction, one that does the technical and communications work to achieve the implementation targets. The Plan needs clear direction on these two sets of functions, and a graphical representation of how these bodies will interact, with each other and with the Parties, other agencies (notably YESAB), and with the public as implementation proceeds. Regarding (b), the Plan needs a table or matrix (of activities by agencies) in which each of the key implementation activities (e.g., sub-regional planning; access mgmt. planning; CE indicator monitoring and conformity checking; annual reporting, etc.) is listed on one side, and all the potential agencies is listed on the other, and text in cells indicates what, if anything, each agency will do to achieve the implementation activity.

The Plan identifies the need for an Implementation Strategy but defers any decisions on this to the Implementation Committee. Implementation is a crucial part of making this Plan work, and the Commission with its planners should provide this Strategy document. **We recommend that the Plan include an Implementation Strategy for the Implementation Committee that the Parties, and all related agencies can refer to and follow.** The Plan does not need to provide the details or a set of personal work plans for implementation activities, but it does need to give more specific and concise direction than it presently does. The meat of an Implementation Strategy is the table or matrix explained under point (b) in the previous paragraph: what is the complete set of implementation activities envisaged by this Plan and who will accomplish them with what timelines? A matrix can cover off many paragraphs of text and provide clear direction.

DETAILED COMMENTS

Our comments are organized under the numbered sections of the Recommended Plan (bold type), and then by page and paragraph.

How to use this Plan

6/- From this page until page 159 the header includes the words “Landscape Management Units”, which is an inappropriate phrase for these sections. This is probably a simple mistake, but should be deleted.

1.7.2. Other Final Agreement Chapters

19/1 the Plan states that it links to other FNFA directives or topics, including: “*Have water that is on or flowing through or adjacent to Tr’ondëk Hwëch’in Settlement Land remain substantially unaltered as to quantity, quality, and rate of flow, including seasonal rate of flow (Chapter 14).*” Given the prominence of the placer industry in the region, and the lack of any monitoring of water quality, wetlands, and salmon habitat in the Cumulative Effects or other sections of the Plan, it seems unlikely that this goal/objective has been maintained or achieved. How does the Plan reconcile the FNFA and the level of attention that the Plan provides on this topic?

1.9.1 Sustainable Development

23/3 Sustainable economic activities

- It would be useful if examples of the various categories of economic activity were presented (e.g., Class 1 – subsistence harvest of big game and berries; Class 2 – sustainable timber harvesting; Class 3 – mining where the affected land cannot be restored to original conditions (e.g., certain wetlands))
- The second type referred to – activities that deplete resources from which the land can recover – needs a reference to time scale

23/4 This paragraph, dealing with unsustainable economic activities, seems logically inconsistent. It states that economic activities that permanently degrade the land are not sustainable, but that they can become sustainable through mitigations and cumulative effects measures. However, the fact is that, in cases of permanent degradation (say 7 generations or more), neither mitigations nor cumulative effects measures can reverse the permanence of the degradation; the development is either sustainable or unsustainable, based mainly on whether or not “it undermines the ecological and social systems upon which communities and societies are dependent” as per the definition. An example would help.

However, the Plan should be more honest. It is actually proposing that certain forms of unsustainable development can continue (counter to the basic principle of Chapter 11), but that some measures will be put in place to replace some of the values that are lost with other related values (i.e. partial offsetting). Cumulative effects measures, by contrast, are mainly designed to deal with the kind of economic activity referred to in the previous section – “resources are depleted but the land can recover”. Cumulative effects measures are attempts to control the amount of depletion so that the land (or water) does still have the ability to recover within a reasonable length of time to allow continued benefit to the dependent community. Cumulative effects measures cannot reverse an unsustainable pathway, which is one that leads to permanent degradation or loss of certain ecological functions and services.

1.9.2 Stewardship

23 This section starts with an insert from the Guide to Heritage Stewardship. The result is that the whole concept of stewardship is then assumed to be embedded in Indigenous approaches and world-views. Then the subsequent distinction between Ancestral and Community Stewardship becomes confusing because the latter does not seem rooted in Indigenous approaches (judging by wording). So, we recommend moving the inserted quote from the Guide to Heritage Stewardship into the Ancestral Stewardship section.

24/1 The Plan lays out two stewardship approaches, but the reason for doing so is unclear. One can infer that the reason is that stewardship can be embedded in different cultural traditions, and this would be worth stating. Also, the text could be more explicit that the Plan supports either approach.

1.9.3 Precautionary Principle

27/1 The first sentence more specifically relates to the impact assessment process rather than the planning process: how does the Plan provide direction to the impact assessment process (i.e. YESAB and other Boards) on how to apply the precautionary principle? Also, this section is not as clear in telling the reader how this Principle (in contrast to the other Principles) is used in the body of the Plan. It provides one example (Yukon River sub-regional planning), but how else is it revealed in the Plan?

28/2 In LMU 21 Wëdzey Tày, the precautionary principle is supposed to be applied for the Fortymile Caribou Herd, which is contradictive to its designation as a ISA 2. We reiterate our above recommendation in response to this and recommend that LMU 21 Wëdzey Tày (Fortymile Caribou Corridor) be reclassified as ISA 1.

2.1 Setting

30/2 There is a literal contradiction between this sentence (exclusion of land from the Planning Region) and the second sentence under Land Status (2.2) (inclusion of the same areas). This needs to be edited. It seems that these lands “are within the Region, but are not addressed by the Plan”.

2.3 Environment

33/1 The term “bisected by” should refer to the feature or process that makes the division into two parts, whereas, in this sentence, what is described are the two sections resulting from the bisection. The planning region is bisected into two distinct ecozones, rather than by them.

2.6 TH Holistic View

39/1 The first sentence in this section - “The Tr'ondek Hwëch'in traditional view of the land is much different than as described above in this section” – is confusing. Is this an error? A literal reading states that the TH traditional view is much different than the TH traditional view as described earlier (in some undefined section). Yet the sections above (those in part 2) frequently refer to the TH view of the world.

2.7 Climate Change

39/- This is an important and useful section. Right now it focusses on trends. This leaves out two key points:

- Increases in precipitation do not necessarily lead to better growing conditions for plants because increases in temperature can offset the precipitation through higher evapotranspiration.
- Trends indicate real changes, but are statistical summaries of inter-annual or inter-seasonal variability. The climate projections suggest increasing variability, with more extremes in temperatures and precipitation events. These are more often the events or features of change that have most impact, for example through flooding and heightened fire risk.

3.2.3 Sub-Regional Planning Areas

43/1 A sub-regional planning process is recommended for LMU3: Chu Kon Dëk. This is excellent. However, we can find no place in the plan that tells how this corridor is defined spatially. Is it a fixed

width corridor with reference to the mid-line of the water? Is it a space defined by lateral distance from the high water mark on the river's banks? The Plan needs to state this, ideally in the description of the LMU itself. Without it, the proposal to withdraw options for new land tenures on an interim basis, and the actual actions of a sub-regional Planning Commission, are at risk and compromised.

3.2.4 Overlay Areas

3.2.4.1 Caribou Stewardship Area

44/- Two LMUs are listed as having particularly high caribou values, but are not SMAs: LMU 7: Wehtr'e (Antimony) and LMU 21: Wëdzey Tay (Fortymile Caribou Corridor). Existing mineral and other tenures (and there are substantial numbers) in these LMUs are open for development, but the Plan recommends withdrawing these LMUs from new mineral staking *on an interim basis*. Conditions for removing the interim withdrawal include development of an Access Management Plan or re-assessment at a 10-year Plan review. These are good initiatives.

3.6 Cumulative Effects Management

3.6.3.1 Recommended Plan Indicators

53/1 The Indicators are limited to two terrestrial ones, both related to ecological values. The lack of aquatic indicators, and socioeconomic indicators, is a weakness given the pervasive impacts of placer mining, and the impacts of mining and tourism on permanent residents of the Region.

3.6.3.1.1 Surface Disturbance

53/2 First bullet indicates that reclaimed or recovered areas are not included in surface disturbance. What agency and process is considered the authority to define an area as reclaimed or recovered? This needs to be specified in the Plan, otherwise it is not implementable.

The fourth bullet states that surface disturbance within the 600 m road corridors will not be considered. This means that there is then no incentive to reclaim or restore such disturbances, unless under some other legislation and regulation. Is that a fact, or does this mean something different?

3.6.3.1.2 Linear Feature Density

55/3 The first bullet over-states the relative impact of roads, to some extent, by emphasizing *intensity of use* as the dominant effect of linear features. Yes, ungulate avoidance and mortality from roadkill and hunting may increase with intensity of human use of a corridor. However, the process whereby linear features impact ungulates, by increasing predation pressure, is more likely to be inversely related to intensity of use by people: wolves are more likely to use linear features that are not often used by people. So, the most prominent reason for not considering different classes of linear feature separately is that the different processes whereby the linear features affect ungulates act differently with respect to feature type and intensity of use by people. The metric of km/km² is a good umbrella metric to cover all processes.

The second bullet needs rewording. Its current wording literally means that the linear feature can be up to 2 km long to have an effect. It should talk about an up to two-km wide *zone of influence* on each side of the linear feature.

3.6.3.2 Applying Thresholds

56/Table 3-2 The document provides no reference as to how the quantitative measures were reached and decided; what science or knowledge is behind these thresholds?

57/Table 3-3 This Table explains three tiers of thresholds. It seems that three tiers may be unnecessary. Why can't two levels be enough? – a level that sends a note of caution, and a level that should not be exceeded. As written, the Precautionary Level is in place to “improve information collection and understanding of cumulative effects in an area”. If the means of measuring the indicator (i.e. collecting the information) is not already as good as it can be then the whole exercise is questionable: in other words, this step should be unnecessary. As written, the Critical Level “represents the point at which the indicators have reached acceptable levels”. This should read “unacceptable levels”; indicators increase through various stages of acceptability to reach a threshold above which things are unacceptable.

4 Cumulative Effects Framework

There is a lot of repetition between this section and section 3.6 (Cumulative Effects Management). If Cumulative Effects deserve a whole detailed chapter in this Plan (i.e. this section 4), then we suggest that section 3.6 be reduced in length, so that it gets similar attention/length in section 3 as do the other Concepts. Much of the material in section 3.6 is well laid out, and could replace or amplify parts of section 4 (some of which is not as well presented, and is repetitive).

59/Fig 4-1 This Figure is incomprehensible as presented. Based on the words and arrows in the top line, there is a flow from left to right, and that seems to hold (and make sense) for the top row of boxes. And perhaps the adaptive mgmt. arrows on the bottom can realistically be viewed as relating to the top row of boxes through a process of iterative decision making. However, the Thresholds box sits in limbo with no clear relationship (it logically should sit in a flow between indicator monitoring then circling back to Assessment). The second row of boxes is not readily relatable to other parts of the figure: Is this another left to right flow? What is the difference between Indicator and Effectiveness Monitoring (both need indicators)? How do Future Scenarios play into an adaptive mgmt. approach? The figure could use some work to make it more understandable.

Figures 3-1, 4-1 and 4-3 all seem to be putting across much of the same information (all are built around values, indicators, and monitoring with adaptive responses). Having so many figures, often using the same terms, muddies the water. There is one process (right now well illustrated in Fig 3-1), and one figure should suffice, particularly if thresholds and actions/responses are added to it.

4.2.1 Values

60/Fig 4-2 Salmon is listed as a value here but then is lost from the further discussion. Why is it dropped?

61/4 The Plan states: “The following is a sampling of potential indicators that are being considered...” Why does the Plan talk about work that is still to be done? The Plan should be putting forward decisions – which indicators have been chosen and why? If ‘work on indicators is ongoing’, what is the process and timeline for making decisions and getting the work completed?

Socio-economic indicators: Human population is missing. It is crucial to understanding many of the others. As human population increases, ability to meet subsistence harvest needs will decline, and harvest effort will increase.

4.2.3 Thresholds

63/3 The text lists a number of factors that were used to set quantitative levels for thresholds. Most of these are subjective, or economically driven for establishing an ecological threshold. An ecological threshold is affected by ecological relationships; economic and social factors should not be considered in the establishment of such thresholds. Those factors may be relevant when it comes to assessing management actions when the ecological limits (cautionary, precautionary, etc.) are reached. As established and explained here, one can have very limited confidence that the ecological thresholds actually relate to the persistence and sustainability of the value in question.

Also, there is no explanation for how the various factors were combined in some multifactorial approach to threshold setting. For example, how would growth scenarios about gold production impact an ecological threshold? Were the ecological thresholds relaxed because future placer gold production has to be accommodated?

4.3.1 Current Conditions & 4.3.2 Future Scenarios

The titles and content of these sections overlap and are not consistent. Current conditions are defined as including past and foreseeable conditions, so why is the title restricted to current? But then the text says that current conditions do not include foreseeable disturbance. Then the section on Future Conditions deals with foreseeable conditions, in a modelling sense. This needs some clarity as to what is being talked about.

The Recommendation for further modelling seems misplaced; there are no empirical data from this region on relationship of footprint and surface disturbance with the values in question (moose and caribou behaviours or population persistence). So, it seems that gathering empirical data is much more important than hypothetical modelling.

4.4.1 Informing Decisions

64/- This may be the most important section of the whole Plan: will any of the thresholds put forward in the Plan ever have any meaningful effect on what people do on the land? Rather than listing examples in Fig 4-4, the plan should diagrammatically depict the scenarios/processes so there is clarity in how this plan and thresholds should be implemented.

The text mentions YESAA, a development assessment process, and “other decision-makers”. What are all of these decision bodies (where are they housed within Governments or regulatory bodies)? How will they be informed of the Plan’s direction? How do they interact with each other, and which one(s) is the ultimate decision-maker for each or all of them?

The text states that “The expectations are set out in Section 4.5 – Cumulative Effects Framework: Monitoring (page 67) for the appropriate mitigations at the precautionary, cautionary, and critical threshold levels.” This does not seem to be the case, in that the three levels are not mentioned in Section 4.5 (they were presented in section 3.6 – so this is another example of where the detail in 3.6 was unnecessary and would better be in Section 4).

4.5 CUMULATIVE EFFECTS FRAMEWORK: MONITORING

67/1 This may be the second most important part of the Plan. How will useful data regarding the thresholds be gathered and made available to the regulatory and decision bodies? As its written there is no mention of which agencies will be responsible for gathering the required data to track indicators, doing the analysis, and then making the information available to the regulatory bodies. There is text recommending certain general actions, but no explicit responsibility is given.

There is a list of three elements to the monitoring regime, but these are not clearly distinct and lack detail.

- “Ongoing tracking and mapping”: What standards should be applied by the agency doing the mapping? Are these the current Yukon Environment standards referred to in Section 4.3.1, and if so, which agency updates and follows these Standards? How will the digitally updated mapping be made available to the public and agencies (the Geomatics website?)? What does “ongoing” mean; what time frame for actual digital updates?
- “Annual Regional planning commission report”. What is this? Is this an expected annual report just about monitoring indicators, or is this a more comprehensive report from the Commission that will be written each year? What indicators are expected to be in the Report? Why a Planning Commission report when Planning Commissions normally disband after the Plan is ratified by the Parties?
- “Year status report”. How does this differ from an Annual Planning Commission report? They would seem to be the same thing. This would report on the status of what? What agency would produce this Report?

4.5.1 Cumulative Effects Framework: Recommendations

68/Policy Recommendation 3. Having made fairly detailed recommendations regarding the need for indicators for socio-cultural and socio-economic values, this recommendation then lumps all other values in a relatively cursory single sentence. Those other values include extremely important values associated with water, wetlands, and salmon. From an ecological point of view, this is a big gap. Some wetland types are among the least common ecosystems in the region, and also the most threatened by mining. Salmon are highly valued subsistence foods, and are directly threatened by mineral exploration and extraction, plus climate change.

This approach also ignores the existence of a placer management regime that includes a water quality monitoring process and sampling. In other words, data are available, and could be related to the sustainability of the resource (water quality, salmon). Why is this overlooked?

68/Policy Recommendation 4. This states that “The Parties must define what is meant by reclamation and restoration and how these concepts relate to the Dawson Regional Plan’s cumulative effects framework”. This is misleading because the next paragraph provides a fairly detailed definition of restoration. The document uses two terms – reclamation and restoration – repeatedly, yet does not formally provide definitions (in the glossary), so the plan provides no direction to the implementation process (are these different processes, or two words for the same process?). This Plan should do the hard work of providing definitions, and of telling the plan implementation process what agency and process would be deemed sufficient to judge satisfactory accomplishment of reclamation and restoration.

69/12. Recommended Action It is not clear that the topics/scope of the medium and long term steps for providing cumulative effects indicators to the public are really different. The medium term goal of “an

indicator tracking system to be publicly accessible” and the long term goal of “an online platform that would allow proponents to have information” do not appear to be different. A publicly accessible indicator tracking system would have to be an online platform, and in both cases the information to be communicated is the indicator measures by LMU.

5 GENERAL MANAGEMENT DIRECTIONS

5.1.1 How to Read this Section

71/Table 5-1 This Table brings in the word “Strategies” without having used it earlier in this section, and without having defined it. Consequently, the wording in the Table is somewhat confusing. What is a Strategy? Plan Objectives logically relate to Outcomes, apparently by way of Practices (though this is not explicitly described). The Table has a box dealing with Practices, but then seems to describe Practices as strategies, approaches, and actions. Is strategy just another word for practice, as apparently are actions and approaches? Perhaps by using less conceptual nouns and keeping the language consistent this will be less confusing.

5.2.1.1 Caribou

76/Recommended Management Practices Many of these Practices are logically incomplete or lack sensitivity to the biology of caribou.

a. The phrase “a safe operating distance from caribou” does not depict reality. Caribou *are not static* (i.e. fixed in space) on the landscape; if the habitat has some general suitability for them, they could well pass through and use it. However, most mineral exploration and especially extraction activities *are largely static*. Consequently, where caribou occupy a landscape with mineral activity in it, then it is the caribou that judge what is a safe operating distance, and they abandon habitat that is not safe. The question is how much habitat can they afford to abandon before they suffer demographically. That issue requires application of the cumulative effects guidelines regarding surface disturbance and especially linear feature density. So the recommended Practice should be rigorous application of the cumulative effects guidelines within the precautionary levels.

For mineral exploration activities that are not static (e.g., staking and reconnaissance), the phrase is also problematic in that both the caribou and the human activity are in motion, and the caribou are more likely to respond first. Yukon Environment has some existing best practices (e.g., “Flying in Caribou Country”) for a part of this problem. Can these be specified here?

b. The recommendation here is for “avoidance” of high levels of activity” within high quality caribou habitat”. However, no reference is given for where the high quality habitat is, so it is not possible to apply this Plan directly. Also, the recommendation is to “avoid” but within the cumulative effects threshold. The word “avoid” in English means outright prohibition, but cumulative effects guidelines do not deal with “prohibition” unless the limits are to be exceeded. Therefore, the text is not clear.

c. Once again the recommendation is for “avoidance” of high levels of activity” but within migratory routes. However, no reference is given for where the migratory routes are, so it is not possible to apply this Plan directly. Also, the recommendation is to “avoid” but within the cumulative effects threshold. The word “avoid” in English means outright prohibition, but cumulative effects guidelines do not deal with “prohibition” unless the limits are to be exceeded. Therefore, the text is not clear.

d. Map 5 is referred to as the source of information as to where to apply this practice. However, Map 5 does not provide sufficient information on seasonal ranges, or on migratory routes of the herds, so the practice cannot be applied within the wording of this Plan. Also, this practice depends on “timing windows”, but no timing windows are given in this section, so it cannot be applied. On page 239, the plan says that timing windows that reduce industrial impacts to moose and caribou should be applied as guided by regional biologists or as determined by the parties. We suggest moving this text to this section and explicitly state who has authority for these.

77/13. Research recommendations

The third bullet is too difficult to understand: “mitigations” regarding what? “efficacy” of what? The fourth bullet is largely completed already. The existing lichen mapping should be enough for this Plan to include specific recommendations regarding forest fire suppression in specific land cover types (i.e. habitats with high lichen availability) by LMU. The science already exists, and this Plan should directly apply that science. Pushing this whole issue into the future is putting these caribou herds at higher risk, because, once winter range has burned (with loss of lichen), recovery takes a minimum of about four decades.

Timing windows: The notion of timing windows within which activities on the land would be stopped to avoid disturbance to local caribou is mentioned in at least one LMU (21. Wédzey Tąy Forty-mile caribou corridor). However, no specific windows are provided, and the general direction is for this to be set up “by the Parties”. This is weak because there is risk that it will be overlooked (it is not explicitly part of Plan implementation if it falls to the Parties), and there is nothing for assessment agencies to work with in the short term (e.g., YESAB in its setting of conditions on recommendations regarding development; government agencies producing public notices regarding landscape-specific trail closures).

5.2.1.2 Moose

It is not clear that the Objective (A resilient and growing moose population sufficient to support herd health, as well as current and future harvest levels) is realistic. To a large extent, a growing moose population will result in a declining caribou population, because good moose habitat is often poor caribou habitat, and because more moose will support more wolves that will also prey on caribou. Assuming ongoing harvest levels, achieving growth in the moose population is most likely to depend on increasing the extent and quality of habitat, which may well compromise caribou habitat. So, the Objective probably should be toned down to reflect need for ongoing harvests and maintenance of populations *in conjunction with* the ongoing maintenance of caribou populations.

79/Recommended Management Practices These Practices do not provide enough information for this Plan to be applied. No reference is provided for where key calving areas, post-rut aggregations, movement corridors are located, or where that information could be acquired. Consequently, these practices are not detailed enough to be useful.

5.2.1.3 Salmon

82/ Box regarding FHMS Why is this Box presented? Does this Plan consider the Fish Habitat Management System (FHMS) sufficient to sustain salmon populations in the future? If so, the Plan needs to state as much, when presenting this information. Also, if the Plan thinks the FHMS is sufficient, then why isn't the

Water Quality Monitoring protocol explicitly built into this Plan within the cumulative effects monitoring (section 4)?

The two stated objectives of the FHMS are actually incompatible. Placer mining directly destroys and compromises the quality of fish habitat. To sustain an ongoing placer industry with no time horizon will result in ongoing loss of fish, notably salmon, habitat, and **long-term** loss of carrying capacity for a number of fish species.

82/Objectives They are statements of apparent fact and do not put forward projections of improved future condition (which is what most other Objectives in this document do).

82/Planning issues There are a number of key planning issues that involve the placer mining industry. However, this Plan does not address these pressing issues beyond reference to the FHMS. Once again, why is the Plan silent on water quality guidelines in the cumulative effects section?

5.2.1.4 Sheep

85/- The introductory paragraph does not adequately include reference to lower elevation sheep populations in the south of the planning region.

Recommended Management Practices

85/Box The intent and general advice of Special Management Direction is good, but as written here, and in the Direction for each LMU, the Direction is unworkable because of internal inconsistencies and lack of detail. LMUs 1, 4 and 7 have high sheep values and two are also proposed SMAs. The direction for “Avoidance of industrial activities within sensitive sheep habitats and key areas, with emphasis on winter range avoidance (Map 5 – Ungulates)” is inconsistent in that industrial activities on already established tenures will be allowed in these LMUs and these tenures overlap sensitive sheep habitat by default given the level of detail in Map 5. Therefore, “avoidance” is an impossibility. The only ways for this Direction of “avoidance” to be logically consistent is to extinguish mineral tenures within the large swaths of these LMUs that are “sheep habitat” in Map 5, or to provide reference to better mapping that specifically shows “sensitive habitats” and “key areas” and also extinguishes mineral tenures in those sensitive habitats and key areas. Where adequate mapping of sensitive habitats and key areas is lacking, then the Plan should indicate whose responsibility it is to produce such mapping (i.e. the proponent of the development activity) and which agency should validate the quality of the mapping.

The direction for “Implementation of timing windows for land use activities and aerial access restrictions during lambing periods in areas of known key sheep habitat” cannot be implemented with the information in this Plan. First, the SMD text within each LMU description only refers generally to “timing windows”, as does this section. So, timing windows are not prescribed (i.e. specific dates of the year) in this Plan, and therefore cannot be implemented. This applies for any sensitive season, and the text is not clear as to what seasons require prohibitions on access during “timing windows”; winter and lambing seasons are both talked about, but without clarity in this SMD section.

5.2.1.5 Grizzly and Black Bears

86/4 Key Planning Issues: The second bullet regarding linear feature density is valuable, but could be improved by: (i) providing a reference for the quoted cumulative effect threshold (i.e. Lamb et al. 2018

Journal Applied Ecology); (ii) directing the reader to a more appropriate section of the Cumulative Effects chapter, which is the Table now in section 3.6 on p. 56, rather than the beginning of section 4. From that Table, one can then infer that the Plan is only recommending the conditions (critical thresholds) for ongoing persistence of grizzly bears in SMAs plus in ISAs 1 & 2, but not in ISAs 3 and 4. In other words, the first Objective for Grizzly Bears in this Plan does not apply to about 30% of the planning region (ISAs 3 & 4 plus Community Area). To be honest, the Plan should state this.

5.2.2 Other Fish and Wildlife Habitat

5.2.2.1 Resident Fish Species

88/Key planning issues: The full title of this section refers to the wrong species and needs to be changed.

5.2.2.2 Migratory Birds and Raptors

88/2 This introductory section fails to acknowledge the relatively high value and strong nest-site fidelity by raptors for some portions of river corridors (e.g., Peregrine Falcons) and by other raptors for specific nest sites in forested areas (e.g., Northern Goshawk, Great-horned Owls). Areas above 1,000 m are not the only areas of high value; the whole planning region needs to be considered.

89/Key planning issues: The full title of this section refers to the wrong species and needs to be changed. The first bullet refers only to migration as key periods, but nesting is a more sensitive time period because nests are fixed in space and time (migratory birds have some flexibility in flight paths). Seasonal timing windows, and spatial buffers around nests, need to be employed by people in all activities on the land, so as to avoid conflicts.

The high value of some sections of river corridors for raptor nesting adds support for sub-regional planning in the Yukon River Corridor at least, and this deserves mention.

89/Recommended Management Practices. The need to employ spatial buffers and timing windows should be listed under Recommended Management Practices. Many raptors use nest sites, or nesting areas of limited spatial extent, repeatedly across years. There is solid science to support explicit spatial buffers and timing windows for the limitation of human disturbances to those sites during nesting. The Plan should specify that assessment agencies require proponents to employ these practices.

5.2.2.3 Species at Risk and Rare Endemic Species

90/Objectives It is valuable that the Plan is addressing rare and endemic species. However, the wording is somewhat confusing.

Objective 1. uses the word “resilience”, which means the ability to recover to original condition following a disturbance. It is not clear that “resilience” is appropriate. What is the disturbance or set of disturbances in question? What can a Plan such as this do to enhance resilience? Resilience rests on the life history traits of the organism, and it is unlikely that this Plan would be pursuing modifications to life histories. It seems that “persistence of viable populations” of the species in question would be a more appropriate objective.

Objective 2. addresses ecosystems, which are not the subjects of this section (it deals with species). If “critical, rare or unique ecosystems” have been identified in the planning region (e.g., the rarity of lakes, and certain wetland types), then this objective can have value, but the title of the section would have to be expanded. As it stands, this section only mentions ecosystems in one objective, and no-where else, so the objective is effectively orphaned.

90/Recommended Management Practices

Practice “a” is unnecessarily restricted to Canadian Wildlife Service and Government of Yukon, when the broad scientific literature, including practices in other jurisdictions, plus non-governmental scientific organizations, can provide suitable practices.

5.2.5 Wetlands

98/Wetland Thresholds Thresholds of allowable disturbance are to be “measured at the scale of a permit area or claim block”, and specifically for fens as 50% of the area. Why are there two potential denominators to this metric? And what are definitions for these (e.g., in the glossary)?

The existence of a thresholds approach to wetlands needs to be explicitly acknowledged in the Cumulative Effects section of this Plan (section 4). At present, that section gives the impression that this resource value is not directly addressed.

99/Climate Change and Wetlands The text suggests that climate change emergency is seriously considered in this Plan. We respectfully disagree. The continued allowance of disturbance to carbon-rich bogs and marshes where they overlap existing mineral tenures, the continued destruction of up to 50% of fens in many LMUs, the ability to destroy swamps with no limits, and the lack of any calculation and monitoring of the loss of sequestered carbon to result from all these surface disturbances combine to mean that ongoing destruction of wetlands will continue to be a substantial but unmeasured contribution to greenhouse gas emissions.

100/47. Policy Recommendation This could be a particularly important and useful recommendation, but some clarity is required. First, three disjunct areas are proposed as Wetlands of Special Importance. However, there is no detail provided as to the spatial extent and exact locations (mapped) of these WSI. Does Scottie Creek refer to the full LMU 20? What are the spatial extents of Ladue River and Flat Creek? Without this information, the direction for a WSI proposal is vague.

Second, what agency should have the responsibility of preparing the WSI proposals? Responsibility needs to be designated in a Plan such as this.

Third, this Plan needs to be clearer about the fate of existing mineral (notably placer) tenures in these areas. Elsewhere (45. Policy Recommendation) the Plan states that the prohibition on development in undisturbed fens in LMU 19 Tädzan Dëk (which encompasses Ladue River) “does not apply to existing permits”. Would that rule also apply to Ladue River within a WSI proposal, or does this Plan advocate extinguishment of existing placer tenures in the Ladue River if it is to become a WSI? How about mineral tenures within the other two suggested WSI? These issues need to be explicitly laid out.

100/50. & 51. Policy recommendation – Buffers A buffer of 20 m is proposed around wetlands other than swamps, and is put forward as a management approach until further research can provide more information. This may be a useful recommendation, but it could also be a case where the precautionary principle, espoused earlier, is ignored. The Plan advocates for reviewing the literature to improve the recommendation: why doesn't this Plan do that work and provide an approach based on solid evidence. First, why are swamps not included? Second, why 20 m; what science was used to reach this figure? For example, a scientific review paper on the subject (Castelle, A. et al. 1994. Wetland and stream buffer size requirement: a review. *Journal of Environmental Quality* 23:878-882) indicates that buffer widths would vary depending on what disturbance to the wetland is being buffered. That review suggests that moderation of impacts on water temperatures can occur with buffers of 30 m width, and that up to 60 m are required for removing risk of sediment flow from disturbed areas into the wetlands. Those are two of the principal direct effects of placer operations on wetlands. Buffers to conserve habitat quality for vertebrates would need to be much wider (see also: Kihlsinger, Rebecca L.; McElfish, James M. Jr.; and Nichols, Sandra S., "Planner's guide to wetland buffers for local governments" (2008). KIP Data Sets and Technical Reports. 106. https://digitalcommons.usf.edu/kip_data/106). All of this suggests that a 20 m buffer may be inadequate. If the Plan were to seriously employ the precautionary principle, then it would start with a relatively wide buffer and implement research to determine whether reduced buffers would be problematic. This Plan appears to be taking the risky approach of avoiding precaution and relying on future research to fill the knowledge gap; by which time the damage is done and the notion of a buffer is relatively meaningless.

5.4.1 Mineral Exploration and Development

126/Recommended Mgmt Practices Section "a" should be expanded to include other currently existing best practices, so they are not overlooked: Government of Yukon 2008. Flying in caribou country. Yukon Environment, MPERG Report 2008-1. <https://yukon.ca/en/flying-caribou-country> , and Government of Yukon 2002. Flying in sheep country. Yukon Environment, MPERG Report 2002-6 <https://yukon.ca/en/flying-sheep-country> .

5.4.3 Transportation and Access

5.4.3.1 Existing Highway Access

5.4.3.1.1 Dempster Highway Corridor

132/87. Recommended Action The decision to pursue a sub-regional plan for the Dempster Highway corridor is a good one. The first bullet in this Action should have more detail in this Plan. It states that "The corridor planning area should be defined jointly by the Yukon Government, affected First Nations and the Gwich'in Tribal Council". The Dawson Plan should advocate for a specific and useful corridor width within which the stated values associated with the corridor (ranging from viewscapes, to aggregate resources, to controls on vehicular access, to key wildlife habitats) can be adequately managed. A previous statement (on p.131) points out the current width of the Dempster Highway Development Area Regulation as being 8 km on each side of the centreline. This seems to be a minimum width suitable for addressing the stated resource values.

5.4.3.1.2 & 5.4.3.1.3 Highway Corridors

132-136/- The Top-of-the World and the North Klondike Highway corridors are defined as being 600 m in width (300 m on each side). Yet, each acknowledges issues of viewscapes, ORV vehicle use, access to

aggregate resources, and risk of disturbance to wildlife. It seems that such a narrow corridor is not wide enough to deal with these issues, and needs to be expanded to at least 1 km on each side.

134/90. Research Recommendation This concerns ORV use and disturbance to wildlife. But it is weak. It pushes any decision-making into the future, and so perpetuates a management problem especially with regard to disturbance to caribou (a key resource value in this Plan). It suggests that the Dawson District Renewable Resources Council (in collaboration with unknown other entities) monitor ORV use for problems and impacts, and identify areas for potential ORV Management Areas (that is total or partial exclusion zones). Given that ORV use is already an issue, the Plan could be more visionary and put in place an ORV Management Area defined as an exclusion zone apart from certain key trails.

5.4.3.2 New All-Season Surface Access and Winter Roads

136/- This section is generally strong and addresses an important aspect of the Plan. The question of how recommendations and guidance will get implemented is somewhat unclear. Often the responsibility is left to the Parties, for most aspects of both specific plan implementation (e.g., access mgmt. plan for LMU7 Wehtr'e) and ongoing reviews of specific project proposals and their access management. This is potentially weak because it leaves a void in how Parties would work together and communicate to do the work: do both Parties do the work (redundancy) or do they establish a joint working group? Who will fund these activities and associated staff within each of the Parties? It also misses the necessary role of the Implementation Committee in achieving some specific activities including: access management planning in LMU7 Wehtr'e prior to lifting of the interim withdrawal, higher level access mgmt. planning in four LMUs (p. 140, section 5.4.3.2.2), plus the development and implementation of a framework for monitoring access developments. These are specific implementation requirements originating in the Plan and not the responsibility of any other agency. They must be overseen by the Implementation Committee, and reported on to the public for compliance and oversight. It is important that this Plan articulate responsibilities and interagency processes for these various aspects of what is plan implementation, and adequately bring the Implementation Committee into the text for the various situations where it's role is essential.

5.4.3.3 Off-Road Vehicle Access

142/Recommendations to the Parties The Plan only supports the option for DRRRC to pursue new ORV Management Areas. The Plan should step forward and actively establish some new ORVMAs in areas where ORV activity is already a substantial risk and needs to be controlled. In particular, LMUs crucial for conservation of the Forty-mile caribou herd (LMU16 (Matson Uplands) & LMU21 (Wedzey Tay) could become ORVMAs with limitation of ORV use to existing trails (as does the current ORVMA for areas above 1,400 m asl).

5.4.7 Forestry

155/25. Research Recommendation This section recommends pursuit of the biomass energy industry in the region. We disagree. Burning biomass (in the Yukon's case, trees that have grown over many years) is a net contributor to Greenhouse Gas emissions on an annual basis. Although wood is a renewable resource, biomass energy is not a green or carbon-neutral source of energy. It is not entirely appropriate to pursue this objective in the context of mitigating climate change.

7 PLAN IMPLEMENTATION

7.2 PLAN IMPLEMENTATION RESPONSIBILITIES

275/139. Recommended Action “The Parties and YLUPC should continue to fund the DRPC”

&

277/140. Recommended Action “The Parties should jointly establish an Implementation Committee within one year of Plan approval.”

Both of these Recommended Actions address a crucial issue in the future value of this Plan: how will it be implemented, used, and assessed. This is a much bigger concern for the Dawson Region Plan than for the North Yukon and Peel Plans because *the effectiveness of the Dawson Plan relies much more on future activities* ranging from monitoring of indicators for cumulative effects assessments, implementation of sub-regional planning, periodic reporting on implementation, developing proposals and advocating for further decision making regarding such processes as Wetlands of Special Importance and access management plans (that are necessary topics laid out in the Plan).

The skill sets required for effective implementation are, at least: (i) knowledge of the thinking and compromises built into the Plan (i.e. continuity of knowledge); (ii) effective representation, politically, from each of the Parties and other affected First Nations; (iii) technical assessments of indicators, largely from remote sensing, for compliance monitoring; (iv) facilitation of bureaucratic proposals, processes and negotiations that the Plan depends on and sets in place (e.g., access mgmt. planning; communications with regulatory bodies such as YESAB); (v) compilation and writing of reports and assessments mandated by the Plan.

The problem with interpreting this section of the Plan is that the functions of the proposed bodies – a continuing DRPC and an Implementation Committee and potentially a Secretariat– are not explained. That is, which of the at least five functions or skill sets listed above will these bodies have responsibility for? As written, we assume that the Implementation Committee is the political and oversight body, and that a Secretariat (mentioned later in this section of the Plan) would do the technical and administrative work. If that is not the division of responsibilities envisaged by the Plan, then the actual division needs to be made clear right up front with any introduction of the bodies involved.

In that context, we think it is unnecessary to have two bodies (the DRPC and an Implementation Committee) do the political and guiding work, because of the extra costs, likely duplication of effort, likely disagreements as to actions and therefore stalling of processes, and no clear and specific gains to be achieved. We recommend just an Implementation Committee, but with priority membership of former Commission members. A continuing Commission, despite the option for continuity in Chapter 11 of the UFA, risks functioning unfairly and ineffectively because some members will have to drop out (necessitating replacement processes that are cumbersome and contentious) and because the implementation work is largely technical and not within the Commission member’s capacities. If the Commission continues on and becomes the guiding body for Plan implementation, it will probably require advice from the agencies that the Plan requires as partners in implementation – such as YESAB and Yukon Water Board. How will that be achieved? We provide some thoughts under Implementation Committee below.

The Plan needs to assert that the Parties “should establish a Secretariat to provide the technical, logistical, organizational, and communications capacities required for implementation”. The Secretariat

has to include planning staff with geomatics, facilitation, and communication skills. The Secretariat cannot reside within the bureaucracy of one or other of the Parties due to risk of bias. It could be effectively housed within the YLUPC, and the Plan needs to make this decision.

7.2.2 Implementation Committee

276/Fig 7-1 and associated text This Figure and associated text leave a lot of uncertainties and general lack of direction. First, the Figure lacks arrows so relationships are not clear. Second, the inclusion of DRPC as members of the Implementation Committee is unclear. In an earlier section, the Plan recommends that the DRPC remain active, but this has potential costs and risks (see section above). Does the Plan suggest that the only role of DRPC is as members of the Implementation Committee? If so, how many members and members appointed from which Parties? A more streamlined approach would be for the Parties to be told that they should put priority on choosing DRPC members as their representatives on the Implementation Committee. Third, a number of other Governments and agencies are listed in the text, but not shown in the Figure. How would they fit in? Given that this is a government –to-government process, should not “Other affected First Nations” get mandated membership on the Implementation Committee? The Committee would probably benefit from input from other quasi-governmental bodies (e.g., YLUPC, YESAB), but it is far from clear that they should be permanent members. So, a separate category of advisory, but non-voting, membership needs to be articulated. Fourth, who on the Implementation Committee gets to make decisions presumably by voting on key outcomes? Such power should only fall to the Parties (including other affected First Nations). Fifth, how many representatives does each of the Parties get to appoint to the Committee, so what is the maximum size of the Committee? It is the responsibility of the Commission, through this Plan, to lay out the answers to these questions, plus associated information, clearly and assertively.

7.4 SUB-REGIONAL PLANS

279/Table 7-1 The scope for LMU3 Chu Kon Dëk needs to “Consider key wildlife values” as one of the bullets.

7.5 PLAN CONFORMITY AND ASSESSMENT

280/- This section correctly indicates that assessments of development projects within the direction of the Plan, plus technical analyses regarding conformity, will be onerous in the Dawson Region. However, the text mainly talks about YESAB processes, with general advice on gaining better communication and working relationships between bodies (such as YLUPC and YESAB). It seems to make the assumption that YLUPC will continue to be involved (especially in conformity evaluations). It suggests the idea of a “secretariat” in passing, without making it explicit in a Recommendation. It lacks specificity and clear direction as to institutional functions and responsibilities under the Plan’s implementation. It pushes real decision-making on these issues to a future “plan conformity evaluation process” to be started by the Implementation Committee (Recommended Action). Consequently, this section is relatively weak and subject to the future whims and political influence of the Parties.

We recommend that the Plan forcefully assert a process and set of institutions/agencies that will deal with plan conformity (the Plan should make these decision, not some future process). This includes the need for a Secretariat to support the Implementation Committee and that the Secretariat be housed in the YLUPC offices (where it can benefit from shared resources and skills required for other planning

processes) independent of each of the Parties but linked to technical staff in the bureaucracies of the Parties. A diagram would be useful.

281/146. Recommended Action The word “triage” is inappropriate. Triage means deciding which of a set of options does not get attention. With development proposals, each one needs attention with regard to plan conformity; none can be ignored. The appropriate verb is “classify”.

This list of items to consider is weak, because merely recommending “consideration” (rather than asserting necessity) likely means that some or all of them will get ignored. The Plan needs to be more assertive in its language: these things must get done for any hope of a useful implementation of this Plan.

7.6.1 Implementation Strategy

281/1 The text states: “A detailed implementation strategy should be developed...”. Postponing an implementation strategy to some future time is an abdication of responsibility by this Plan. This is not a Plan if its most influential and necessary process gets no thorough and assertive direction embedded within it. The only strong assertion in this section of the Plan is the statement in 7.2.2 that: “The Parties should jointly establish an Implementation Committee within one year of Plan approval”. After that, this document leaves all decision-making up to the Implementation Committee, with merely a set recommended actions to “consider”.

The Plan must include an implementation strategy that the Implementation Committee can follow, rather than leaving everything to do with implementation to be decided by this Committee. This Committee will be subject to the political whims of the Parties, and therefore not working at arms length from governments, and in a publicly transparent manner, as has the Commission itself, unless it includes former Commission members (see section above). Without a pre-organized implementation strategy for the Committee, there will be no implementation for a long time because of:

- Lack of direction in the Plan as to membership of the Committee (see section above)
- The excessively long timelines for implementation currently in the Plan (see section below)

The text suggests that “The strategy should be developed using public consultation and feedback on the Recommended Plan...”. This is a useful assertion. However, the Commission and its planners should be taking this input from the public and building it into an Implementation Strategy in the Final Recommended Plan; not the future Implementation Committee doing this work. This Implementation Strategy should provide direction to the Implementation Committee on all aspects of implementation including Committee membership and agency contributions, inter-agency relationships, a Secretariat, scope of activities, associated timelines, associated technical guidelines and standards. Many of these are already dealt with in this section of the Plan, so the issue is largely around making some key decisions on issues listed above.

The core of an Implementation Strategy is a table or matrix (of activities by agencies) in which each of the key *implementation activities* (e.g., sub-regional planning; access mgmt. planning; CE indicator monitoring and conformity checking; definition of timing windows; annual reporting, etc.) is listed on one side, and all the potential *agencies* is listed on the other, and text in cells indicates what, if anything, each agency will do to achieve each implementation activity and within what timeline.

7.6.3 Implementation Priorities

282/Table 7-2 & 283/Fig 7-2 The SMA Planning sections of the Table and Figure are both missing a necessary step that should have its own row or section: “SMA designation”. The Implementation Committee has to go through a process of deciding which of the legally defined land use designations each of the SMAs will be given (e.g., Habitat Protection Area under the Wildlife Act; Territorial Park under the Parks and Land Certainty Act). This step will require technical input from a Secretariat and Government bureaucrats. It has to occur before the “SMA Planning” can go ahead, because such designations are best dealt with collectively across the region (in one interactive process) and because the details of the planning processes are somewhat dictated by the legislative designations. This designation process should start within the first year of implementation and be completed by year 3. As per comment regarding page 69 (above), the timelines for implementing the short (2-year), medium (5-year), and long (10-year) term implementation steps are far too long, especially given that there is no substantive difference between the medium and long term steps (see comment re p. 69 above). These do not involve particularly elaborate technical issues, and the timeline could be shortened considerably.

Monitoring Reports: This section states that the Parties should compile Monitoring Reports that they then give to the ongoing Commission to build into an Annual Report. This is a cumbersome process, and open for major delays and communication problems. Reporting on Plan implementation (in all its aspects) should be responsibility of the Implementation Committee; once again there is no benefit to having the DRPC active to do this, and it will only lead to political and communications problems because the Implementation Committee is charged with the process. Also, the “Parties” should not be charged with doing the technical work; that means that technical staff in each are charged with doing the same work and somehow coming together to produce a consensus outcome. A much simpler solution is for technical staff in the Secretariat to the Implementation Committee to tabulate the monitoring indicators, and produce a report along with other annual reporting, and for the Implementation Committee to release the annual report to the public.

286/151. Recommended Action. The Plan states: “The DRPC, in collaboration with the Parties, will produce an annual report of Plan implementation activities and impacts. The Parties should provide updates to the Commission who will compile this information into a single report that will be available publicly.” This recommendation needs the same criticism as the Monitoring report dealt with above: it is cumbersome, and fraught with communications and likely technical issues. The DRPC itself cannot produce the Report: where are the technical staff to compile the indicators, measures, institutional updates, etc., and do the writing? Are Commission members expected to do all of this? How will agreement be reached between the technical staff of the “Parties” as to who is responsible for what portions of the reporting, and whose technical staff will be deployed to do the work (this is a large additional work load)? Why have an Implementation Committee when all this implementation is supposedly going to be the responsibility of the ongoing Commission? A much simpler solution is for technical staff in the Secretariat to the Implementation Committee to do all the technical, liaison, inter-agency, and writing work to get a report done, and for the Implementation Committee to release it publicly.

7.8.1 Plan Variance and Amendment

289/Table of Recommended Actions The information in this Table illustrates the problem that results from this Plan’s recommendation that both the DRPC and an Implementation Committee, with

involvement of the Parties, should be involved in implementation. What results is a great deal of uncertainty as to what body has the responsibility for doing the work (much of which is technical), and how the bodies will work together to get things done. For example, no where in this table of Recommended Actions regarding plan variances, amendments and reviews is there mention of the Implementation Committee. Surely, assessments of how well the Plan is working (the essence of any changes to it) are the purview of the Implementation Committee. Why does the Plan even assert the need for an Implementation Committee when it is not charged with producing the key information required for assessing progress and sufficiency? Next, why do certain of the steps fall to the Parties and other steps to the Commission? What is the process/body that would bring the Parties together to do any work (surely that is the Implementation Committee with its mandated representation from the Parties)? Next, how can the Commission “collaborate with the Parties” to get things done: how are the staff of the Parties supposed to fit this work into their schedules unless funded and resourced to do so? Next, how can “the Parties” collaborate to bring forward certain proposed outcomes such as “a process for assessing Plan Variances and Amendments”? Without individually-mandated work responsibility, funding and resources, staff of the Parties will not be able to take on this additional set of tasks. Overall, the Plan has to simplify its view of how agencies will implement this Plan by vesting the responsibility in an Implementation Committee (with membership of the Parties and especially of Commission members appointed by the Parties), and by establishing a separately-funded Secretariat to do the technical, organizational and communications work.

Thanks for reviewing and considering these comments.

Yours sincerely,



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December 20, 2022

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RE: Yukon Chamber of Mines Submission on the Recommended Dawson Regional Land Use Plan

The Yukon Chamber of Mines (YCM) appreciates the opportunity to provide review and input on the recommended Dawson Regional Land Use Plan (the Plan) released in August 2022. Our membership has reviewed the recommended plan and we respectfully recommend that Yukon Government and the Tr'ondëk Hwëch'in (the Parties), in accordance with Chapter 11 of the Umbrella Final Agreement (UFA), propose modifications to the Plan. The following sections outline specific feedback and concerns we have identified with the Plan as drafted, and recommended changes to minimize conflicts, provide certainty, and improve implementation.

YCM acknowledges the Plan is within the Tr'ondëk Hwëch'in (TH) traditional territory. The YCM advocates for a fair, transparent, and objective land use planning process, one that considers all aspects of land use. Industry respects the final agreement made between Tr'ondëk Hwëch'in (TH), Yukon Government (YG) and Government of Canada (GC) and supports YG and Yukon First Nations in the completion and successful implementation of the DRLUP to address uncertainty for industry. Those that work in the TH traditional territory understand the importance of partnership with TH as paramount to a healthy future for exploration and mining in the Dawson region.

Industry understands, social, economic, and environmental goals are interconnected. The work to ensure future generations can live and make their livelihood here in the territory starts with decisions made based on science, transparency and in collaboration with all partners. It is recognized that TH traditional knowledge plays an important role in meeting evidence-based objectives. Claim holders in the Dawson region understand furthering successful projects requires support from the community and strong environmental stewardship to ensure responsible development and protection from irresponsible activities on the land.

The introduction of the Plan states that the "Dawson Regional Planning Commission (the Commission) wants all people of the Region to be able to see themselves in the Plan". While we appreciate the work that has gone into the development of the Plan, the YCM believes modifications are required in order for our industry in the region to clearly see themselves



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represented in it. We acknowledge the Commission had to take a variety of interests into consideration when developing the Plan. We understand this was a challenging and complex process. We appreciate the hard work that has gone into the drafting of the recommended Plan and hope to provide comments and views that can improve the final Plan and ensure that “all people of the Region” will see themselves in it and will better have it achieve the desired vision of *Nän kāk ndä tr'ädäl (On the land we walk together)*.

The YCM believes that, while people in the region may have differing interests in land use, more often than not, their values are similar. This compatibility can be achieved through a greater emphasis on environmental stewardship rather than outright land withdrawals. Land withdrawals do not support industry and their ability to finance, directly and through heritage funds (Found in Norway and Alberta) which will do more to protect the environment and aid social and community programming. In our previous meetings with, and submission to, the Commission YCM expressed its concern with the overall amount of land withdrawn from mineral exploration and development. Staking withdrawals now include several Integrated Stewardship Area (ISA) 1 and 2 Land Management Units (LMUs), as well as Special Management Area (SMA) LMUs and the Yukon River corridor, which cuts off potential access to many exploration and development areas. These withdrawals total 54.1% of the planning area.

Furthermore, low cumulative effects thresholds and special management directions pose challenges for exploration and development activities in many ISA 1 and 2 designated LMUs. In total, ISA 3 and 4 LMUs comprise less than 30% of the total planning area, which does not leave a lot of area to explore. These withdrawals are more than double the amount recommended in the Yukon Mineral Development Strategy (YMDS), where “parcel-specific moratoriums should not exceed 20% of a regional planning area” (YMDS, pg.36).

Currently, over 52% of the Yukon is withdrawn from mineral staking, not including further restrictions related to wetland areas that are additional to this area. This is incredibly limiting to the future of exploration and development, as large amounts of land need to be assessed through low-impact exploration methods to try and locate a single potentially economic deposit.

Land withdrawals have a direct impact on companies’ ability to attract investors, particularly when their claims are left stranded with no or uncertain access. While existing claims are preserved by the Plan in nearly all areas, it will be very difficult to attract investment for projects within an SMA or an LMU with other conservation-specific directives. Areas withdrawn from staking in the Plan surround and encompass claims that have been in existence since as early as the 1990’s and the land withdrawals are creating significant uncertainty for the owners of those claims. YCM notes that those claim owners were not consulted or informed of the rationale prior to the withdrawal. There are multiple methods to protect the environment for future generations, claim holders and other miners want to be part of finding balanced solutions but need to be engaged to do so.



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Access is one of the biggest challenges facing mineral exploration and development. No investor is looking to fund a project that is isolated from ground access in perpetuity. When land is withdrawn surrounding areas of high geologic potential it severely damages industry and sets the stage for conflicts. Difficulties in further exploration of existing stranded claims have made things challenging for individual prospectors and exploration companies, and in some cases has resulted in the loss of investors and partnerships. We must recognize that the mining industry is highly regulated and the time and money that goes into furthering a project to the approvals stage is substantial. When large land withdrawals are approved without industry consultation, the viability and legitimacy of projects (future and present) are cast in doubt.

We are optimistic that Yukoners can benefit from the Territory's mineral potential; however, the uncertain regulatory system is currently a significant detriment to investment. We believe that it is possible to develop a robust environmental and regulatory review process that protects the environment for future generations while enabling responsible mining. The barriers to entry and access, along with a lack of infrastructure, roads, communications, power, and a shortage of skilled workers with a lack of housing options only add to the list of challenges the industry faces. Once a mineral deposit is located it can take up to 30 years to develop a mine. The applications, consultations, permitting, licensing, commodity prices all need to align for a project to become a success.

When exploration and mining is done responsibly and in stewardship and partnership, the economic benefits for communities, and the Territory as a whole, are substantial. This includes significant benefits to local Yukon businesses who provide industrial services that would suffer significant losses if the mining industry were to decrease their expenditures.

The financial contributions of the exploration and mining industry in the Yukon, and more to Dawson directly, are significant:

- Exploration Expenditures in Dawson 2019-2020: \$77,064,929.54 (Yukon Geological Survey)
- Whole of Yukon 2019-2020 Exploration: \$187 million
- Development Expenditures in Dawson 2019-2020: \$42,833,524.00 (Yukon Geological Survey)
- Whole of Yukon Development 2019-2020: \$277 million
- In 2019 based on an informal survey of companies working the Dawson Land Use Planning region there was \$62M spent on exploration in the Dawson region.
- Expectations for 2021: Placer production estimated at 83,000 crude ounces with a value of \$140M
- 2021 Yukon exploration expenditures \$123,659,495.00; Development expenditures \$85,770,221



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- 2021 Dawson exploration expenditures \$18,392,476.00; Dawson Development expenditures \$4,130,201.00

Section-Specific Feedback to the Plan

1 INTRODUCTION

1.7 Mandate of the Commission, Page 14

We appreciate all the work the Commission and staff have done on this and previous drafts of the Plan and the inclusive nature of all the engagements we have partaken in. We would have liked to have seen someone on the Quartz mining or exploration side of industry on the Commission, as it is very different from Placer mining, but we do appreciate that there was a Placer representative on the commission.

1.9.1 Sustainable Development, Page 22

YCM supports this section and particularly the definition and intent of sustainable development in the Plan. Notably: *“A self-sufficient economy is important to assist with climate change adaptation and food security issues in the future. The Plan recognizes that sustainable economic activities are of two kinds. First, there are activities that do not degrade the land or undermine communities and can be sustained indefinitely. Second, there are activities that deplete resources, but from which the land can recover.”* Reclamation can be used to “recover” these uses of the land. Best practices should continue to be used and government compliance checks need to be effectively undertaken to ensure reclamation objectives are met to ensure a functioning ecosystem.

To have a stable economy, diversity is key. Healthy communities need a balance in different sectors in order to remain a thriving place for growing families. An economy that relies solely on Government capital becomes stunted and rarely reflect community values. Multi-faceted economies can weather the storms of change. Towns need industry leaders, both small and large operations, and employment that entices new labor to stay in the community and supports growth that reflects community values. YCM supports a diverse and balanced approach to ensuring development can occur in partnership with community values.

1.9.2.3 Stewardship and Management, Page 26

The mining industry is supportive of the Yukon Environmental and Socio-economic Assessment Act (YESAA) and its comprehensive processes used to protect the environmental and socio-economic values of Yukoners. The regulatory framework in the Yukon is set up to discourage bad actors and those that choose to work in this industry have ties to the land and communities

surrounding their claims. Being stewards of the land is not only a positive thing to do but its necessary for proponents to further future projects.

1.9.3 Precautionary Principle, Page 27 and Definitions, Page 310

We have significant concerns with the definition of the Precautionary Principle used in the Plan. If *“the burden of proof rests with an activity’s proponent, i.e., it must be established that activities will not substantially harm the environment before permission is granted to proceed”* how will this be measured? How does a proponent conclusively prove that there is no chance of environmental harm, when uncertainties exist in all situations? How does this take into account reclamation and restoration following completion of projects?

The uncertainty in the very definition leads to uncertainty in the rationale of the LMUs it is referenced in. As well, YCM has concerns about the application of this principle in the Caribou planning strategy and throughout other areas of the Plan. The reliance on the definition being proposed is discouraging from an industry perspective. If we are truly at a critical climate emergency shouldn’t the precautionary principle put pressure on governments to allocate resources to ensure the global need for critical minerals is met vs continuing to squeeze industry into fewer and fewer areas of mineral potential to explore?

Canada’s Critical Minerals Strategy states: *“Our commitment is to launch a strategy that will help advance the development of critical mineral resources and value chains to power the green and digital economy at home and around the world.”*¹ We need to work towards ensuring that the region’s copper, cobalt, zinc, molybdenum, and other critical minerals are able to be explored for and developed.

As stated in YCM’s October 2021 response to the draft plan, the United Nations (UN) definition of the precautionary principle has emphasis instead on *“not postponing actions that are cost-effective to prevent environmental harm.”* Canada’s Impact Assessment Act (CIAA) uses a similar definition of the precautionary principle, stating *“where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.”* New reclamation techniques, mitigation strategies, and adaptive management have led to more environmentally responsible mining and cost-effective measures. The focus of the UN and CIAA definitions is clearly on exploring and implementing mitigative measures when there is not scientific certainty, rather than that withholding permission to proceed with an activity (as is proposed in the Plan definition).

- The YCM strongly recommends adopting a definition of the Precautionary Principle more consistent with that found in the CIAA or as adopted by the UN.

¹ <https://www.canada.ca/en/campaign/critical-minerals-in-canada/canadas-critical-minerals-strategy.html>

1.9.4 Adaptive Management, Page 28

YCM agrees the plan needs to be a living document that allows for changes that better reflect evolving social, environmental and economic goals

- We strongly recommend that scenario workshops involving governments, YESAB, industry and environmental non-governmental organizations (ENGOs) be undertaken prior to finalization of the Plan, to help test adaptive management measures and evaluate implementation challenges with existing special management directives.

3 PLAN CONCEPTS

3.2.1 Integrated Stewardship Areas, Page 42

YCM strongly supports the definition of ISAs in the Plan: *“the intent of all ISAs is to enable existing and future economic activities for both surface uses and subsurface resource extraction.”* The Plan further details that *“ISAs allow for existing and new industrial land uses, including but not limited to mining and exploration, [...] Existing and new surface access is also allows.”* These statements provide very clear and easily understood direction regarding what activities are permitted in ISA designated zones. However, as detailed subsequently, many later sections of the Plan conflict with this intent and significantly undermine the viability of many ISA-designated LMUs for future mineral exploration and development.

- The YCM strongly recommends upholding this stated intent throughout the Plan and modifying conflicting special management directives present in some ISAs to ensure that mineral exploration and development is viable in all ISA-designated LMUs.

3.2.2 Special Management Areas, Page 43

YCM supports the intent and objective of SMA’s and sees the need for balance in Land Use Planning. However, we also recognize that priorities and values, both socio-economic and environmental, can change over time. Wildlife patterns and other uses may be significantly affected by climate change and other future shifts.

- YCM recommends that the management plans to be developed for each SMA are done so in a way that leaves the possibility for changes in values and needs of future generations.

3.2.3 Sub-Regional Planning Areas, Page 43

In the interim, before subregional planning is complete, there needs to be clear parameters and direction for those who have current projects or claims in those areas, especially LMU 3, Chu Kon Dëk (Yukon River Corridor), where access and ability for proponents to move goods, people and gear in an environmentally sustainable way is critical.

3.2.4.1 Caribou Stewardship Area, Page 44

YCM understands and respects the importance of protecting the caribou population and habitat. YCM also appreciates the comment that the *“intent is not to allocate these areas with a legal designation for protection, and they are not intended to be permanently withdrawn from activity.”* However, we are deeply concerned that any withdrawal of this scale, even interim, will essentially eradicate industry investment and confidence in exploring in that area, and will destroy value present in existing projects. The overlay of this stewardship area with ISA designations is also incompatible, as it does not meet the intent that mineral exploration and development be permitted in all ISA designated areas.

- We strongly recommend removing the blanket restrictions on exploration and development and the staking withdrawals in caribou stewardship areas that overlap with ISA designated LMUs.

We cannot stress enough, in LMU 7: Wehtr’e (Antimony) and LMU 21: Wëdzey Tąy (Fortymile Caribou Corridor) that government work with industry to complete the Access Management Plans for these areas in a timely fashion. Waiting for a Regional Plan 10-year review is not a reasonable option.

- YCM recommends that studies on Caribou interaction with industrial development also include studies of climate change impacts on migration and comparative analysis of the impacts of climate change with and without development.

3.2.4.2 Wetland Stewardship Area, Page 47

YCM appreciates the statement that the *“intent is not to allocate these areas with a legal designation for protection, and they are not intended to be permanently withdrawn from activity.”* However, as above, overlaying wetland zones on LMUs with ISA designations conflicts with the intent of an ISA and undermines clarity about land uses.

- YCM recommends that language around special management be clarified to ensure the intent of an ISA is preserved, and in implementation that regulators support and consult those working in LMU 17.

3.5 Results Based Management Framework, Page 48

YCM supports the framework outlined in figure 3-1 and would like to see more guidance on best practices for operators as well as consistent monitoring and assessment so the understanding of the implementation of the strategies and end goals continue to align.

3.6.1 Cumulative Effects Management Overview, Page 50

YCM is very concerned that the cumulative effects thresholds are low, particularly for the size of the LMUs. Some smaller ISA-designated LMUs would not support a moderately sized mine given their small land mass and low disturbance thresholds. We appreciate that the cumulative effects framework will be *“adapted as new information, ideas, and approaches become available”*, especially considering reclamation and how reclaimed disturbances can be removed from the total of disturbed areas.

Cumulative effects thresholds need to be consistent with academic research and be flexible so they can be revised over time to be either increased or decreased depending on monitoring and most recent data. YCM appreciates industry being included in these discussions, and as noted in the Plan, we feel we can work alongside decision makers and regulators in order to gain the best end result possible.

3.6.3.1.2 Linear Feature Density, Page 54

YCM appreciates that the plan notes *“reclamation activities are to be considered part of the cumulative effects framework.”* However, we are concerned that the Plan does not provide clear guidance on when linear features are considered to be reclaimed and decommissioned. The Plan also notes the difference in impact between a certain types of linear features (i.e. a road vs a seismic cut line) but then classifies them uniformly due to lack of data.

- YCM strongly recommends that further data be collected to differentiate the varying impacts of different classes of linear features.
- YCM also strongly recommends that clear guidance be provided on reclamation for various types of features.

It is also unclear how the linear threshold is meant to be applied. Is it a threshold based on the total linear development divided by the total land area of an LMU? Or is it applied on a more granular basis?



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- YCM recommends that if the linear feature density thresholds are kept, additional guidance is provided on how they will be evaluated, with specifics on what exactly is classified as a linear feature, and how the threshold will be applied (globally or locally).

3.6.3.2 Applying Thresholds, Page 55

Multiple LMUs are already close to critical levels based on existing disturbance levels. If thresholds are applied as outlined, operators working in LMUs already very close to the critical level will not be given an opportunity to conduct further work. We need to work together to ensure the end result supports all the values in the Plan.

- We recommend parties commit to working with industry determine reasonable metrics for including reclamation into surface and linear disturbance calculations in the absence of legislative reform.
- We also recommend that thresholds be set in all ISA LMUs such that existing disturbance levels are well below the cautionary level, or else it does not permit new development to occur.

4 CUMULATIVE EFFECTS FRAMEWORK

4.2.1 Values Page 60

In the priority values from DRLUP Selection for Cumulative Effects Framework, Economics is missing from the equation and diagram in Figure 4-2 (Values identified for Dawson Region Cumulative Effects Framework). If healthy communities also have healthy stable economies, then the value to have a strong, stable mining industry should be a positive addition to the equation. The value-based framework indicated in the plan will drive development decisions for the region so we cannot continue to have our environmental and socio-economic assessment body (YESAB) not balance the positive benefits that exploration and mining brings to a community. Evaluation of socio-economic values can be very biased and not indicative of what is actually causing social issues. If we are pointing to the wrong causes, then advising mining to provide the solutions to them seem arbitrary.

It is imperative that direction and definitions of socio-economic values are clear, balanced and unbiased when they are part of the evaluation process in YESAB.

It is important to note that the ecological, socio-cultural, and socio-economic “Plan Goals” are inter-related. For instance, socio-economic benefits can allow, support, and even increase the ability to achieve ecological and socio-cultural goals. The inter-relationship is not always a negative one, as is the suggestion of the example provided in this section.

Further to this, there needs to be a recognition of how values may interact. For instance, if ongoing activity through a license renewal or the progression of project activities (regardless of mitigation) is prohibited, it may prevent people who would otherwise be employed in the region from being able to afford to engage in subsistence hunting or harvesting and could result in them needing to leave their community and/or family to be employed.

4.2.2 Indicators, Page 60

YCM agrees that values should be linked to indicators that are practical, measurable, accurate, sensitive and relevant. Similarly, those that live in the area, contribute to the local economy and are given the opportunity to work in the Dawson region are given parameters and terms and conditions that are also, practical, measurable, accurate, sensitive, and relevant to continuing to operate a healthy mining industry. If profit margins (already increasingly smaller due to permitting timelines and costs of reclamation) disappear then so does the ability for miners to operate in the way that meets expectations of ecological, socio-cultural, or socio-economic importance. Benchmarks and solutions need to be made in partnership with industry.

The Plan states that *“Work on indicators is ongoing regarding socio-economic indicators and will focus on the Regional economic impact for four key sectors: mining, tourism, forestry, and agriculture.”* The YCM feels we can add value to that work and would like to be involved. We would caution that the economic indicators listed in this section for quartz and placer mining need to be discussed with industry, as many factors can impact production, exploration, etc. and there may be more appropriate and relevant indicators.

- YCM recommends that the exploration and mining industry be involved in on-going work to refine socio-economic indicators.

4.2.3 Thresholds, Page 63

- As discussed previously, YCM recommends there be a commitment to work with industry to determine reasonable metrics for including reclamation into surface and linear disturbance calculations as we wait for the completion of new mining legislation.

The YCM has raised concerns about the amount of land broadly withdrawn from development in the Plan, rather than more of a focus on environmental stewardship through project-specific mitigations and considerations.

Disturbance thresholds need to be better understood by all parties and we need to ensure a system for implementing the thresholds that is reasonable. This means clear criteria that are implementable by all parties. It is unclear how proponents are going to be able to demonstrate compliance with the Plan vis a vis thresholds based on currently available data and procedures.

In our October 2021 submission we provided information about how the thresholds in the draft Plan were not in keeping with other jurisdictions or supported by academic research, and will seriously restrict a healthy quartz and placer industry in the region.

- YCM strongly recommends the parties consider raising the cumulative effects thresholds for areas designated as ISAs, and ensuring all ISAs are able to accommodate at least one new modest-sized quartz mine.

4.3.2 Future Scenarios, Page 64

YCM understands that the future scenarios for placer and quartz mining were developed using specifically designed software (ALCES) as well as through work with the Yukon Geological Survey branch of Yukon Government.

We have two concerns about the way future scenarios were determined. Firstly, not is unclear if re-growth of vegetation or reclamation was factored into these scenarios. Both are components of all mining operations. Reclamation of past, present, and future projects needs to be taken into consideration when determining surface and linear disturbance thresholds and when conducting scenario analysis.

- YCM requests clarification as to whether reclamation was factored into the ALCES scenario analysis, and if not, strongly recommends that scenarios be re-run with reclamation accounted for.

Secondly, when considering cumulative effects that might result from future projects or activities, YESAA and YESAB guidance state that:

YESAA section 50(1)- or any activities or projects that are likely to be carried out in or outside of Yukon.

When determining whether an activity is "likely to be carried out" for the purposes of s.42(1) (d), YESAB assessors will consider whether any of the following criteria have been met:

1. *The intent to carry out the future activity is announced (e.g. on websites, in the media, or to YESAB) by a company, government, etc.;*
2. *Notice of a submission for an environmental and socio-economic assessment or regulatory review of an activity has been provided to YESAB or the regulatory review has commenced; or*
3. *The completion of the project being assessed could facilitate or enable future activities*

These methodologies for determining future scenarios for cumulative effects assessment do not align with each other. The YCM understands that the intent of the Umbrella Final Agreement was for the land use planning process to inform YESAA assessments and government decisions regarding the licensing of development activities. We are concerned these differing approaches could be problematic and cause confusion and challenges with the conformity check process.

- YCM strongly recommends that the parties seek alignment between YESAB's definition of cumulative effects and that present in the Plan, noting that YESAB's definition is significantly broader (based on potential activities) and thus may not align with thresholds set in the Plan on a more specific and impacts-based approach (based on actual disturbance).

We are also concerned that the thresholds were informed by "*growth scenarios of gold production over the next 20 years*" that were completed without industry input. Furthermore, this does not consider the potential growth of critical minerals and other metals which are known to be present within the planning region.

- YCM recommends that growth scenarios be evaluated for minerals other than gold, and that scenarios be conducted in conjunction with industry.

4.4.1 Informing Decisions, Page 64

Consistency in application is crucial and requires a broad understanding of multiple factors, as well as the nature of impacts from various land use activities.

- YCM recommends workshops and training for all parties involved in interpreting the Plan and applying thresholds when they make decisions or recommendations.

4.4.2 Responses, Page 65

YCM agrees that values are often linked to each other, and decisions or restrictions applied to one value may negatively impact another.

We would like to better understand a process for how a proponent or industry can request an action or intervention by the Parties when they feel these important linkages or other issues have not been appropriately considered. Can this be done during the conformity check stage or the assessment stage or the regulatory stage or at all?

This section speaks to the Parties initiating this as part of an adaptive management process, however, it may be a proponent or industry who best understands the linkage(s) or other issues and will therefore need to bring it forward to the Parties.

We are also concerned that this section outlines a wide-ranging series of interventions “*that can be applied at the discretion of the Parties*”, including “*Moratorium[s] on mineral staking*”, “*Freeze on access and land use permits*”, and other significantly impactful actions. If actions of this nature can be applied at any time outside of the frameworks explicitly defined in the Plan it significantly undermines any certainty provided by the Plan.

- YCM recommends this section be updated to indicate in more detail what the process and triggers are for actions and interventions of this nature to be considered.

4.5 Cumulative Effects Framework: Monitoring, Page 67

Who will be responsible for monitoring the socio-economic effects related to mining and will they be appropriately resourced so that information is relevant, accessible, and current?

As discussed above, section 4.2.2 notes that the work on indicators related to mining has not been finalized.

- YCM recommends that the mining industry be invited to participate in that work to ensure relevant indicators are developed, used and that information is being collected and monitoring is conducted in a timely and appropriate manner.

4.5.1 Cumulative Effects Framework: Recommendations, Page 68

Indicator Recommendation #1 – Socio-Cultural Values: YCM supports the development and refinement of socio-cultural values-based indicators.

- Indicator Recommendation #2 – Socio-Economic Values: YCM stresses that industry, who is on the ground and whom the indicators are evaluated on, must be part of the conversation on identification of new indicators.

- Indicator Recommendation #4 – Reclamation and Restoration: YCM supports the statement, “The Parties must define what is meant by reclamation and restoration and how these concepts relate to the Dawson Regional Plan’s cumulative effects framework.” As the definition of reclamation is critical to effectively implement the Plan. YCM also agrees that “restoration should be values-based and focus on returning the disturbed area as close as possible to its original ecological function, recognizing that this may be harder for some ecosystem types (for example, restoring a bog to a bog).” YCM stresses that it is critical for industry to be included in the future work to better define reclamation and restoration.

Surface and Linear Disturbance Recommended Research #5 through #10 – YCM supports these research recommendations by the Commission provided work is conducted transparently, in engagement with industry representatives, and with the appropriate resources and capacity required.

Monitoring and Management Recommendation #11 - As discussed previously, YCM strongly recommends that scenario workshops be conducted to identify implementation challenges prior to finalization of the Plan.

- YCM would like to emphasize that all recommendations in this section must be conducted transparently and with industry involvement.

5 GENERAL MANAGEMENT DIRECTIONS

5.2.1.1 Caribou, Page 74

YCM supports the need to protect this culturally important species, however the Plan needs to recognize that healthy caribou populations can co-exist with mining when effective mitigations are used. Mitigations need to be adaptive and flexible to allow for the changes in migration and status of caribou and caribou habitat. Ensuring that activity at an exploration or mine site adapts to caribou in the area should be the focus, instead of outright prohibitions on exploration and development activities over very broad areas. Mitigations such as, road embankment slopes, speed limits, minimum overflight altitudes, temporary road closures where there are large groups of caribou and temporary curtailment of activities on the mine site can all be used in an adaptive management plan vs having areas entirely withdrawn from industry development. Mitigation measure for caribou have been successfully carried out in Yukon as well as many other jurisdictions, including BC, Alberta and NWT.

- YCM strongly recommends that language in the Plan be adjusted to reflect that exploration and mining disturbances are very localized, and that effective mitigation measures exist that can be used to minimize impacts on caribou.

Recommended Management Practice c: Migration routes are broad and variable, with many natural factors impacting the area where caribou decide to migrate in any given season. Migration paths are also used for very brief periods of time. Quartz exploration projects and mines have very localized disturbances, and potential conflict with caribou should be addressed through project-specific mitigations, which could include temporal activity restrictions.

Recommended Management Practice e: YCM is concerned by restrictions to road and trail development on alpine ridges. These are natural locations for access to be built with minimal disturbance to the environment, as terrain is generally more favourable and requires minor alteration. There are many examples of existing roads and trails on alpine ridges which caribou continue to migrate through without issue. Timing windows described previously can minimize conflicts during migration periods.

- YCM recommends that blanket limitations on road and trail development in alpine and subalpine areas be removed.
- Research Recommendations #13 through #18 – YCM will always support gaining more data to aid in making informed decisions around management. We support prioritizing Access Management Plans, and strongly recommend that industry be invited to participate meaningfully in development these plans.

5.2.1.2 Moose, Page 78

- Recommended Management Practice b: YCM would like to see the issue of overharvesting be directly addressed by restrictions on hunting rather than indirectly through restriction of roads necessary to support industrial use.

5.2.1.3 Salmon, Page 81

- Research Recommendation #25: It is critical that industry organizations involved in mining be included in this evaluation.

5.2.2.2 Migratory Birds and Raptors, Page 88

Research Recommendations #36 – YCM supports ongoing data collection to inform and provide clarity in areas of concern and in ways to minimize disturbance and to further build Yukon’s Wildlife Key area database. However, the results of research need to be made readily available to the public.

Recommended Management Practices a and b: YCM is concerned that ‘activities’ and ‘disturbance’ are not defined in either of these management practices with respect to migratory birds. The areas defined by these recommendations (‘Tintina Trench’, and ‘elevation greater than 1,000 metres’) are incredibly broad and cover very significant portions of the planning area where migratory bird species may or may not be present.

- YCM recommends that these recommendations be scoped more clearly or removed entirely until such time as the areas where they apply are better defined.

5.2.4 Rivers and Watercourses

YCM appreciates the commission using language around balancing economic uses. We agree with Policy Recommendations #38 through #40 and Recommended Actions #41 through #43.

5.2.5 Wetlands, Page 96

Wetlands cover 10-12% of the Dawson region. Despite wetlands commonly being associated high economic potential for placer mining, only 4% are covered by placer claims, and only a fraction of that has or could potentially be disrupted by mining activities. YCM sees this as an area that needs more, not less, transparent data and conversations with industry. The Plan states that *“Ducks Unlimited Canada, in collaboration with Tr’ondëk Hwëch’in, have completed a wetland classification mapping project in the Dawson Planning Region to be used at the watershed level”*. YCM is concerned that data not available to the public is being used in the Plan. This lack of transparency undermines the process behind creating the Plan and leads to mistrust and conflict. Proponents should not have to enter into a regulatory process without being able to view data that will be considered in the review of their project. Proponents can design better projects when they have the same information as regulators and other organizations.

- As stated in our previous submission on the draft Plan, “YCM requests that the wetlands mapping being used to guide the commission and governing bodies be made available for industry to review. It is difficult for project proponents to invest time and money in the area without an understanding of known wetlands data.”
- Research Recommendation #51 – YCM strongly recommends that the placer industry be involved in the research and development of buffers as they can offer practical experience from working in and around wetlands.
- Research Recommendation #52: YCM strongly supports the recommendation that wetland inventories be made publicly available, as discussed above.
- Research Recommendation #53: YCM strongly supports the recommendation that industry be involved in collaboration and partnership to improve the understanding of the Region’s wetlands.

5.2.6 Climate Change, Page 102

One consideration when it comes to policy and processes related to climate change is the Mining Association of Canada’s (MAC’s) Climate Change Protocol. MAC’s Towards Sustainable Mining Climate Change Protocol was finalized and published in 2021 after review by their Community of Interest (COI) panel. The COI panel is an independent, multi-interest group comprising individuals from Aboriginal groups, communities where the industry is active, environmental and social non-governmental organizations, and labour and financial organizations. Each protocol is made up of a set of indicators that help mining facilities build, measure, and publicly report on the quality of their management systems and their performance. While we are not specifically endorsing this protocol, we believe it would be worthwhile for the Parties to review it and consider how it may apply to the Plan.

The Yukon power grid is fully isolated from the rest of Canada and currently cannot accommodate full electrification of all communities and businesses in the territory, let alone provide capacity for any new mines. The Yukon Chamber of Mines has previously advocated to the federal government for a Yukon-BC Power Grid Interconnect, and believes this is essential not just for the long-term future of mining but to meet Yukon’s climate change targets in general. It would provide both Yukon and northern BC communities a reliable, renewable energy source and have the potential to service 10 or more mines, along with opportunities to partner with First Nations and their development corporations. In order to continue to move towards a green economy and provide stable and reliable power we need to deal with the North’s isolation. As Yukoners we need to decide if we will be helping to reach Canada’s climate change goals.



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Effects of climate change and the possibilities of increased impacts on our northern landscape should be evaluated when making the decision to do nothing or to mine critical minerals that will be needed to help reduce climate change. We all rely on critical minerals, many of which can be found in the Dawson region. Copper, cobalt, zinc, molybdenum, antimony and manganese are common in products we use every day, such as: copper wiring in our homes, stainless steel appliances with manganese alloys, electric vehicles with cobalt, copper, manganese and many other metals. Climate change has the potential to significantly impact not just the north, but the global environment. Critical metals are key to enabling a green energy transition and fighting carbon emissions. The Dawson region has an opportunity to fight climate change here and around the world while providing substantial critical minerals, grow its economy and cultivate environmental stewardship and build community and skills at home.

5.2.6.1 Special Management Areas, Page 104

At this time YCM is supportive of the establishment of SMAs to protect essential habitat areas. However, it is critical that companies and individuals with existing claims in these areas must either be allowed to continue to explore and develop their ground, including establishment of access if mineral resources warrant, or be compensated to the value of their claims.

- YCM strongly recommends that fair compensation guidelines be developed for claims that are impaired for future exploration and development as a result of management directives under this plan.

5.2.6.2 Wetlands page 105

Policy and Research Recommendations #55 through #59 – YCM agrees that effects from climate change are concerning and can significantly impact native species. Critical minerals in the Dawson region and in Canada's north are the building blocks for the green economy. Hydroelectricity, solar panels, wind turbines, etc. cannot be built without these minerals and mining sustainably as its done in the Yukon currently, can provide low-carbon, responsibly mined sources of these minerals to help address climate change.

Recommended Actions #60 through #63 – YCM supports these measures and believes industry can help build resilience to climate change and participate in emergency preparedness.



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5.3.2 Stewardship, Page 112

YCM agrees with the formation of a Dawson Land Stewardship Trust that would be managed by the Commission. However, there needs to be a provision for transfer to another organization if the Commission is disbanded in future, as has happened with previous plans.

5.3.4 Hän Language, Page 116

YCM supports this section and policy recommendation #71.

5.3.5 Community Growth, Page 117

YCM agrees with this section and policy research and recommended actions #72 through #75. YCM would like to reiterate that industry and economy are inextricably linked and ways to partner in community value-based initiatives are a welcome idea for miners.

5.3.6 Recreation, Page 121

YCM sees opportunities for reclamation of historically disturbed areas to support recreational activities and agricultural pursuits, as has been demonstrated by miners recently in Dawson.

Recommended Action #76 – YCM agrees with this action.

Recommended Action #77 – YCM has concerns about the interim measures, as detailed later on in this submission under LMU 3 Chu Kon Dëk (Yukon River Corridor).

5.4 Sustainable Economy, Page 123

In order for the Dawson region to remain economically stable it needs a diverse economy which includes exploration and mining and clear areas where industry can develop resources from exploration into a mine. A socio-economic goal of the plan is to provide “land use certainty and reduced land use conflicts throughout the planning Region.” YCM fully supports this goal, however we are concerned that as drafted, the Plan does not provide certainty for those working in the mineral exploration and development industry.

This submission outlines many of our concerns, and recommendations for modifications to improve clarity. As mentioned previously, we believe it is critical to have governments, YESAB, industry and ENGOs workshop various scenarios/project applications prior to finalizing the Plan, in order to identify challenges or other issues that may arise. This will help prevent misinterpretations going forward and inspire confidence that the Plan will be implemented in the way that it was intended and, in a way that project proponents understand.

5.4.1 Mineral Exploration and Development, Page 124

Mineral exploration and development is critical to a sustainable economy and YCM appreciates the Commission's recognition of this. As stated in Canada's recently released Critical Minerals Strategy: *"Critical minerals are the building blocks for the green and digital economy. They are used in a wide range of essential products, from mobile phones to solar panels, electric vehicle batteries to medical and healthcare devices, to military and national defence applications. Without critical minerals, there can be no green energy transition for Canada and the world. By investing in critical minerals today, we are building a sustainable industrial base to support emission-reducing supply chains that will address climate change for generations to come (e.g., net-zero energy and transportation systems)."*

We recognize the need for a balance between conservation and other interests, such as mineral exploration and development, however we are concerned that the Plan as drafted has not met this balance.

- We strongly recommend the Parties consider the recommendations we have made, which we believe will help achieve this balance and a successful Plan that can benefit all.
- Policy Recommendation #78 – The YCM supports the allowance of continued exploration and development on existing tenure in SMAs, however projects need to be offered a realistic chance of development, or compensation should be provided to claimholders.
- Policy Recommendation #79 – YCM supports the allowance of continued exploration and development within ISA zoned areas, however some special management directives and stewardship overlay areas conflict with this recommendation. The YCM strongly recommends removal of these conflicting directives to allow ISAs to be accessible for exploration and development.
- Policy Recommendation #82 – YCM recommends that tours of Quartz projects as well as Placer projects be offered, as there are significant differences between quartz and placer exploration and mining.

5.4.2 Resource Development and Impacts to MMIWG2S+, Page 128

YCM supports the mission and work of the Yukon Advisory Committee on Missing and Murdered Indigenous Women, Girls, and Two-Spirited People. YCM has concerns about the wording of Policy Recommendation #86 in the Plan. In particular, small projects may be impacted by the need to undertake significant additional impact assessments and may not have the resources to

undertake them. It is also unclear what would be entailed in a gender-based socio-economic and impact assessment, or who would undertake a study for a proponent.

- We strongly recommend the Parties consider removing or revising this recommendation to provide more clarity on what is expected from ‘gender-based socio-economic impact assessments’.
- We also recommend that if this recommendation is kept, the Parties have it only apply to larger development-stage projects and not early stage exploration activities.

5.4.3.1.1 Dempster Highway Corridor, Page 130

- Recommended Action #87: YCM strongly recommends that industry representatives be involved in the development of any sub-regional plan that involves access.

5.4.3.1.2 Top of the World Highway Corridor, Page 132

Recommended Management Practices: d) Noted elsewhere in this submission, reclamation and decommissioning standards need to be clearly defined to ensure reclaimed disturbances are no longer counted towards cumulative effects thresholds.

Recommendations #88 through #91 are supported by YCM.

5.4.3.1.3 North Klondike Highway Corridor, Page 135

Policy Recommendations #92 through #95 are supported by YCM.

5.4.3.2.1 Northern Access Route, Page 137

- YCM recommends inclusion of an additional bullet under Planning Strategy that references the on-going development of Resource Road Regulations which will allow for better regulation of the lifecycle of a resource road from construction to reclamation, and prevent private resource roads from becoming public.

Recommended Management Practice e: While the YCM appreciates that it the specifics of roads and trails are important for assessments, it is not always possible to provide the exact location of roads and trails at the commencement of an exploration project assessment. For multi-year projects, the exact locations of roads in later years will often depend on results of work conducted in initial seasons.



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- YCM recommends that this wording be revised to request the 'approximate location' of anticipated access roads and trails be provided to a proponent's best ability.

5.4.3.2.2 Access Management Planning Recommendations, Page 140

Recommended Action #102 – YCM must stress the importance of including industry in the development of these access management plans, and would like to see a commitment to industry involvement noted in this action.

5.4.3.3 Off-Road Vehicle Access Page 141

Research Recommendation #103 – YCM supports DDRRC getting further public engagement and input on ORV considerations

5.4.3.4 Air Access, Page 142

YCM supports Recommended Management practices a) through c).

5.4.3.5 Water Access, Page 143

- Research Recommendation #105 : YCM recommends reaching out to existing barge operators to determine costs and operational parameters for existing barge access.

5.4.5 Tourism, Page 150

Recommended Management Practices a: – YCM supports this

Policy Recommendations and Recommended Actions #114 through #116, #118, #199, and #121: YCM supports these recommendations.

- Policy Recommendation #117: Restrictions on allowable landings could have very significant impacts on exploration and mining operations. YCM recommends these only be made in consultation with effected industry members operating in the area.
- Policy Recommendation #120: YCM has concerns regarding the interim measure for LMU 3, as discussed further on in this submission.

5.4.6 Outfitting, Page 151

Policy and Research Recommendations #122 and #123 – YCM supports these recommendations.

5.4.7 Forestry, Page 153

Where there can be symbiotic co-existence between industries, YCM supports this.

Policy, Research and Recommended Actions #124 through #128 – YCM supports these actions.

5.4.8 Aggregate Resources Page 155

Policy Recommendations and Recommended Actions #129 through #133 - YCM supports this.

5.4.9 Traditional Economy, Page 157

Policy Recommendation# 136 – YCM has concerns about what a traditional use impact study is, and who would conduct one.

- If this recommendation remains in the adopted Plan then YCM recommends further details regarding the nature of these studies be provided.

Research Recommendations # 137 and #138 – YCM supports these recommendations.

6 LANDSCAPE MANAGEMENT UNITS

LMU 1 – Tthetäwndëk (Tatonduk)

Number of Claims: 503 Quartz Claims, 0 Placer Claims

Land Use Designation: SMA

- YCM supports this land use designation given existing mineral tenure is preserved, however we recommend that when the plan is evaluated in the future that Critical Mineral potential be considered, as well as the potential for economic partnerships with TH.
- We also recommend additional clarity be provided regarding Special Management Direction 4 – specifically in relation to what “proven viable” means. Is this defined as completion of a positive feasibility study?



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LMU 2 – Horseshoe

Number of Claims: 0 Quartz Claims, 0 Placer Claims

Land Use Designation: ISA 2

YCM has no comments for this LMU.

LMU 3: Chu Kon dëk (Yukon River Corridor)

Number of Claims: 789 Quartz Claims, 140 Placer Claims

Land Use Designation: Sub-regional Planning Area

More clarity is needed regarding timelines for completion of sub-regional land use planning in future planning areas and what will be allowed in the interim for various means of access in the area. Continued consultation with industry is critical in this area. Many claims are only accessible by river and rely on the barged delivery of supplies.

- YCM strongly recommends that planning for this area be completed as part of the overall Plan, and not left to a subsequent exercise.
- If sub-regional planning is preserved in this region, the YCM strongly encourages removal of interim measures 1 and 2 as it will negatively impact the ability for the exploration industry to advance projects.

LMU 4 – Tsey Dëk (Fifteenmile)

Number of Claims: 9 Quartz Claims, 0 Placer Claims

Land Use Designation: SMA

YCM supports the Land Use Designation as existing mineral tenure is preserved. However, YCM is concerned that it may be challenging to develop claims in this area.

- YCM recommends the very few claim holders in the area to be offered compensation at fair market value for their claims.

LMU 5 – Ddhäl Ch'ël (Tombstone)

Number of Claims: 30 Quartz Claims, 0 Placer Claims

Land Use Designation: SMA

- YCM supports the Land Use Designation as it overlaps with the existing Tombstone Territorial Park, however we recommend the few claim holders in the area be offered compensation at fair market value for their claims to remove any potential conflict.



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LMU 6: Tr'ondëk (Klondike)

Number of Claims: 0 Quartz Claims, 161 Placer Claims

Land Use Designation: ISA 2

- YCM recommends the definition of "*activities that would have the potential to disturb salmon*" be clarified for proponents and regulators to provide details on what is or is not allowed within timing windows.

LMU 7 – Wehtr'e (Antimony)

Number of Claims: 1,063 Quartz Claims, 0 Placer Claims

Land Use Designation: ISA 1, Caribou Stewardship Area

YCM is very concerned that claims in this area will be significantly impacted by the low cumulative effects thresholds under ISA 1, and the caribou stewardship area overlay.

- We recommend that the claims in this area be fairly compensated if projects cannot be developed under the Plan.
- Given the significant number of claims present, and the high prospectivity for additional minerals we recommend that a higher level of ISA be considered for this LMU.

The overlay of the caribou stewardship area over this LMU is highly concerning, as the special management direction present in it does not meet the intent that mineral exploration and development be permitted in all ISA designated areas.

- We strongly recommend removing the caribou stewardship area overlay from this region and acknowledging that mitigations exist to minimize conflicts and impacts on caribou.
- At a minimum, we recommend removing the interim withdrawal of lands from staking, as this will significantly impact the ability for proponents to continue to operate in this area.
- If surface access is the concern before an AMP is completed, consider restrictions on new surface access in the interim instead of staking withdrawals.

The rationale for designation for this LMU references "*establishing a conservation area*" which is concerning given the LMU is designated as an ISA.

- We recommend removing this bullet as it conflicts with the intent of the LMU designation.



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LMU 8 – Brewery Creek

Number of Claims: 1,717 Quartz Claims, 93 Quartz Leases, 1 Placer Claim

Land Use Designation: ISA 3

YCM has no comments on this LMU.

YCM general comments:

YCM would like to workshop project scenarios going through conformity checks, as stated earlier, to fully understand how many mines could be developed before critical threshold levels were met for all ISA's.

LMU 9 – Clear Creek

Number of Claims: 530 Quartz Claims, 899 Placer Claims

Land Use Designation: ISA 4

YCM is concerned by special management directions 1 and 2, which have very broad restrictions within caribou fall breeding habitat. Effective mitigation strategies exist which can minimize conflicts between industrial operations and caribou (i.e. setbacks and buffer areas), and blanket suspensions at the LMU level are overly broad.

- We recommend modifying these special management directions to recommend project-specific mitigations be implemented within fall habitat, which could include timing windows and restrictions on access.
- YCM also recommends concerns regarding hunting related to access development be addressed directly rather than through restrictions on all access development.

LMU 10 – Tintina Trench

Number of Claims: 54 Quartz Claims, 30 Placer Claims

Land Use Designation: SMA

- YCM recommends that additional clarity be added as to whether existing claims in this LMU are preserved and can be developed, as is specified in other SMA-designated LMUs.
- YCM is concerned that regardless of preservation directives, it may be challenging to develop claims in this area and recommends the few claim holders in the area to be offered compensation at fair market value for their claims.



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LMU 11 – Goldfields

Number of Claims: 19,191 Quartz claims, 11,034 Placer Claims

Land Use Designation: ISA 4

YCM supports this designation and has no comments on this LMU.

LMU 12 – Tr’ondëk Täk’it (Klondike Valley)

Number of Claims: 528 Quartz Claims, 514 Placer Claims

Land Use Designation: Sub-regional Planning Area

YCM supports the Plan for this LMU provided future sub-regional planning is done in partnership and collaboration with existing claim owners in the area and they are able to continue to develop their projects sustainably.

- YCM would like to see parties place a more defined timeline on completion of the future planning of this area.

LMU 13 – Ch’ënyäng (City of Dawson)

Number of Claims: 9 Quartz Claims, 246 Placer Claims

Land Use Designation: Community Area

YCM has no comments for this LMU.

LMU 14 – Tay Dëkdhät (Top of the World)

Number of Claims: 393 Quartz Claims, 867 Placer Claims

Land Use Designation: ISA 2

- Given the mineral potential and on-going activity in this area, YCM recommends the Parties consider designating it at an ISA 3 level.

LMU 15 – Khel Dëk (Sixty Mile)

Number of Claims: 4,113 Quartz Claims, 2,594 Placer Claims

Land Use Designation: ISA 3

- This area is highly prospective for exploration and YCM recommends any caribou-related restrictions take into account project-specific mitigation strategies.



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LMU 16 – Wëdzey Nähunzhi (Matson Uplands)
Number of Claims: 0 Quartz Claims, 1 Placer Claim
Land Use Designation: SMA

- YCM recommends the claim holder in this area be compensated fairly for the value of the claim.

YCM supports the Plan designating the Matson Upland an SMA, with clear language allowing for the continued use of existing access.

LMU 17 – Nän Dhòhdäl (Upper Indian River Wetlands)
Number of Claims: 451 Quartz Claims, 818 Placer Claims
Land Use Designation: ISA 2

YCM appreciates the redesignation of this LMU from an SMA to an ISA. The Indian River watershed is high in placer producing potential and is critical to the placer industry. 50% of Yukon’s placer gold is derived from the watershed every year.

YCM is concerned Special Management Direction 3a: “*No disturbance to field verified marshes and bogs*”. We understand the reference to bogs in this directive, however not the reference to marshes. Marshes are common in Yukon and mining can reclaim and has reclaimed marshes throughout the Yukon.

- We would recommend removing the word ‘marshes’ from this directive.
- YCM requests that the wetlands mapping being used to guide the commission and governing bodies be made available for industry to review. It is difficult for project proponents to invest time and money in the area without an understanding of known wetlands data.
- YCM strongly recommends that industry be involved in development of reclamation guidance and standards.



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LMU 18 – Therian Dëk (Coffee Creek)

Number of Claims: 3,366 Quartz Claims, 776 Placer Claims

Land Use Designation: ISA 3

YCM has no comments on this LMU.

LMU 19 – Tädzan Dëk (White River)

Number of Claims: 2,415 Quartz Claims, 162 Placer Claims

Land Use Designation: ISA I

With a significant number claims in the area, and active exploration, industry is concerned that the level of activity is nearing the threshold for surface disturbance already. It is also concerning that the LMU recommends no disturbance to marshes, fens and bogs when there is a high level of active placer exploration and mining in the area.

YCM recommends a higher level of ISA designation be considered in this area given the high mineral potential.

LMU 20 – Luk Tthe K’ät (Scottie Creek Wetlands)

Number of Claims: 266 Quartz Claims, 84 Placer Claims

Land Use Designation: SMA

YCM does not understand why existing placer tenure is differentiated from existing quartz tenure, with existing placer tenure allowing development, and quartz not. Particularly given the concerns in this region relate to wetlands, it is unclear why quartz tenure is more restricted, given quartz mines generally occur at higher elevations and outside of wetlands.

- YCM recommends that existing quartz tenure in this LMU also be preserved for exploration and development
- If quartz exploration and development of existing claims is not supported in the final plan, claimholders should be offered fair-market compensation for their claims.

LMU 21 – Wëdzey Tay (Fortymile Caribou Corridor)

Number of Claims 2,523 Quartz claims, 1,521 Placer Claims

Land Use Designation: ISA 2

YCM is disappointed to see Quartz exploration and development being singled out in this region. We do not understand what Special Management Direction 4a is referencing when it states that

“Under the current regulatory system quartz exploration and development is not supported”. Furthermore, this conflicts with the designation of this LMU as an ISA, the intent of which is to permit balanced industrial uses, including mineral exploration and development.

- YCM strongly recommends that the caribou stewardship area be removed from this LMU, and the staking withdrawals and restrictions on quartz exploration and development be removed from this LMU. Mitigations and timing windows can be very effective at minimizing conflicts between quartz exploration and development and caribou, and we are supportive of references to these.

YCM also disagrees with the first statement under Rationale for Designation. If numbers of caribou were in decline because of cumulative impacts from existing and proposed industry development in the area population numbers would not have risen to their current peak and Yukon would not have reopened the forty-mile caribou for hunting in January 2020. It is also unclear what *“existing mining legislation and technology”* the commission finds problematic, and this language is not helpful. There are many regulatory measures that are already used to mitigate impacts on caribou (i.e. timing windows, buffers, etc), and it is unclear what is sought in successor legislation on this front.

- YCM recommends removal of the first Rationale bullet.

YCM also has concerns about the third bullet which references *“Mining methods/technology applied in Yukon is a concern to the Commission, as evidenced by recent and ongoing mining projects.”* What exactly is concerning to the Commission? And why do those concerns apply to this LMU but not to others?

- YCM recommends removal of the third Rationale bullet.

As noted by the Socio-economic values section, pockets of high to significant mineral potential exist within parts of this LMU, particularly in brownfields areas that have seen historical work.

- The YCM recommends areas of high to significant mineral potential be left available for future exploration and development, either through modification of special management directions to allow exploration broadly in this LMU, or by adjustment to the LMU boundaries to move areas of high potential into adjacent LMUs.

7 PLAN IMPLEMENTATION

7.2.2.3 YESAB, Page 276

- Recommended Action #140 – YCM recommends including representation from industry on the implementation committee to identify challenges that might arise during implementation.

7.3 Capacity Building, Page 277

Policy Recommendations and Recommended Actions #141 through #144: YCM supports these recommendations as written.

7.5 Plan Conformity and Assessment, Page 280

As mentioned previously, we believe it is critical to have governments, YESAB, industry and ENGOs workshop various scenarios/project applications prior to finalizing the Plan, in order to identify challenges or other issues that may arise. This will help prevent misinterpretations going forward and inspire confidence that the Plan will be implemented in the way that it was intended and, in a way that project proponents understand.

7.6.2 Implementation Guidelines, Page 282

- Recommended Actions #147 and #148: YCM Recommends that industry be involved in developing an implementation strategy that is feasible for proponents.

7.8.2 Status Report and Plan Review, Page 288

- Recommended Action #152 – YCM supports this recommendation, but recommends it be developed in partnership with industry
- Recommended Action #154 – YCM strongly recommends the involvement of industry, including KPMA and YCM, in the development of a plan review process every 10 years.



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Conclusions

YCM supports the Plan's commitment to a balanced approach, with a healthy, thriving, sustainable mining sector – which is required for a net zero economy – while at the same time protecting sensitive habitat, especially that which is significant to Indigenous people's ways of life. This is not a zero-sum proposition. Industry already working in the region would like to also see the plan preserve the ability to continue to work in areas that are economically important today and in the future. The Dawson region has a high level of mineral potential as well as a developed and active placer industry and a strong and emerging quartz industry. There will be a direct impact on Yukon's overall mining industry if the Plan is adopted as written. The impacts to the quality of life of those Yukoners who live and work in the Dawson Region will be visible. It will also set the bar for future land use plans and future investments in Yukon's mining industry. Yukon needs to decide whether it will be part of the global movement towards green energy supported by minerals extracted sustainably with high environmental standards.

Managing and implementing the Plan will be difficult the way it is currently written. Conflicts between special management directions and broader land use intents do not provide clarity about where exploration and mining can and cannot occur. It is concerning that the amount of fully conserved land, at 54%, is more than half of the Dawson region – an area with significant mineral potential. The mineral endowment of the region must be considered and the economic impact of this plan for future generations must be considered. Yukon's critical minerals endowment includes copper, nickel, zinc, molybdenum, antimony, tin, manganese and tungsten. The Yukon is ranked 9th in global Investment Attractiveness Index and 6th in Best Practices Mineral Potential by the Fraser Institute's Annual Survey of Mining Companies 2021. This Plan and future plans are being watched carefully by the international investment community, and may compromise future investment in the territory if there is significant uncertainty.

YCM and our membership have significant concerns with the lack of information around key topics outside of the control of the Commission. This includes, policy not yet enacted that causes uncertainty in much of the planning language: Wetlands policy, Lands Act, Resource Roads Regulations, Reclamation Policy, etc. This makes it extremely difficult to understand the full impacts of the Plan as written. Clear language is critical for the future success of the exploration and development industry.

Implementation needs to involve industry and have community transparency to be successful. Industry has proven through the existing robust environmental and socio-economic review process that development can coexist with environmental and socio-economic values being respected. As clearly demonstrated by Yukon companies, pro-active partnerships and engagement with First Nations and communities, the use of innovative technologies to mitigate potential effects of exploration, mineral development and mine production show the mining



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industry's preparedness to take on, with partners, positive environmental land stewardship. Despite these strides made by industry over the past several decades there has not been a positive reflection of this written into the Plan.

As mentioned previously, we believe it is critical to have governments, YESAB, industry and ENGOs workshop various scenarios/project applications prior to finalizing the Plan, in order to identify challenges or other issues that may arise. This will help prevent misinterpretations going forward and inspire confidence that the Plan will be implemented in the way that it was intended and, in a way that project proponents understand.

YCM appreciates the ability to provide feedback on Plan as it is critical that the process includes industry, and includes protections for future mineral development to ensure Yukon's economic future. The Parties now have to weigh the full potential of each LMU, including its economic and geological potential, including critical minerals. The decisions to accept some, or all, of the policy recommendations will no doubt have a significant cost attached, and may pose many significant implementation challenges.

The YCM supports our industry partners submissions and their recommendations. Again, thank you for the opportunity and if you require any further clarification on any of the comments made in the aforementioned submission please contact the YCM.

Sincerely,

A handwritten signature in blue ink, appearing to read "Johnstone", is placed above the typed name of the President.

President
Yukon Chamber of Mines
Electronically signed by the Board of Directors:

Loralee Johnstone, President (Minto Metals)
Andrew Carne, Vice President (ATAC Resources Ltd.)
Allan Nixon, Vice President (BMC Minerals)
Mike Burke, Sitka Gold Corp.
Shena Shaw, Western Copper
Dave Rouleau, Victoria Gold
Pamela O'Hara, Fireweed Metals
Christian Roldan, Newmont Canada
Sebastien Tolgyesi, Hecla Mining Company
Stuart Murray, Small's Expediting

Appendix

Summary of Recommendations and Concerns:

1. The YCM strongly recommends adopting a definition of the Precautionary Principle more consistent with that found in the CIAA or as adopted by the UN. (See page 5 of YCM submission)
2. We strongly recommend that scenario workshops involving governments, YESAB, industry and environmental non-governmental organizations (ENGOs) be undertaken prior to finalization of the Plan, to help test adaptive management measures and evaluate implementation challenges with existing special management directives. (See page 6 of YCM submission)
3. The YCM strongly recommends upholding this stated intent throughout the Plan and modifying conflicting special management directives present in some ISAs to ensure that mineral exploration and development is viable in all ISA-designated LMUs. (See page 6 of YCM submission)
4. YCM recommends that the management plans to be developed for each SMA are done so in a way that leaves the possibility for changes in values and needs of future generations. (See page 6 of YCM submission)
5. We strongly recommend removing the blanket restrictions on exploration and development and the staking withdrawals in caribou stewardship areas that overlap with ISA designated LMUs. (See page 7 of YCM submission)
6. YCM recommends that studies on Caribou interaction with industrial development also include studies of climate change impacts on migration and comparative analysis of the impacts of climate change with and without development. (See page 7 of YCM submission)
7. YCM recommends that language around special management be clarified to ensure the intent of an ISA is preserved, and in implementation that regulators support and consult those working in LMU 17. (See page 7 of YCM submission)

8. YCM strongly recommends that further data be collected to differentiate the varying impacts of different classes of linear features. (See page 8 of YCM submission)
9. YCM also strongly recommends that clear guidance be provided on reclamation for various types of features. (See page 8 of YCM submission)
10. YCM recommends that if the linear feature density thresholds are kept, additional guidance is provided on how they will be evaluated, with specifics on what exactly is classified as a linear feature, and how the threshold will be applied (globally or locally). (See page 9 of YCM submission)
11. We recommend parties commit to working with industry determine reasonable metrics for including reclamation into surface and linear disturbance calculations in the absence of legislative reform. (See page 9 of YCM submission)
12. We also recommend that thresholds be set in all ISA LMUs such that existing disturbance levels are well below the cautionary level, or else it does not permit new development to occur. (See page 9 of YCM submission)
13. YCM recommends that the exploration and mining industry be involved in on-going work to refine socio-economic indicators. (See page 10 of YCM submission)
14. As discussed previously, YCM recommends there be a commitment to work with industry to determine reasonable metrics for including reclamation into surface and linear disturbance calculations as we wait for the completion of new mining legislation. (See page 10 of YCM submission)
15. YCM strongly recommends the parties consider raising the cumulative effects thresholds for areas designated as ISAs, and ensuring all ISAs are able to accommodate at least one new modest-sized quartz mine. (See page 11 of YCM submission)
16. YCM requests clarification as to whether reclamation was factored into the ALCES scenario analysis, and if not, strongly recommends that scenarios be re-run with reclamation accounted for. (See page 11 of YCM submission)
17. YCM strongly recommends that the parties seek alignment between YESAB's definition of cumulative effects and that present in the Plan, noting that YESAB's definition is significantly broader (based on potential activities) and thus may not align with thresholds set in the Plan on a more specific and impacts-based approach (based on actual disturbance). (See page 12 of YCM submission)

18. YCM recommends that growth scenarios be evaluated for minerals other than gold, and that scenarios be conducted in conjunction with industry. (See page 12 of YCM submission)
19. YCM recommends workshops and training for all parties involved in interpreting the Plan and applying thresholds when they make decisions or recommendations. (See page 12 of YCM submission)
20. YCM recommends this section be updated to indicate in more detail what the process and triggers are for actions and interventions of this nature to be considered. (See page 13 of YCM submission)
21. YCM recommends that the mining industry be invited to participate in that work to ensure relevant indicators are developed, used and that information is being collected and monitoring is conducted in a timely and appropriate manner. (See page 13 of YCM submission)
22. Indicator Recommendation #2 – Socio-Economic Values: YCM stresses that industry, who is on the ground and whom the indicators are evaluated on, must be part of the conversation on identification of new indicators. (See page 13 of YCM submission)
23. Indicator Recommendation #4 – Reclamation and Restoration: YCM supports the Commission’s statement, “The Parties must define what is meant by reclamation and restoration and how these concepts relate to the Dawson Regional Plan’s cumulative effects framework.” As the definition of reclamation is critical to effectively implement the Plan. YCM also agrees with the Commission in that “restoration should be values-based and focus on returning the disturbed area as close as possible to its original ecological function, recognizing that this may be harder for some ecosystem types (for example, restoring a bog to a bog).” YCM stresses that it is critical for industry to be included in the future work to better define reclamation and restoration. (See page 14 of YCM submission)
24. YCM would like to emphasize that all recommendations in this section must be conducted transparently and with industry involvement. (See page 14 of YCM submission)
25. YCM strongly recommends that language in the Plan be adjusted to reflect that exploration and mining disturbances are very localized, and that effective mitigation measures exist that can be used to minimize impacts on caribou. (See page 15 of YCM submission)

26. YCM recommends that blanket limitations on road and trail development in alpine and subalpine areas be removed. (See page 15 of YCM submission)
27. Research Recommendations #13 through #18 – YCM will always support gaining more data to aid in making informed decisions around management. We support prioritizing Access Management Plans, and strongly recommend that industry be invited to participate meaningfully in development these plans. (See page 15 of YCM submission)
28. Recommended Management Practice b: YCM would like to see the issue of overharvesting be directly addressed by restrictions on hunting rather than indirectly through restriction of roads necessary to support industrial use. (See page 15 of YCM submission)
29. Research Recommendation #25: It is critical that industry organizations involved in mining be included in this evaluation. (See page 16 of YCM submission)
30. YCM recommends that these recommendations be scoped more clearly or removed entirely until such time as the areas where they apply are better defined. (See page 16 of YCM submission)
31. YCM requests that the wetlands mapping being used to guide the commission and governing bodies be made available for industry to review. It is difficult for project proponents to invest time and money in the area without an understanding of known wetlands data. (See page 17 of YCM submission)
32. Research Recommendation #51 – YCM strongly recommends that the placer industry be involved in the research and development of buffers as they can offer practical experience from working in and around wetlands. (See page 17 of YCM submission)
33. Research Recommendation #52: YCM strongly supports the recommendation that wetland inventories be made publicly available, as discussed above. (See page 17 of YCM submission)
34. Research Recommendation #53: YCM strongly supports the recommendation that industry be involved in collaboration and partnership to improve the understanding of the Region’s wetlands. (See page 17 of YCM submission)
35. YCM strongly recommends that fair compensation guidelines be developed for claims that are impaired for future exploration and development as a result of management directives under this plan. (See page 18 of YCM submission)

36. We strongly recommend the Parties consider the recommendations we have made, which we believe will help achieve this balance and a successful Plan that can benefit all. (See page 20 of YCM submission)
37. Policy Recommendation #78 – The YCM supports the allowance of continued exploration and development on existing tenure in SMAs, however projects need to be offered a realistic chance of development, or compensation should be provided to claimholders. (See page 20 of YCM submission)
38. Policy Recommendation #79 – YCM supports the allowance of continued exploration and development within ISA zoned areas, however some special management directives and stewardship overlay areas conflict with this recommendation. The YCM strongly recommends removal of these conflicting directives to allow ISAs to be accessible for exploration and development. (See page 20 of YCM submission)
39. Policy Recommendation #82 – YCM recommends that tours of Quartz projects as well as Placer projects be offered, as there are significant differences between quartz and placer exploration and mining. (See page 20 of YCM submission)
40. We strongly recommend the Parties consider removing or revising this recommendation to provide more clarity on what is expected from ‘gender-based socio-economic impact assessments’. (See page 21 of YCM submission)
41. We also recommend that if this recommendation is kept, the Parties have it only apply to larger development-stage projects and not early stage exploration activities. (See page 21 of YCM submission)
42. Recommended Action #87: YCM strongly recommends that industry representatives be involved in the development of any sub-regional plan that involves access. (See page 21 of YCM submission)
43. YCM recommends inclusion of an additional bullet under Planning Strategy that references the on-going development of Resource Road Regulations which will allow for better regulation of the lifecycle of a resource road from construction to reclamation, and prevent private resource roads from becoming public. (See page 21 of YCM submission)
44. YCM recommends that this wording be revised to request the ‘approximate location’ of anticipated access roads and trails be provided to a proponent’s best ability. (See page 22 of YCM submission)

45. Research Recommendation #105 : YCM recommends reaching out to existing barge operators to determine costs and operational parameters for existing barge access. (See page 22 of YCM submission)
46. Policy Recommendation #117: Restrictions on allowable landings could have very significant impacts on exploration and mining operations. YCM recommends these only be made in consultation with effected industry members operating in the area. (See page 22 of YCM submission)
47. Policy Recommendation #120: YCM has concerns regarding the interim measure for LMU 3, as discussed further on in this submission.(See page 22 of YCM submission)
48. If this recommendation remains in the adopted Plan then YCM recommends further details regarding the nature of these studies be provided. (See page 23 of YCM submission)
49. YCM supports this land use designation given existing mineral tenure is preserved, however we recommend that when the plan is evaluated in the future that Critical Mineral potential be considered, as well as the potential for economic partnerships with TH. (See page 23 of YCM submission)
50. We also recommend additional clarity be provided regarding Special Management Direction 4 – specifically in relation to what “proven viable” means. Is this defined as completion of a positive feasibility study? (See page 23 of YCM submission)
51. YCM strongly recommends that planning for this area be completed as part of the overall Plan, and not left to a subsequent exercise. (See page 24 of YCM submission)
52. If sub-regional planning is preserved in this region, the YCM strongly encourages removal of interim measures 1 and 2 as it will negatively impact the ability for the exploration industry to advance projects. (See page 24 of YCM submission)
53. YCM recommends the very few claim holders in the area to be offered compensation at fair market value for their claims. (See page 24 of YCM submission)
54. YCM supports the Land Use Designation as it overlaps with the existing Tombstone Territorial Park, however we recommend the few claim holders in the area be offered compensation at fair market value for their claims to remove any potential conflict. (See page 24 of YCM submission)

55. YCM recommends the definition of “*activities that would have the potential to disturb salmon*” be clarified for proponents and regulators to provide details on what is or is not allowed within timing windows. (See page 25 of YCM submission)
56. We recommend that the claims in this area be fairly compensated if projects cannot be developed under the Plan. (See page 25 of YCM submission)
57. Given the significant number of claims present, and the high prospectivity for additional minerals we recommend that a higher level of ISA be considered for this LMU. (See page 25 of YCM submission)
58. We strongly recommend removing the caribou stewardship area overlay from this region and acknowledging that mitigations exist to minimize conflicts and impacts on caribou. (See page 25 of YCM submission)
59. At a minimum, we recommend removing the interim withdrawal of lands from staking, as this will significantly impact the ability for proponents to continue to operate in this area. (See page 25 of YCM submission)
60. If surface access is the concern before an AMP is completed, consider restrictions on new surface access in the interim instead of staking withdrawals. (See page 25 of YCM submission)
61. We recommend removing this bullet as it conflicts with the intent of the LMU designation. (See page 25 of YCM submission)
62. We recommend modifying these special management directions to recommend project-specific mitigations be implemented within fall habitat, which could include timing windows and restrictions on access. (See page 26 of YCM submission)
63. YCM also recommends concerns regarding hunting related to access development be addressed directly rather than through restrictions on all access development. (See page 26 of YCM submission)
64. YCM recommends that additional clarity be added as to whether existing claims in this LMU are preserved and can be developed, as is specified in other SMA-designated LMUs. (See page 26 of YCM submission)
65. YCM is concerned that regardless of preservation directives, it may be challenging to develop claims in this area and recommends the few claim holders in the area to be

- offered compensation at fair market value for their claims. (See page 26 of YCM submission)
66. YCM would like to see parties place a more defined timeline on completion of the future planning of this area. (See page 27 of YCM submission)
 67. YCM would like clear mitigations that allow for responsible development of claims. YCM would like to see management directions consider current and future mineral interest in the area and leave the possibility for future generations to develop to an ISA 3. (See page 27 of YCM submission)
 68. This area is highly prospective for exploration and YCM recommends mitigations that are adaptive and flexible to allow for the changes in migration of caribou. (See page 27 of YCM submission)
 69. YCM recommends the claim holder in this area be compensated fairly for the value of the claim. (See page 28 of YCM submission)
 70. We would recommend removing the word 'marshes' from this directive. (See page 28 of YCM submission)
 71. YCM requests that the wetlands mapping being used to guide the commission and governing bodies be made available for industry to review. It is difficult for project proponents to invest time and money in the area without an understanding of known wetlands data. (See page 28 of YCM submission)
 72. YCM strongly recommends that industry be involved in development of reclamation guidance and standards. (See page 28 of YCM submission)
 73. YCM recommends a higher level of ISA designation be considered in this area given the high mineral potential. (See page 29 of YCM submission)
 74. YCM recommends that existing quartz tenure in this LMU also be preserved for exploration and development (See page 29 of YCM submission)
 75. If quartz exploration and development of existing claims is not supported in the final plan, claimholders should be offered fair-market compensation for their claims. (See page 29 of YCM submission)
 76. YCM strongly recommends that the caribou stewardship area be removed from this LMU, and the staking withdrawals and restrictions on quartz exploration and

development be removed from this LMU. Mitigations and timing windows can be very effective at minimizing conflicts between quartz exploration and development and caribou, and we are supportive of references to these. (See page 30 of YCM submission)

77. YCM recommends removal of the first Rationale bullet. (See page 30 of YCM submission)
78. YCM recommends removal of the third Rationale bullet. (See page 30 of YCM submission)
79. The YCM recommends areas of high to significant mineral potential be left available for future exploration and development, either through modification of special management directions to allow exploration broadly in this LMU, or by adjustment to the LMU boundaries to move areas of high potential into adjacent LMUs. (See page 30 of YCM submission)
80. Recommended Action #140 – YCM recommends including representation from industry on the implementation committee to identify challenges that might arise during implementation. (See page 31 of YCM submission)
81. Recommended Actions #147 and #148: YCM Recommends that industry be involved in developing an implementation strategy that is feasible for proponents. (See page 31 of YCM submission)
82. Recommended Action #152 – YCM supports this recommendation, but recommends it be developed in partnership with industry. (See page 31 of YCM submission)
83. Recommended Action #154 – YCM strongly recommends the involvement of industry, including KPMA and YCM, in the development of a plan review process every 10 years. (See page 31 of YCM submission)

Dec 20th, 2022

3 Pikas

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Attn: Jacob Newkirk

Cc:

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Tr'ondëk Hwëch'in

Government

Dawson City YT

Debbie Nagano

Chair

Dawson Regional Land Use

Planning Commission

Re: Recommended Dawson Regional Land Use Plan

Dear Jacob,

The Yukon Conservation Society (YCS) is a grassroots environmental non-profit organization, established in 1968. Our mission is to pursue ecosystem well-being throughout the Yukon and beyond, recognizing that human well-being is ultimately dependent upon fully functioning healthy ecosystems. We pursue this mission through a broad program of conservation education and analysis, including input into public policy and regulatory processes.

In light of this mandate, we have closely followed the development of the Dawson Regional Land Use Plan (DRLUP) since before the original Commission was appointed in 2014, and offer the following comments on the Recommended DRLUP (Hereafter: The Plan)

Executive Summary

- Make explicit the intent of the Plan to preserve and restore Biodiversity, aligned with Canada's biodiversity commitments
- Modify some Land Management Units so that there are areas where the footprint of disturbance is reduced.
- Management plans that include regulations should be developed for all LMUs, including ISAs as well as SMAs.

- Fen wetlands are as irreplaceable and valuable as bogs and should therefore also be 100% protected
- LMU 7, Wehtr'e (Antimony) should be a Special Management Area (SMA), i.e., a protected area, to ensure *connectivity* is preserved between currently protected Tombstone Park and the Tintina Trench recommended protected.
- LMU 9, Clear Creek should be scheduled for sub-regional planning to address the existing high level of disturbance and its ecological overlap with the Northern Tutchone planning region.
- LMU 19, White River should become an SMA to protect its extensive wetlands and connect to the SMA LMU 20, Scottie Creek Wetlands
- LMU 21, 40 Mile Caribou Corridor should have far less industrial activity permitted in order to be consistent with its name and with the needs of caribou: YCS preferred approach is that the Caribou Corridor be fully protected.

Introduction

Please convey, on YCS's behalf, our sincere appreciation to the DRLUP Commission and Staff for the staggering amount of work they have put into the Plan, particularly in how they carefully considered and incorporated responses to the Draft DRLUP.

There is much to like in the Plan, in particular the improved focus on conservation, caribou and wetlands and what amounts to the best effort we have seen to date to articulate a robust approach to Cumulative Effects (CE) Assessment.

However, there are places where YCS finds that the Plan misses the mark, or stops just before crossing the finish line and it is in these places that we focus our comments; that we do not comment on the majority of the Plan should be considered our endorsement of it.

The context for these comments has to include the rapidly worsening Biodiversity Crisis. 70% of all wildlife has vanished since 1970¹ and the loss is continuing at a rate of 2.5%/yr. Unless this trajectory changes soon, humanity is facing a world largely depleted of wildlife within 40 years, comfortably within the life spans of many of us. Accordingly, initiatives such as the Dawson Regional Land Use Plan bear an extra responsibility to ensure that nothing in this plan will make this crisis worse. To that end, the Plan concept of Stewardship is very valuable, and it is clear

¹ <https://phys.org/news/2022-10-wildlife-populations-fallen-years-wwf.html>

that the spirit and intent of the Recommended Plan does hold both Community, and Ancestral Stewardship to heart. These comments do offer some suggestions where conserving and restoring biodiversity can be improved and enhanced.

General Approach

Land Use Planning as a discipline is well respected and it takes considerable training to become a certified planner. Therefore, it is not surprising that conventional approaches to land use planning inform the structure of this Plan. Chapter 11 Regional Land Use Plans are quite different to most other plans. Therefore, applying conventional thinking to this plan may not be the best approach. For example, the plan can be viewed as having been done ‘upside down’: Consider how Land Management Units (LMUs) designated as Special Management Areas (SMAs) are intended to become some sort of protected or conserved area and that management plans (including regulations) for each SMA will be worked out by the parties subsequent to the adoption of the Plan. This means that the protected areas will, paradoxically, have more management than will unprotected areas, areas where industrial development can take place. It remains unexplained why all LMUs, and in particular Integrated Stewardship Areas (ISAs) do not have management plans and associated regulations. Regulations arising from LMU management plans would make implementation of the Plan much easier and more transparent. YCS therefore suggests that management plans that include regulations be developed for all LMUs, including ISAs as well as SMAs.

Cumulative Effects Framework

The first observation we have is that the Framework presented in the Plan is the best effort we know of to elucidate Cumulative Effects in the Yukon to date.

A major concern at YCS is that the Scenario Analysis of Surface Disturbance does not properly include a *reduction* of disturbance, it considers low growth and high growth scenarios, however this is a reactive approach that omits the possibility of *degrowth*², a reduction of disturbance. While the Framework does acknowledge that when the quantum of disturbance exceeds the precautionary threshold, that disturbance should curve back down to below precautionary levels, it provides no guidance about how that could happen, neither does the Plan itself. Ultimately, if we do not want accumulating disturbances to eventually cover the entire landscape, we shall have to, sooner or later, place limits to the growth of disturbance. **Why not now, while disturbance is still relatively modest**, compared to most of the provinces? There are LMUs where disturbance is already too high for some values, in particular LMU 9, Clear

² <https://www.weforum.org/agenda/2022/06/what-is-degrowth-economics-climate-change/>

Creek, where the Clear Creek Caribou Herd have already been pushed out of some Wildlife Key Areas by too much mineral development and current linear disturbance density exceeds the precautionary threshold³. To make matters worse, the Framework acknowledges that our ability to monitor increases in disturbance activity and effects lags actual disturbances and effects by several years. Decisions around approval of projects could therefore be made erroneously, resulting in thresholds being exceeded. The Framework needs a mechanism to bring new disturbance levels back to sustainable levels.

This points to an additional problem with the Cumulative Effects Framework, that it sets thresholds based not on ecological or social values, rather it accommodates industrial values, i.e., mineral exploration and development values. Some parts of the planning region have a lot of disturbance: the above-mentioned Clear Creek area, but also LMU 11, the Goldfields and LMU 8 Brewery Creek. There is no reason (other than it is hard to define) that industry proponents here should not be **required to reclaim and restore previous disturbances** in order to acquire social and legal licence to disturb additional land.

Growth and degrowth

We live, and by extension this plan exists, in a society that assumes that a growing economy and a growing population are desirable outcomes. Numerous public policies are designed to foster growth. However, while growth is essential to achieve our potential, in the natural world, it is always limited. We see it in our own bodies that grow to an adult size and then stop growing- unless something goes wrong and a cancer develops.

Similarly, we see natural systems balance each other to ensure that one system does not grow unchecked at the expense of others- as in where wolves and caribou balance each other's numbers so that they do not over stress the land. Similarly, it is most likely that the natural checks and balances on the planet will eventually put an end to unchecked human population and economic growth, however, a tremendous amount of harm could be done before we are put back in our place.

A Regional Land Use Plan should address the sum of development judged desirable in the planning region, and to a certain extent, through the application of thresholds, it does. In some parts of the region, it is easy to see that the land has already been subjected to too much

3

https://static1.squarespace.com/static/6009a9b2949f23737ee418af/t/62704c064f29ba2ae02c49de/1651526664719/YCS_CCCHReport_V2.pdf

stress; the lower Klondike valley and the Indian River valley are good examples. In conclusion, areas that are already over stressed would benefit from restoration, from reduced disturbance.

Therefore, YCS recommends that the DRLUP include areas where the footprint of disturbance should be reduced.

Connectivity

The key concept of connectivity is noted in General Management Directions as a priority and as a Plan Ecological Goal, to connect areas of key habitat with consideration for climate driven changes in habitat. Habitat connectivity is included as an objective for Grizzly Bears.

Connectivity is mentioned three times in the intent statement, for LMU 1. Connecting existing Alaskan and Yukon protected areas is listed as a rationale for the designation of LMU Tatonduk as an SMA. Similarly, both ecological and cultural connectivity are rationales for LMU 4, 15Mile, becoming an SMA, and again, to connect existing SMAs. The concept appears dozens of times in the Plan, and has its own definition, so it is safe to say that connectivity is important to the Plan.

Therefore, it is puzzling that some major opportunities for connectivity are missed and some SMAs are isolated islands in a sea of LMUs where industrial activity is intended.

YCS suggests that if LMUs 7, 19 and 21 became SMAs, then SMAs 10, 16 and 20 would no longer be isolated and wildlife would be better able to migrate and adapt to the changing climate. It should be noted that these areas already have interim protection from minerals disposition, or have very minimal development footprint or prospects. Please see the map in the appendix for an illustration of how connectivity can be achieved.

Adaptive Management

The Commission has taken a smart approach here. It is allowing for future developments in Cumulative Effects management to be incorporated. It acknowledges that the indicators it uses (linear and areal disturbance) are inadequate and that ecological, cultural, social and even economic indicators should be developed. YCS expanded at length on the need for these additional indicators in its submission on the Draft Plan. A copy of these specific comments can be found in the Appendix.

Overlay areas

This is an interesting approach to integrating conservation for a particular value (caribou or wetlands) into management directions for an ISA. However, it is not clear that using

management direction will be sufficient to protect caribou (or wetlands) in the explicit absence of legal protection. Given that caribou (and wetlands) are being lost across the country, and the planet, the directions should be tougher. There could be, for example, a directive that the precautionary principle should be rigorously applied and thus **if the value might be affected by an activity, the value should take precedence.**

Land Management Units

YCS has provided extensive comments on the direction for each LMU in our comments on the draft Plan, and we are pleased that the Commission included many of them in this Plan. YCS does have additional comments on some LMUs, primarily intended to help bring the Plan into a more coherent whole.

LMU 3: CHU KON DĚK (YUKON RIVER CORRIDOR) The LMU is recommended for future planning. There is a lot to be said for the creation of a Yukon River Park that would extend from the Alaska border up to the headwaters in Chilkoot Trail National Historic Site. It would doubtless be managed as a multi-use park, similar to Thousand Islands in Ontario. The salient point being that it should be **managed for its immense ecological and cultural and heritage values**, while allowing for its traditional use as a transportation corridor for both humans and wildlife.

The creation of a Yukon River SMA would contribute towards meeting Canada's Aichi target of protecting 30% of its water by 2030. While this plan is only concerned with that portion of the corridor that lies within the planning region, YCS agrees with and endorses the recommendation to manage the corridor as a whole, and to grant the Yukon River personhood status. YCS is unsure if the Yukon River Corridor should undergo subregional planning or if it should be treated as any other LMU. However, if the recommendation to withdraw the LMU from minerals dispositions until the parties agree is accepted, YCS agrees with delaying the determination of the designation of the LMU until subregional planning is complete. YCS would prefer that this LMU become an SMA, which would allow for a certain amount of additional planning as a management plan is developed during Plan implementation.

LMU 7: WEHTR'E (ANTIMONY) The LMU description (conservation area) and management directions (preserve caribou, connectivity with protected areas) are consistent with SMA status. In addition, it connects existing and recommended SMAs with the SMA LMU 10 Tintina Trench. It would be consistent and logical to make this LMU an SMA.

LMU 9: CLEAR CREEK The intent for the LMU is to conserve key caribou habitat and allow for development, primarily placer and quartz exploration and mining.

The eastern boundary of the LMU is the boundary of the planning region and reflects political consideration rather than ecological values; if the LMU were drawn with more of an ecosystem lens, it would extend into the (thus far unplanned) Northern Tutchone Planning Region. YCS recommends that the LMU be redrawn to fit with ecological features, despite extending beyond the current DRLUP boundaries.

The current level of surface disturbance in the LMU is 1.67%⁴, which is already above the ISA 4 precautionary level (1%) and projections out 20 years range from 2.28% - 3.38%. These levels risk exceeding the ISA 4 Cautionary level of 3% and approach the critical level of 4%. Any consideration of the thresholds for the various ISA levels should consider how thresholds were set in the North Yukon and Peel Watershed Regional Land Use Plans, which similarly considered thresholds crafted for the conservation of caribou. Both these plans set the critical level for IMA 4⁵ at 1%. **YCS concludes that the ISA thresholds for the DRLUP were set not in order to protect caribou, or other biodiversity values, but to accommodate current levels of industrial disturbance, with room for even more disturbance in the near future.**

The current level of disturbance is sufficient to render at least parts of the LMU unsuitable caribou habitat, and this is reflected in the observation that the Clear Creek Caribou Herd have been pushed off significant portions of their historic range, including significant Wildlife Key Areas. YCS agrees that limited and well managed industrial activity can co-exist with the continued presence of caribou, so long as key habitat is avoided. However, it appears that the ISA 4 thresholds as stated in the Plan are not consistent with this desirable situation.

Therefore, if we wish to eat our caribou cake and have our industrial cake too, we need to reduce the level of disturbance that exist in the LMU. Disturbance is, of course, only crudely measured by surface and linear disturbance; the type and timing of activity are also important, among other things such as changes to access for traditional pursuits. YCS acknowledges that dialing back activity and disturbance is not something that plans typically undertake, and there are few if any templates for doing so. The consideration that the LMU fails to fully encompass the geographic extent of the ecosystem at risk adds to the complexity and challenges of accomplishing a truly sustainable LMU.

⁴ <https://dawson.planyukon.ca/index.php/publications/recommended-plan/3681-exploring-the-cumulative-effects-of-future-land-use-in-the-dawson-planning-region/file>

⁵ IMA, Integrated Management Area and ISA have much in common, and YCS is of the opinion that we can legitimately use the terms interchangeably in this particular context.

Therefore, **YCS recommends that this LMU be set aside from the Final Recommended Plan and instead be assigned to sub-regional planning** that includes the First Nation of Na-Cho Nyak Dun and the remainder of the LMU 9 ecosystem. In the meantime, the special management directions should remain in place with the additional directive that **no net additional disturbance take place until sub-regional planning has concluded.**

LMU 17: NÄN DHÖHDÄL (UPPER INDIAN RIVER WETLANDS) The stated intent of the Plan for the LMU is protection of the function of the wetlands in the LMU. The Plan suggests that reducing the pace and scale of disturbances while ensuring excellent reclamation standards are met will achieve this goal.

Excellent protection of wetlands will typically include protection of a buffer zone, to ensure hydrological connectivity is retained. The size and shape of the buffer will depend upon the type of wetland and the geology and topography of the landscape within which it sits. The Upper Indian River Stewardship Plan should include buffers around wetlands.

The Plan acknowledges that restoration of both bogs and fens is effectively impossible. The Plan protects bogs in the LMU, but allows for half of fens to be mined. Given the fact that fens are characterized by water moving through them, disturbing half of a fen is likely to affect the remainder of it, because of alterations to hydrology. Therefore, **YCS recommends that fens be 100% protected.**

The current level of surface disturbance is estimated at 0.25%, which is the precautionary level for ISA 1. However, this LMU is withdrawn from staking and additional disturbance is not compatible with wetlands protection. The critical level of disturbance for ISA 1 is also 0.25%, therefore it seems logical to assign this LMU to be an ISA 1. It has to be recognized that the critical level of disturbance for ISA 2 is 1%, a quadrupling of the amount of disturbance from the current level. Surely quadrupling the disturbance does not align with the intention of the Commission. **YCS recommends that LMU 17 be designated ISA 1.**

LMU 19, TÄDZAN DĚK (WHITE RIVER): This LMU should be designated as an SMA instead of an ISA 1. The area is important for the Fortymile Caribou for travelling through on their way to reclaim their summer range in the Dawson Range to the south. Any disturbance that they might encounter as they feel their way south over paths not travelled in decades could prove catastrophic for their future prospects to access more vital summer range. If we need a

Fortymile Corridor in LMU 21 (see below), we need it for the rest of their journey too. Further rationale for making the LMU an SMA include that minerals prospectivity is low in the LMU and that the Ladue wetlands have been recommended as Wetlands of Special Importance. Scottie Creek SMA is isolated from the other wetlands in the LMU.

LMU 21, WĒDZEY TAY (Fortymile Caribou Corridor) The management intent for this LMU is to preserve habitat requirements and migration routes for the Fortymile Caribou Herd, in alignment with the SMA WĒdzey Nāhuzhi (Matson Uplands). To this end, the Plan recommends against quartz mining and exploration in the LMU until such time as both Parties agree otherwise. In addition, the LMU is designated as a Caribou Stewardship Overlay Area. In 3.2.4.1, Caribou Stewardship Area, it is explained that ‘The intent of these [caribou stewardship] areas is protection of the caribou population and habitat...’

However, the thresholds for disturbance are set at ISA 2, which means that up to 0.5km/km² of linear disturbance could take place. Unfortunately, this level of disturbance is not compatible with continued presence of caribou. The density of similarly migratory caribou populations near Prudhoe Bay, Alaska, are demonstrated to decline with increasing road density. Road densities up to 0.3 km/km² reduced caribou density by 63%, while road densities ranging from 0.6 - 0.9 km/km² reduced caribou density by 86% (Nelleman and Cameron 1998).

YCS is aware that there are existing disturbances in this LMU, and that the current level of disturbance, plus a certain amount of additional disturbance over 20 years has been the framework used to determine the ISA level in an LMU⁶. However, this is, with respect, not how one accommodates the primary value in this LMU, this is how one accommodates disturbances.

According to the Plan’s Cumulative Effects appendix, the current level of disturbance in the LMU is 0.3km/km² and the critical level of disturbance for ISA 1 is 0.25km/km². This is a difference of only one half of one tenth of one percent. The LMU could, especially given the withdrawing of quartz development, **be designated ISA 1**, and special management direction given to reclaim disturbances until the ISA 1 threshold is reached. In general terms, we have to have a mechanism to shrink our disturbance footprint, because if we allow it to continue to grow indefinitely, we will eventually have disturbed 100% of the landscape. Therefore, in accordance with the precautionary principle, we should consider **reducing the footprint** in

⁶ <https://dawson.planyukon.ca/index.php/publications/recommended-plan/3681-exploring-the-cumulative-effects-of-future-land-use-in-the-dawson-planning-region/file>

some LMUs, and this LMU should be, given its value to caribou, be the poster child for footprint reduction.

The LMU is almost bisected by an extension of LMU 15, Sixty Mile, ISA 3. If ISA 2 is probably not compatible with unhindered caribou movement and grazing, then ISA 3 is even less suitable. The extension should be reassigned to LMU 21 and zoned accordingly. Please see our attached map in the appendices.

It is useful here to quote verbatim from the Cumulative Effects Framework Appendix: *Recent research on the Fortymile caribou herd has also focused on the influence of available summer range on caribou density, as managers have been concerned the herd was approaching carrying capacity on their summer range* (Fortymile Harvest Management Committee 2020). Since the most recent population estimate of ~84,000 caribou in 2017, the herd has undergone a decline with causes symptomatic of limitations affecting summer carrying capacity (Fortymile Harvest Management Committee *in prep*). **As a result, maintaining current summer range is critical for this herd, meaning that any loss of summer range availability will result in a reduction in the size of the Fortymile caribou herd.**

To meet the herd's harvest management plan objectives of continued use and expansion into historic range, human activity should be managed to allow for the full use of existing summer ranges in Yukon, including migration into and out of those ranges. Based on current research, the loss of either of these components will reduce in the herd's size and as a result, a reduction in herd distribution, which ultimately limits the ability of Yukoners to access this herd.

YCS therefore recommends that critical level of disturbance in LMU 21 should be reduced to a level compatible with unhindered migration by and use of Fortymile Caribou. YCS suggests that ISA 1 could meet this threshold, especially if the ISA is withdrawn from all new land disposition, i.e., Placer in addition to Quartz mining dispositions, however, to be consistent with the value of protecting summer range for the Fortymile Caribou Herd, **the LMU would be much better suited to be an SMA.**

Implementation

YCS joins the Commission in its desire to see a DRLUPC remain in place to champion the plan and guide implementation. The considerable amount of work to be done in sub-regional planning makes this idea even more useful. Even more importantly, it appears that YESAA stipulates a role for planning commissions in performing conformity checks (<https://laws->



lois.justice.gc.ca/eng/acts/Y-2.2/FullText.html).⁷ Given that YESAA has its roots in the constitutionally protected Final Agreements, it may be unconstitutional not to retain the DRLUPC.

Regards,

A handwritten signature in black ink that reads "Sebastian Jones". The signature is written in a cursive, flowing style.

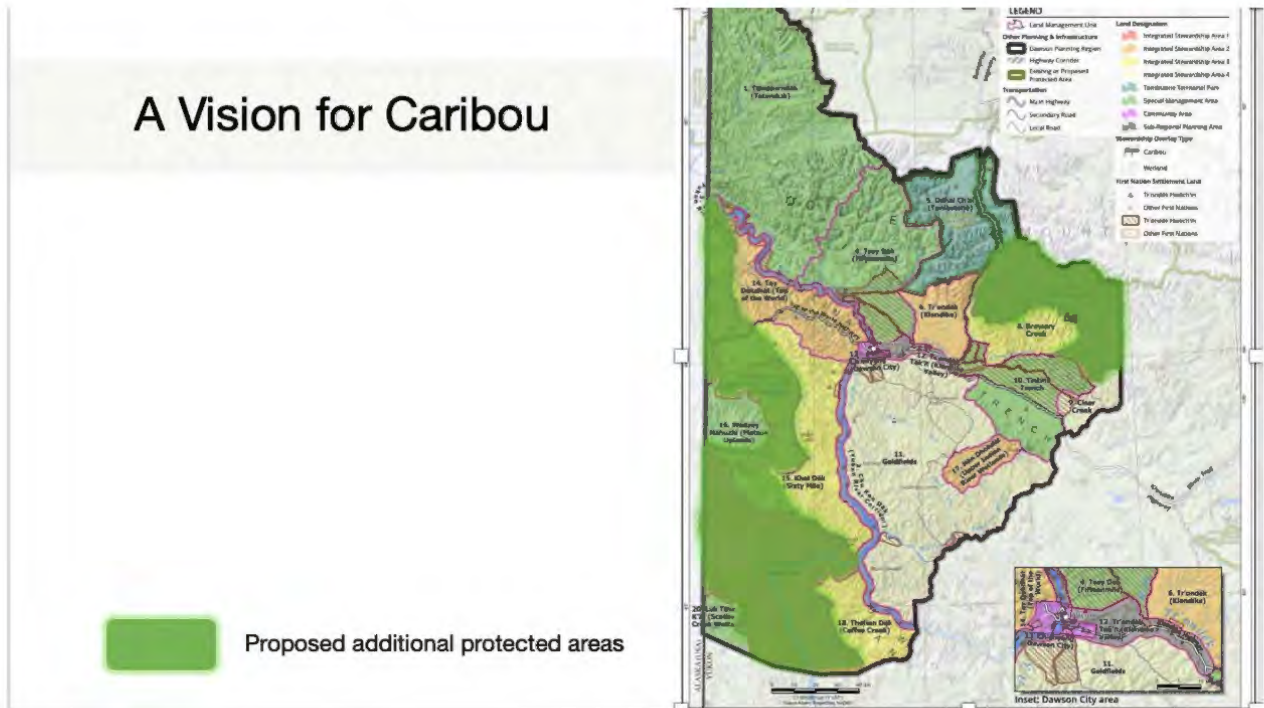
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⁷ **44 (1)** If a regional land use plan is in effect in a planning region established under a final agreement, a designated office, the executive committee or a panel of the **Board shall**, when conducting an assessment of a project proposed in the planning region, **request the planning commission** established under the final agreement to advise it as to whether the project is in conformity with the regional land use plan, unless such a request has already been made in relation to the project.



Appendices:

Appendix One:



A map showing YCS’s recommendations for LMUs 7(Antimony), 19(White River) and 21 (Forty Mile Caribou Corridor)and portions of LMU 15(Sixty Mile). Source: DRLUPC with modifications by YCS.

Appendix Two:

YCS discussion of a cumulative effects approach.

Suggested framework:

The Commission held a very useful workshop on determining a Cumulative Effects Framework to use in the Plan. Unfortunately, this framework is not available in the Draft, however YCS does have some suggestions for inclusion in the Framework:

- Use caribou. Caribou are very sensitive to disturbance, thus make good indicators. Plans elsewhere in Canada have almost uniformly failed to adequately protect caribou



habitat and migration routes resulting in lamentable declines and extirpation of caribou.

- Francis and Hamm 2011 provides a great foundation for further discussion.
- Thresholds can be perceived as limits to development rather than ways to manage environmental change. Of course, managing involves limits, but we always have limits - currently we call them permits. Consistent thresholds can provide 'certainty'. Another way to view the threshold approach is that it regulates the pace of development i.e., if a disturbance is considered restored, there is scope for additional disturbance. At the risk of giving forestry some credit, that industry tries to ensure that logging rates match regeneration rates. Well implemented disturbance thresholds can encourage excellent restoration. This restoration can lead to further development opportunities.
- Thresholds cannot be based only on science; they must take into account social values, public policy, and traditional and local knowledge.
- Thresholds work best when they are developed and used to manage negative effects of human activities, not stop resource development.
- Thresholds work best when they are part of a cumulative effect's assessment and management framework.
- "Technically defensible": thresholds must reach agreement and reflect the best available local and traditional knowledge and science. *Until recently, threshold development has been stalled at this first stage because the use of thresholds generates much technical debate and controversy.*
- 'Politically acceptable': thresholds must be socially acceptable and appropriate. This does not happen on its own and generally requires: a clear management vision; involvement and support of all residents, managers, and resource users; a clear understanding of likely benefits and costs; political and community support; and adequate time and resources. *Land use planning processes are the most effective way to achieve this.*



- ‘Administratively efficient’: implementation requirements must be directly evaluated and addressed when developing thresholds. *This includes: existing legal requirements; administrative processes and procedures; project-specific impact management tools; decision rules; and monitoring, enforcement and reporting requirements.*
- In addition to caribou, other useful indicators are moose, salmon, water, air, soil permafrost, geo-morphology, biodiversity and fire regimes.
- Indicators related to caribou, and moose:
 - Population size
 - Population health
 - Population change rate
 - Predator/prey relationship
 - Demography
 - Cow/calf ratio
 - Calf survival
 - Sex ratio
 - Recruitment rate
 - Pregnancy/parturition rates
 - Summer range quality
 - Access to high quality range
 - Availability of high-quality range
 - Availability of high-quality habitat
 - Connectivity of habitats
 - Availability of wildlife for harvest



- Catch Per Unit Effort
- Harvest rate
- Distribution of harvest
- Quality of harvested meat
- Quality of harvest experience
- Widespread presence of wildlife on the landscape
- Indicators related to Salmon and Water:
 - Water quality
 - Sediments
 - Metals
 - Nutrients
 - Suspended solids
 - Dissolved Organic Carbon
 - Rate of flow
 - Including seasonal patterns
 - Ability to exercise traditional harvest
 - Return to commercial harvest
 - Benthic health
 - Flooding
 - Stream temperature
 - Withdrawal amount



- Riparian health
- Rearing habitat availability
- Fluvial geomorphology changes (both natural and anthropogenic)
- Salmon spawning areas
- IK of quality and quantity
- Ability to pass on IK
- IK of usage patterns
- IK of taste
- Ichthyophonus
- Surface disturbance and Linear Density make useful indicators because they are readily:
 - Mappable
 - Cheap to quantify
 - Straightforward to apply
 - Simple to understand
 - Restorability is measurable
 - Work with permitting process
 - We have some experience with it
 - There is a body of science related to them
 - Enforceable
 - Scalable

- Applies to multiple values
- Applies to multiple land activities.
- Can save vast reclamation costs
- Imposes limits on activities
- Further Cumulative Effects Framework (CEF) considerations:
 - If the plan cannot complete a CEF, leave solid recommendations in the plan to guide the successor to the Commission
 - Test drive the CEF prior to implementation
 - Be aware that this plan will be a template for future plans
 - Leave space for new land uses
 - Ensure CEF recommendations meet the obligations in the FAs
 - Be aware that CE limits can lead to erosion of Indigenous rights
 - Carefully consider language around Plan review
 - Ensure Commissioners are present at these workshops
 - Dream small...for realistic implementation
 - Take a precautionary approach if CE indicators are not fully developed.
 - Ensure the intent of the Plan is clear.
 - Recognize importance and challenge of CE and Adaptive mgt, and that it is an iterative process.
 - Consider how to build community support for CEF through actions such as Community Based Ecological Monitoring and other monitoring efforts
 - Balance social, environmental and economic interests.



- Identify the builders of the framework once the Commission has developed the architecture of it.
- Develop a CEF manual
- Meet with/involve YESAB

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December 20, 2022

Katie Fraser and Joseph Petch

Tr'ondëk Hwëch'in Government and Government of Yukon

Dear Mrs. Fraser and Mr. Petch

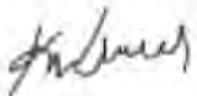
Re: YESAB Comments on the Recommended Dawson Regional Land use Plan

Thank you for the opportunity to comment on the Recommended Dawson Regional Land use Plan (Recommended Plan). The Yukon Environmental and Socio-economic Assessment Board (YESAB) and staff applaud the work of the Dawson Regional Planning Commission (the Commission) for achieving this milestone.

Completed regional land use plans are a key piece in the Yukon's development assessment process. In carrying out project assessments, YESAB assessors draw on a number of information sources to understand the local environmental and socio-economic context where the Project is being proposed. In addition to providing baseline information, regional land use plans help inform valued environmental and socio-economic component selection, and provide important context to support project assessors with characterizing project effects and determining the significant adverse effects of projects.

The attached table presents YESAB's comments on the Recommended Plan. The review focused on ensuring the accuracy of references to YESAB and the environmental and socio-economic assessment process (assessment process). Additional comments and requests for clarification are also provided. If you have questions, please contact Amélie Morin, Manager of the Dawson Designated Office at Amelie.Morin@yesab.ca.

Sincerely,



Kim Winnicky
Executive Director

cc. Amélie Morin, Manager, Dawson City Designated Office

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YESAB Comments on Recommended Dawson Regional Land Use Plan			
#	Pg.	Section/text of Recommended Plan	YESAB Comment
1.	6	<p>HOW TO USE THIS PLAN</p> <p>The following chart provides an outline for how to use this Plan, whether you are a developer, other land user, an assessor, or a decision maker. A Glossary is provided if there are any terms unfamiliar to you.</p>	<p>“Assessor” and “project assessor” are used interchangeably throughout the Recommended plan. Suggest using “project assessor” and defining project assessor in the glossary with a reference to YESAB.</p>
2.	48	<p>3.3 General Management Directions</p> <p>General management directions are meant to guide land use decisions in the Planning Region. They are communicated in this Plan in the form of strategies and recommendations and are intended to be integrated into existing regulatory and/or assessment processes, such as YESAB (Yukon Environmental and Socio-economic Assessment Board) project assessments and other land application review processes. General management direction for the Plan is organized around a results-based management framework.</p>	<p>Many of these “general management directions” are aimed at 3rd parties who have no role in accept/vary/rejecting the Plan, such as YESAB. To take an example: one of the recommended management practices set out on p. 159 is:</p> <p style="padding-left: 40px;">During the Environmental and Socio-Economic Assessment process, land use activities that overlap with where traditional economic activities are practiced, the Parties or the evaluator (YESAB) should utilize a communication and engagement protocol to share information and minimize conflict. The protocol should ensure activities likely to cause disturbances to other land users (trappers, outfitters, etc.) are communicated and consulted on prior to approval.</p> <p>Further, as currently written, the Plan is not clear as to whether Recommended Management Practices, Policy Recommendations, Research Recommendations and Recommended Actions (see content on p. 71) are all “General Management Directions” that must be complied with in order for a project to be found to conform. As per p.64 of the Plan, compliance with general management directions is one of the factors taken into account when determining if a project conforms with the Plan.</p>

			<p>This is significant for YESAB given the role that a conformity determination plays in the assessment process.</p> <p>YESAB suggests that :</p> <ul style="list-style-type: none"> a. the relationship between Recommended Management practices, Policy Recommendations, Research Recommendations and Recommended Actions, respectively, vis-à-vis conformity checks be clarified; and b. when the Commission is making recommendations to such third parties, these “General Management Directions” be reframed to accurately reflect what they are i.e. recommendations. To use the term “direction” when you’re speaking of recommendations aimed at third independent 3rd parties, such as YESAB, is confusing and potentially misleading.
<p>3. 52</p>		<p>3.6.1 Overview The cumulative effects framework will be adapted as new information, ideas, and approaches become available. Therefore, ongoing changes to the cumulative effects framework are anticipated and would not require an amendment to the Plan if they are in line with the values and intent as set out in this Plan. Also, successful management under this framework will require cooperation of the Commission, Government of Yukon, Tr’ondëk Hwëch’in Government, YESAB, and industry operating in the Region. Reporting and sharing of development activity is a key to the cumulative effects framework.</p>	<p>Please clarify what “require cooperation” means? Is there anything additional to sharing development activity information?</p>
<p>4. 63</p>		<p>4.2.3 Thresholds</p>	<p>Please clarify how the precautionary, cautionary, and critical thresholds are meant to</p>

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		These thresholds are further divided into precautionary, cautionary, and critical levels.	be applied to socio-economic/socio-cultural values.
5.	63	Thresholds are also informed by growth scenarios of gold production over the next 20 years.	Please clarify to what extent, has climate change data informed the thresholds identified.
6.	64	<p>4.4.1 Informing Decisions</p> <p>The guidance set out in the cumulative effects framework is intended to help to inform recommendations through the YESAA process and choices of decision bodies through the development assessment process. When determining whether a project is in conformity with the Plan, a recommendation or decision body should apply the cumulative effects framework in conjunction with the LMU management intent, special management directions, and general management directions</p>	YESAB is part of the development assessment process. As written, this paragraph suggests that project assessors are required to determine if a project is in conformity with the Plan. This is not accurate. Project assessors request the Commission to advise whether the proposed project conforms with the Plan. Ultimately, project assessors are required to determine if a project is likely to have significant adverse effects, and if these can be mitigated, and input from the Commission regarding conformity informs those significance determinations.
7.	65	<p>4.4.2 Responses</p> <p>As stated above, values are often linked to each other and mitigations to improve the health of one value may negatively impact another value (MaPP, 2020). This point emphasizes the importance of a cumulative effects framework to take on a holistic approach considering the implications of project approvals on the ecological, socio-cultural, and socio-economic values in the Region.</p>	It would be helpful if the Recommend Plan could provide examples and provide further information on how plan users should consider the interconnections between values. In addition, the Recommend Plan could define values that demonstrate the linkages between values i.e. <i>Moose Harvesting and Cultural Wellbeing</i>
8.	67	<p>4.5 CUMULATIVE EFFECTS FRAMEWORK: MONITORING</p> <p>This monitoring regime includes:</p> <ul style="list-style-type: none"> • Ongoing surface disturbance and linear feature tracking and mapping • Annual Regional planning commission report • Year status report 	<p>Please describe how the cumulative effects framework will address impacts from development to socio-economic/socio-cultural values?</p> <p>YESAB suggests defining indicators and thresholds in the Recommended Plan.</p>
9.	69	<p>Surface and Linear Disturbance Recommendations</p> <p>10. Recommended Action</p>	Please clarify how surface and linear disturbance thresholds estimates will consider reclamation at different stages i.e. contouring

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		Government of Yukon develops standard estimates of surface disturbance and linear feature density to be applied for different types of Class 1 and 2 activities so that cumulative effects may be estimated without being onerous to proponents of smaller projects.	but no regrowth, some regrowth, fully revegetated, etc.
10	69	<p>Monitoring and Management Recommendations</p> <p>11. Policy Recommendation</p> <p>The Parties work with Dawson Regional Planning Commission (DRPC), YLUPC and YESAB to ensure conformity checks include cumulative effects threshold assessment. This work should include Please clarifying information requirements in project proposal for determining conformity. A worksheet or separate application should be considered.</p>	<p>Please clearly define cumulative effects threshold assessment. Is this the the same as project effect assessments? See The Significance of Cumulative Effects as a Matter to be Considered in YESAB Assessments Information Bulletin. It is unclear what this means and how YESAB would be situated to participate in this process.</p> <p>Please clarify what “clarifying information requirements” are. Does this mean ensure that the DRPC/YLUPC has the necessary information to complete conformity checks of proposed projects? Additionally, the way this is currently framed suggests that the Parties determine the information requirements for project proposals. The basic information requirements for projects assessed at the Designated Office (DO) level are set out in Directives issued by YESAB pursuant to 8a of the DO rules.</p> <p>The information requirements for project proposals submitted to the Executive Committee (EC) are determined through the Pre Submission Engagement (PSE) process, which provides for input by the Parties regarding the same.</p>
11	69	<p>Monitoring and Management Recommendations</p> <p>12. Recommended Action</p> <p>Short Term Recommended Action: YG produces an annual summary of surface disturbance and linear feature density for each LMU</p>	<p>This would be extremely useful and practical for project assessments in the Dawson Assessment region. In particular, this would inform our characterization of effects to moose and caribou. This would also assist project assessors in understanding a projects contribution to the Dawson region thresholds in table 3-2 on page 56.</p>

12 70	<p>5 GENERAL MANAGEMENT DIRECTIONS 5.1 OVERVIEW</p> <p>This section provides general management direction for the Dawson Planning Region. General management direction identifies management practices, recommendations, strategies, and conditions of development that will assist land managers and assessors to meet Plan goals.</p> <p>The content in this section is informed by the planning concepts outlined in Section 3 – Plan Concepts (page 41), the Commission’s direction, expert input (stakeholders, technical working groups, etc.), public input, YESAB reviews, other land and resources plans, and external research.</p>	<p>YESAB suggests changing “meet” to “consider” as YESAB does not have the jurisdiction, mandate, or requirement to “meet” plan goals.</p> <p>Please clarify if “YESAB reviews” refers to YESAB’s comments on the Draft Recommended plan from November 1 2021?</p>
13 98	<p>Mitigation Hierarchy</p> <p>The Mitigation Hierarchy, a widely used concept in natural resource management, is a set of sequential steps that should be followed to minimize the loss and degradation of wetlands. The avoidance of wetlands should be the first approach for any development project.</p> <ol style="list-style-type: none"> 1. Avoid impacting wetlands, 2. Minimize unavoidable impacts, 3. Reclaim impacted wetlands, 4. Offsetting: In specific circumstances, it may be appropriate to offset residual wetland impacts. 	<p>The language limits the hierarchy to only be used for development permitted in wetlands, not near. Certain projects have activities that cause sedimentation to the wetland, but no work within the wetland. YESAB suggests that it would be helpful if there were some consideration for development near wetlands as well.</p>
14 104	<p>5.2.6 Climate Change Recommended Management Practices</p> <p>d. Proponents, land users, and project assessors should apply information from climate risk assessments and other climate data to land management decisions. This includes taking steps to ensure infrastructure is resilient to</p>	<p>Please clarify who is completing climate risk assessments? What do climate risk assessments entail?</p> <p>YESAB does not make “land management decisions” YESAB makes recommendations based on findings of significant adverse project effects. Specifically, if YESAB determines that a project will or is likely to have significant</p>

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		climate change impacts such as permafrost thaw and precipitation changes.	adverse effects, YESAB may recommend additional terms and conditions or measures to compensate to eliminate, reduce or control likely significant adverse environmental and/or socio-economic effects resulting from the project. These recommendations in turn, may inform land management decisions within the development assessment process. See YESAB's Environmental and Socio-economic Assessment Methodology for more information.
15	111	<p>5.3.1 Heritage Resources and Sites</p> <p>For Tr'ondëk Hwëch'in, areas of significant heritage and culture may not have known artifacts in the Western or colonial sense. The nomadic history of the Hän people in the Region means that many areas have intrinsic value and must be respected. This is not something well understood by Western approaches to heritage and culture, including in legislation and assessment where often 'proof' of something is required before value is ascertained.</p>	<p>Please clarify if "assessment" refers to project assessment under the Yukon Environmental and Socio-economic Assessment Act (YESAA) or another type of heritage assessment?</p> <p>Please clarify what "before value is ascertained" means? Does this mean before heritage resources can be considered, physical proof of artefacts in a particular region is necessary?</p>
16	111	<p>Recommended Management Practices</p> <p>a. Where required by the Parties, ensure that adequate heritage and historic resource assessments are completed as part of the review and assessment of projects</p>	<p>Completing Heritage Resources Overview Assessment (HROA)/ Heritage Resource Impact Assessment (HRIA) as part of YESAA assessments would require a change to YESAB's Heritage Resource Information Requirements for Land Application Proposals Operational Policy. Currently, YESAB's heritage resource policy requires that a HROA be completed for land disposition projects where a permanent alienation of land is proposed (i.e. rural residential land disposition). Project assessors will commonly recommend a HROA and HRIA to be undertaken prior to land disturbing activities occurring within a proposed project area of elevated potential for heritage resources. These terms are usually accepted by Decision Bodies.</p>

17	111	<p>Recommended Management Practices</p> <p>b Avoid or reduce the level of land use activities in the vicinity of heritage and historic resources. This may include areas that have not been formally identified but are important for Tr'ondëk Hwëch'in or other First Nations. The assessment process should consider oral traditions and testimony as equal to other forms of evidence and criteria.</p>	<p>“Assessment”, “Environmental and Socio-Economic Assessment process” and “assessment process” are used interchangeably throughout the document. YESAB suggests upon first use referring to “environmental and socio-economic assessment” (assessment) to properly reflect the breadth of the function and YESAB’s responsibilities.</p> <p>The Glossary defines “Assessment” Assessment is used in other instances i.e.: climate risk assessment. Ensure these are explained to avoid confusion.</p> <p>Please note that YESAA S. 39 states:</p> <p>Scientific and traditional knowledge</p> <ul style="list-style-type: none"> • A designated office, the executive committee or a panel of the Board shall give full and fair consideration to scientific information, traditional knowledge and other information provided to it or obtained by it under this Act. <p>Please clarify the difference between oral traditions and oral testimony?</p>
18	112	<p>Recommended Management Practices</p> <p>e Where impacts to identified heritage and cultural sites and resources may occur, ensure appropriate mitigations are in place using best practices as determined by the Parties and YESAB.</p>	<p>This sentence should refer to Decision Bodies and not YESAB as YESAB does not make determinations.</p> <p>Please clarify what happens if the Decision Bodies reject YESABs terms and conditions?</p> <p>Please note that YESAB does not recommend “best practices”.</p>
19	116	<p>5.3.3 Harvesting Rights and Activities Recommended Management Practices</p>	<p>Please clarify what happens if the Decision Bodies reject YESAB’s terms and conditions?</p>

		<p>b Adhere to appropriate buffers zones as determined by Regional biologists or assessors (which may be permanent or temporary) around culturally and traditional important harvesting areas (see LMU 10: Tintina Trench (page 212) and LMU 14: Tay Dëkdhät (Top of the World) (page 232).</p>	
20	128	<p>5.4.2 Resource Development and Impacts to MMIWG2S+ Recommendations to the Parties This Plan supports the calls to action within the Yukon strategy for the resource extraction industry, as well as recent efforts by YESAB to consider gender-based violence within the assessment process for applicable resource extraction projects (e.g., YESAB 2017-0211). To further support these important initiatives the Commission recommends the following:</p> <p>84. Policy Recommendation Proponents should partner with the signatories of the Yukon Strategy on MMIWG2S+ to implement the important actions that have been identified in the strategy. (Government of Yukon, 2020b).</p> <p>85. Research Recommendation The Government of Yukon and the Tr'ondëk Hwëch'in Government (Parties) should take steps to increase understanding on the relationship between resource and development projects and violence against Indigenous women and girls in the Dawson Planning Region. YESAB is currently undertaking an evaluation of the effects of industrial activities on the personal safety of Indigenous and non-Indigenous women and girls and LGBTQ2S+ persons in</p>	<p>Please note that the evaluation is complete and YESAB is reviewing the report and recommendations.</p> <p>Regarding Recommended Action 86, YESAB suggests to accurately portray the Government of Yukon and the Tr'ondëk Hwëch'in Government (Parties') jurisdiction that this requirement – and more specifically Parties' duty in this regard - shall be implemented through the regulatory process.</p>

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		<p>Yukon. The Parties should consider the work that is currently being done by YESAB on this subject to satisfy this recommendation.</p> <p>86. Recommended Action The Parties shall implement requirements for projects that include all camp(s) located in remote areas in the Dawson Planning Region to prepare gender-based socio-economic and impact assessments.</p>	
21	157	<p>132 Recommended Action The Parties should seek to develop and communicate clear guidelines with respect to the process for reviewing, assessing, and enforcing quarry permits to ensure consistency in the regulatory between private and government proponents.</p>	<p>Please note that this does not accurately reflect the Parties' jurisdiction over assessing quarry projects, or developing "guidelines" with respect to the assessment process.</p>
22	159	<p>5.4.9 Traditional Economy Recommended Management Practices a During the Environmental and Socio-Economic Assessment process, land use activities that overlap with where traditional economic activities are practiced, the Parties or the evaluator (YESAB) should utilize a communication and engagement protocol to share information and minimize conflict. The protocol should ensure activities likely to cause disturbances to other land users (trappers, outfitters, etc.) are communicated and consulted on prior to approval.</p> <p>b Where important sites for traditional economic activities have been identified, it is important that the route/access to the site be treated with a higher standard of care and consideration.</p>	<p>Please note that evaluator is not a term used by YESAB. Please use "project assessor" or YESAB</p> <p>Please clarify what the meaning of the phrase "should utilize a communication and engagement protocol to share information and minimize conflict?".</p> <p>Please note that it is not YESAB's role to minimize conflict between land users through the assessment process.</p> <p>Please clarify what the meaning of the phrase "route/access to the site be treated with a higher standard of care and consideration".</p> <p>Please identify if there are specific considerations for the assessment process</p>

23	274	<p>7 PLAN IMPLEMENTATION 7.1 ON THE LAND WE WALK TOGETHER - NÄN KÄK NDÄ TR'ÄDÄL</p> <p>The Plan is intended to be a living document and implementation will be an ongoing process. This section outlines the Plan's vision for implementation and identifies some of the tools that may be used. Adaptive Management will play an essential role throughout implementation and the life of this Plan. Monitoring, evaluation, and revision will be required if the Plan is to be effective and its goals and objectives met.</p>	<p>Please clarify the expectations regarding how the assessment and regulatory processes will operate during the interim period between plan approval and development of the implementation plan.</p> <p>YESAB is concerned that incomplete implementation of the plan is likely to result in inconsistencies with assessment and regulatory processes.</p> <p>YESAB would like the Commission to take the lead on informing proponents on how they should consider the Dawson Regional Land use Plan in their proposals (rather than YESAB taking on this role). YESAB could collaborate on such an initiative in order to ensure consistent messaging.</p>
24	274	<p>7.2.1 Dawson Regional Planning Commission</p> <p>This Plan recommends that the Dawson Regional Planning Commission (DRPC) continue to operate beyond the submission of the Final Recommended Plan to the Parties. As per the Tr'ondëk Hwëch'in Final Agreement, the Parties have discretion over Commission member appointments. The Commission has identified the following rationale for the Parties continuing to support their work in the Dawson Region:</p> <ul style="list-style-type: none"> • As per S 11.4.5.10 of the FNFA, a Commission "may monitor the implementation of the approved regional land use plan, in order to monitor compliance with the plan and to assess the need for amendment of the plan." • An ongoing Commission would increase capacity for Plan Implementation, Plan Implementation, Conformity Checks, Variances and Amendments, Monitoring, and Revision. 	<p>This recommendation, and supporting rationale provided in Section 7.2.1 is supported by YESAB. The continuation of the DRPC would provide capacity for collaborative relationships between DRPC, Yukon Land Use Planning Council (YLUPC) and Yukon Environmental and Socio-economic Assessment Board (YESAB) to meet the objectives and roles set out in Yukon Environmental and Socio-economic Assessment Act (YESAA).</p> <p>Sections 44 of YESAA requires YESAB to request the planning commission established under the final agreement to advise it as to whether the project is in conformity with the regional land use plan. Information provided to YESAB from the conformity check is important context considered by project assessors when determining the significance of project effects.</p> <ul style="list-style-type: none"> • 44 (1) If a regional land use plan is in effect in a planning region established under a final agreement, a designated office, the executive committee or a panel of the Board

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	<ul style="list-style-type: none"> • The DRPC has developed strong relationships with Planning Partners in the Region and elsewhere, and these relationships will aid Implementation and Monitoring activities. • Local knowledge will inform Implementation activities and reduce confusion as to how the Plan should be interpreted. This will also limit potential conflict and polarisation between different worldviews and perspectives on land use. Additionally, a local office may be able to provide support to development proponents, as local staff would have specific understanding and knowledge of the Plan and the Planning Region. Local relationships are important for Plan buy-in. • The DRPC and its staff will be more able to collaborate directly with YLUPC and YESAB, with whom relationships are already established. This will be important for conformity checks and representations. • A “Plan champion”, independent of the Parties, may aid in Plan implementation. 	<p>shall, when conducting an assessment of a project proposed in the planning region, request the planning commission established under the final agreement to advise it as to whether the project is in conformity with the regional land use plan, unless such a request has already been made in relation to the project.</p> <p>In the absence of action by the parties to legally empower the YLUPC to conduct conformity checks, an opinion by the Council cannot be equated with the conformity check which both the Umbrella Final Agreement and YESAA state the commission must perform.</p>
<p>25 275 127 6</p>	<p>7.2.2 Implementation Committee Once the Plan is approved, an Implementation Committee (see Figure 7-1) is required to coordinate implementation of the Plan</p> <p>The Implementation Committee will primarily be composed of appointed representatives of the Parties as well as DRPC representation. The Implementation Committee may also involve other groups, including:</p> <ul style="list-style-type: none"> • Affected First Nations • Government of Canada • Yukon Environmental and Socio-economic Assessment Board (YESAB) 	<p>Please clarify the expectations of YESAB’s involvement on the implementation committee.</p> <p>YESAB would like to engage further with the Commission and/or the Parties regarding YESAB participation on the implementation committee.</p>

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		<ul style="list-style-type: none"> • Yukon Land Use Planning Council (YLUPC) • Other FNFA boards and committees • Plan Partners. <p>Special consideration should be made with regard to Affected First Nations, YLUPC, and YESAB.</p>	
26	276	<p>7.2.2.2 YLUPC</p> <p>As the First Nation Final Agreements (FNFA) body responsible for Land Use Planning in the Yukon, YLUPC have an invaluable role to play in Plan implementation (including conformity checks) from an advisory perspective.</p>	<p>Please clarify who YLUPC would be advising, and what the scope/intention of their advisory capacity would be.</p> <p>In the absence of action by the parties to legally empower the YLUPC to conduct conformity checks, an opinion by the Council cannot be equated with the conformity check which both the Umbrella Final Agreement and YESAA state the commission must perform.</p> <p>See comment #32 re conformity checks.</p>
27	276	<p>7.2.2.3 YESAB</p> <p>YESAB will be key to the successful implementation of the Plan. YESAB is responsible for making recommendations as to whether projects should proceed. Often as part of this, they will identify appropriate mitigations so that Valued Environmental and Socio-Economic Components in a project area are not compromised. YESAA specifically requires YESAB to consult with Regional Planning Commissions regarding project conformity, and the data requirements that will be needed for disturbance tracking should consider YESAB needs and processes.</p>	<p>YESAB suggests referencing all assessment outcomes see YESAB's Environmental and Socio-economic Assessment Methodology section 4.</p> <p>YESAB suggests using a different term than "consult". See highlighted text below.</p> <p>Regional land use plans</p> <ul style="list-style-type: none"> • 44 (1) If a regional land use plan is in effect in a planning region established under a final agreement, a designated office, the executive committee or a panel of the Board shall, when conducting an assessment of a project proposed in the planning region, request the planning commission established under the final agreement to advise it as to whether the project is in conformity with the regional land use plan, unless such a request has already been made in relation to the project.

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28	277	<p>140. Recommended Action The Parties should jointly establish an Implementation Committee within one year of Plan approval. The Implementation Committee should include representation from the Parties, DRPC, Affected First Nations, YESAB and YLUPC.</p> <p>It is recommended that the Parties consider committee structure based on their mutual experience of the Peel Watershed RLUP implementation. This will make the establishment timeline shorter and Implementation work may begin quickly.</p>	<p>YESAB recommends that the Implementation Committee be established as soon as practicable, as one year from Plan approval would likely result in process confusion and delays.</p> <p>See comments above related to implementation pg. 274/275/276 (comments #23 and 25)</p>
29	278	<p>143. Recommended Action The Parties should explore different ways to communicate the Plan with residents, Yukoners, and visitors to promote individuals' sense of stewardship when they are in the Region. This may include:</p> <ul style="list-style-type: none"> • Plain language versions of the Plan • Alternate versions, including video or audio • Storytelling • School curriculum • Visitor information. 	<p>YESAB supports this recommendation and encourages the Commission or the YLUPC to be the Party responsible for this communication. See comments related to concerns of YESAB taking on a lead education role on how the plan should be used pg. 274 (comment #23)</p>
30	278	<p>144. Recommended Action The Parties should offer education and learning opportunities based in the Dawson Region that focus on stewardship and care for the land. The DDRRC should be consulted and involved on any education initiatives as their expertise and knowledge of the Region will be essential.</p>	<p>YESAB suggests that education opportunities should also focus on industry groups, proponents of development projects and consultants. Please consider developing a robust module to be added to Klondike Placer Miners Association's training app.</p>
31	280	<p>7.5 PLAN CONFORMITY AND ASSESSMENT</p>	<p>Please specify the criteria for determining when a project needs to be evaluated for conformity.</p>

	<p>New land development and expansion of existing development in the Dawson Region must be assessed to evaluate whether they conform to this Plan.</p>	
<p>32 280</p>	<p>7.5 PLAN CONFORMITY AND ASSESSMENT</p> <p>New land development and expansion of existing development in the Dawson Region must be assessed to evaluate whether they conform to this Plan. Conformity checks are a key part of ensuring the Commission’s vision and goals are achieved. In the Yukon, project conformity checks for the North Yukon and Peel Watershed are currently undertaken by YLUPC and conformity is determined through:</p> <ol style="list-style-type: none"> 1. Conformity with Plan management intent and management directions; and 2. Conformity with cumulative effectiveness indicator thresholds. <p>If a project is determined to be non-conforming, YESAB may identify mitigations to bring it into conformity or recommend that the project not proceed.</p> <p>The conformity checks process for the Dawson Region will need to be different than that of previous plans due to the volume of applications that occur in the Region. Additionally, the current model where YLUPC undertakes ‘consistency checks’ may not fulfil YESAA requirements (S44(1) and 44(2)) and may be more accurately characterized as YLUPC expressing its opinion as to whether a project is consistent with a regional plan. If YLUPC are to continue, the Commission and the Parties will need to specifically provide direction as per the FNFA (S 11.3.4) for a secretariat to be established.</p>	<p>The process described in Section 7.5 does not match YLUPC current practice. YESAB received North Yukon Consistency Opinions and Peel Watershed Consistency Opinions rather than “project conformity checks.” In the absence of action by the parties to legally empower the YLUPC to conduct conformity checks, an opinion by the Council cannot be equated with the conformity check which both the Umbrella Final Agreement and YESAA state the commission must perform.</p> <p>Please specify what is meant by “Plan management intent”. Plan management intent is not identified in the description on p.64 of the Recommended Plan as to how conformity will be determined for the Recommended Plan. However, if Plan management intent will also be a component of conformity checks with the Recommended Plan, then this should be further explained i.e. how do you identify “plan management intent”.</p> <p>In the phrase beginning “YESAB may identify mitigations...” please change from “YESAB may” to “YESAB shall to the extent possible, recommend terms and conditions” to be consistent with language in s. 44(3) of YESAA</p> <p>44 (3) Where a designated office, the executive committee or a panel of the Board recommends that a project referred to in subsection (2) be allowed to proceed, it shall, to the extent possible, recommend terms and conditions that will bring the project into conformity with the regional land use plan</p>

YESAB

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			<p>Section 7.5 speaks to the conformity check process needing to be different than that of previous plans due to the volume of applications that occur in the region. YESAB agrees with this assertion. Section 41 of YESAA requires YESAB to conduct assessments of projects, existing projects and plans in a timely and expeditious manner. YESAA Rules provide the framework for conducting assessments, including process timelines. YESAB supports the recommendation to increase capacity of the DRPC and proactively improve the process for conformity checks to avoid unnecessary process delays.</p>
33	280	<p>Conformity checks are currently undertaken during the evaluation stage of YESAB assessment as part of 'seeking views and information' rather than during the adequacy stage. This can lead to delays, because if a project that is deemed to be non-conforming, YESAB are required to seek additional information and requires more resources from both assessors and proponents (Staples & Fraser, 2022).</p>	<p>YESAB supports streamlining the conformity check process by conducting conformity checks as early in the assessment of all YESAB projects as possible. YESAB would like to engage further with the Commission to explore and discuss the optimal timing for conformity checks.</p>
34	280	<p>Key issues related to conformity checks: The current timing of conformity checks occurs during the 'seeking views and information' stage of assessment and thus projects may be delayed if they are returned to the adequacy stage.</p>	<p>Please note that there is no mechanism to return a project to adequacy. Once the project has moved to Seeking Views and Information (SVI) (evaluation stage) it remains in the evaluation stage. Additional Information Requests/SVI periods can be issued/established during that stage of assessment.</p>
35	281	<p>145. Policy Recommendation YESAB and YLUPC should initiate regular and meaningful dialogue with each other to collaborate on shared priorities. This includes:</p> <ul style="list-style-type: none"> • Development of a committee for collaboration on shared 	<p>Some of the topics highlighted for dialogue and collaboration between YESAB and YLUPC are outside of YESAB's mandate and jurisdiction. YESAB would like to engage further with the Commission and/or YLUPC regarding this policy recommendation.</p>

YESAB

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		<p>priorities in Dawson.</p> <ul style="list-style-type: none"> • Regular dialogue with DDRRC, including potential development of a framework for integrated resource management. • Developing a shared terminology between regional planning and YESAB including terms, definitions, and tools across processes. • Development of a geospatial repository and database. 	
36	281	<p>146. Recommended Action</p> <p>A Plan conformity evaluation process should be developed within one year of Plan approval by the Implementation Committee with specific input from DRPC, YESAB and YLUPC. The Parties should consider the following:</p> <ul style="list-style-type: none"> • Who will be responsible for undertaking conformity checks and how this will be resourced. • Changing the timing of conformity checks and moving it into the adequacy stage of YESAB assessment. • How disturbance tracking will be incorporated and recorded, and who will have access to this information • Triage YESAB projects by type (smaller vs. larger projects). • Provide clear rationale and guidance to proponents so they can develop projects that conform. 	<p>It is recommended that the first item flagged in this recommendation (who will be responsible for undertaking conformity checks, once the plan is approved) be prioritized, and not be deferred until after the Plan is approved. See YESAB comment #26 re concerns with current process.</p> <p>Under Pre Submission Engagement Executive Committee Screenings no longer have an adequacy phase. See Pre-Submission Engagement For Executive Committee Screenings page for more information.</p> <p>Please clarify what is meant by smaller projects. The spatial footprint of projects is not always an effective metric. The complexity of a project may be based on several other factors.</p>
37	285	<p>To support the above, the Commission have identified the following activities that may be used inform plan monitoring:</p> <ul style="list-style-type: none"> • Annual reporting by the Implementation Committee on progress, indicators, and impact of the Plan. This must include disturbance reporting and 	<p>Please clarify what type of feedback is expected from YESAB and the mechanism and process for providing feedback.</p>

YESAB

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		<p>progress on the cumulative effects framework.</p> <p>Discussions with residents, planning partners, visitors, and seasonal workers to check in on the Plan's impact.</p> <ul style="list-style-type: none"> • FNFA board feedback (e.g., YESAB, YLUPC, DDRRC etc.). • Annual surveys of Plan Partners, FNFA boards and project proponents. • Traditional Knowledge sharing with Tr'ondëk Hwëch'in citizens, Elders and youth. • Annual reporting on cumulative effects framework. • Community feedback on impacts of major projects. • Feedback from conservation officers and land stewards. 	
38	286 /287	<p>151. Recommended Action</p> <p>The DRPC, in collaboration with the Parties, will produce an annual report of Plan implementation activities and impacts. The Parties should provide updates to the Commission who will compile this information into a single report that will be available publicly. This report should consider:</p> <ul style="list-style-type: none"> • Progress on Plan implementation. • Ongoing surface disturbance and linear feature tracking and mapping. • Progress of sub-regional, SMA or ISA planning. <p>Feedback from Affected First Nations, Plan Partners, project proponents and residents.</p> <ul style="list-style-type: none"> • Parties' experience of co-management. • YESAB assessments, including project conformity checks. 	<p>Please clarify if the reference to "YESAB assessments" reflects an intention to include assessment outcomes for all projects assessed in the Dawson regional land use planning area in the annual report.</p>
39	299	<p>Glossary</p> <p>Contaminated Site: An area of land in which the soil, including groundwater lying beneath it, or the water, including</p>	<p>The reference to YESAA in the definition is incorrect as "contaminated site" is not defined in YESAA</p>

YESAB

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		the sediment and bed below it, contain a contaminant in an amount, concentration, or level which is equal to or greater than that prescribed by the Contaminated Sites Regulations, Yukon O.I.C. 2002/171 (YESAA).	
40	309	<p>Glossary</p> <p>Mitigation(s): Measures for the elimination, reduction or control of adverse environmental or socio-economic effects. Mitigation of the potential effects of land use activities is a central role of YESAB.</p>	<p>YESAB recommends that this wording be changed to “YESAB takes mitigations into account in making significance determinations”, as per the process described in YESAB’s Environmental and Socio-economic Assessment Methodology</p>
41	309	<p>Glossary</p> <p>Non-Settlement Land: As per YESAA, refers to a. Land other than settlement land; b. Water lying on or flowing through land, including settlement land; or c. Mines and minerals, other than specified substances, in category B or fee simple settlement land.</p>	<p>YESAA defines non-settlement land as follows:</p> <p><i>non-settlement land</i> means</p> <ul style="list-style-type: none"> (a) land other than settlement land; (b) water lying on or flowing through land, including settlement land; or (c) mines and minerals, other than specified substances, in category B or fee simple settlement land or Tetlit Gwich’in Yukon land.
<p>General Comment:</p>			<ul style="list-style-type: none"> • YESAB suggests that the Parties present an overview of the comments received in an online forum. This would allow an opportunity to identify and discuss areas of common concern amongst commenters.



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December 20, 2022

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Re: Comments on the Dawson Regional Land Use Planning Commission's Recommended Plan

The Yukon Fish and Wildlife Management Board (the Board) appreciates the opportunity to participate in the development of the Recommended Plan, *"On the land we walk together - Nän käk ndä tr'ädäl."*

We recognize that this Recommended Plan (the Plan) is a milestone in fulfilling Yukon's land use planning process and a critical step in implementing Chapter 11 of the Tr'ondëk Hwëch'in Final Agreement. We believe the collaborative process the Commission has taken in developing the Plan will set a constructive precedent for future planning processes in the territory.

The Board draws its mandate and authority from the Umbrella Final Agreement, which defines the Board as the primary instrument of fish and wildlife management in the Yukon (UFA 16.7.1). As such, the Board is charged to act in the public interest and has the authority to make recommendations to governments and councils on all matters relating to fish and wildlife management (UFA 16.7.11). We also have jurisdiction in the public proceedings of any commission that deals with matters relating to the conservation of fish and wildlife, and their habitat, in the Yukon (UFA 16.7.13).

The Board submitted comments on the Commission's Draft Plan in November 2021. We are pleased to see that the Commission has considered many of our comments and suggestions on the Draft, and important insights from other key stakeholders. The Recommended Plan represents a significant improvement over the Draft, and we will reflect upon those improvements and expand on our remaining concerns in this submission.

The Board continues to support the conservation priorities Tr'ondëk Hwëch'in has highlighted for the Dawson planning region, and we commend the First Nation for embedding the health of the lands, waters, wildlife, and people into the foundation of the Plan.

The Board acknowledges that this region is one of the most environmentally impacted in the Yukon. We understand that much of this disturbance results from industrial development that took place many years before the signing of Yukon Land Claims. As a result, the Board continues to focus on maintaining the ecological integrity that supports critical habitats for local fish and wildlife populations. This integrity relies upon the continuity of quality and long-term optimum productivity of biodiversity in the area.

We wish to reiterate that we support First Nations' rights as outlined in the Tr'ondëk Hwëch'in Final Agreement. As you know, these rights are guaranteed and protected under Canada's *Constitution Act (1982)*. In addition, the Board wants to highlight the importance of honouring the spirit and intent of the Final Agreements.

As a Board, we endeavour to promote and facilitate the intersection of Yukon First Nations' rights as outlined in the Final Agreements, sustainable territorial fish and wildlife management practices, and the necessity of habitat protection when required.

The Board maintains a territory-wide approach when considering our input into planning processes. And we recognize the Dawson District Renewable Resources Council's essential role as the primary fish and wildlife management instrument within the Tr'ondëk Hwëch'in Traditional Territory.

The Board also wishes to acknowledge the benefits of resource extraction to the territory's economy, as stated in section 5.4.1 of the Plan. If we proceed with a balanced approach to extraction activities, the Board is not opposed to sustainable development or wise use.

Finally, we commend the Commission for its persistent efforts and the many improvements culminating in the final Recommended Plan.

Our comments on the Draft Plan highlighted concerns relating to the following:

- Human access; and the potential for negative impacts on fish, wildlife, and habitat.
- Upgrading conservation areas with weak protections to 'Type I' Special Management Areas, which would include:
 - Salmon spawning areas.
 - Key wildlife areas.
 - Critical wildlife habitats such as wetlands.
 - Habitats and corridors within the range of the Fortymile caribou.
- The Plan's recommendation of complete, permanent protection for less than 4% of the region. Half of which is already Tr'ondëk Hwëch'in settlement land.
- As much as 60.7% of the land was set aside for industrialization – not Conservation.
- A lack of recognition that the Tr'ondëk Hwëch'in Final Agreement speaks to "protect a way of life that is based on an economic and spiritual relationship with the land."
- Consistent, fair, and transparent approaches that evolve the Final Agreements and empower the First Nation and local Renewable Resources Council beyond legislation such as our current "Free Entry System," the *Quartz and Placer Mining Acts*, and spot land application policies that are still in use today.
- The Commission's agreement that the mining activity should continue, regardless of the social or ecological value of the land. Despite grave concerns for animals like caribou, which are particularly sensitive to surface disturbance.
- Existing mineral interests being 'grandfathered in,' with the idea that mineral tenure would be relinquished once claims had been worked out or proved unproductive. Thus, reacting solely to the economic potential of an area rather than identifying its potential as a vital conservation area first.
- A deficiency in connectivity between conservation areas. For example, one of the two SMA 1 areas, Matson Uplands, is surrounded by Integrated Stewardship Areas (ISAs) despite its designation to support the Fortymile Caribou Herd migration corridors.
- The Commission proposed an SMA 2 within the highly industrialized Goldfields to protect some of the remaining Indian River Wetlands Complex. However, this SMA is an isolated island of green (Conservation) in a sea of brown (industrialization).
- Restoration and management of the Fortymile Caribou Herd and protection of their critical habitat, including:
 - Migration corridors.
 - The critical summer and migration range west of the planning region, south of the Yukon River, is designated ISA 1 & 2, except for a modest proposed PA, the Matson Uplands.
 - Permanent protection status assigned for LMU's designated SMA 2.

The Board stands by our previous comments and concerns. Below are elements of the Plan that have evolved in a manner that the Board now supports:

- Section 1.8 – Indigenous Planning and Reconciliation: The commission emphasizes reconciliation and Indigenous involvement in planning processes and the recognition of ancestral stewardship responsibilities.
- Section 1.9 – Planning Principles: We appreciate the greater detail on adaptive management and precautionary principle that links with other parts of the Plan, which is essential to comprehensive wildlife management.
- Section 3.2 – Land Designation System: The removal of SMA 2 areas and the addition of 'overlays' to focus on specific stewardship areas for caribou and sensitive wetlands.
- Section 3.6 – Cumulative Effects Management: More explanation providing new thresholds and approaches addresses some of the Board's previous concerns.
- Section 4 – Cumulative Effects Frameworks: We appreciate this section focusing on a much-needed cumulative effects framework, which we found to be lacking in earlier versions.
- Chapter 5 – General Management Directions: We note several improvements here.
 - Section 5.2.1 - Key Species: This section covers wildlife general management directions. Recommendations around caribou and moose have improved significantly and applied a much-needed review to all species.
 - Section 5.2.3 - Identifies water as an important and complex resource within the region- water is identified as a key consideration as water is important across the region.
 - Section 5.2.4 – The new section on rivers and watercourses represents a key improvement to the Plan. This section includes these watercourses' biological and cultural importance and potential planning strategies for their protection.
 - Section 5.2.5 – A rewrite of the wetlands section includes new recommendations and significant changes that reflect our concerns for these highly sensitive and biologically important habitats. This section includes a mitigation hierarchy that lists avoiding impacting wetlands as its number 1 priority.
 - Section 5.2.6 – This represents a new and much-needed section on climate change and its impacts on habitats. This section prioritizes reducing greenhouse emissions, which we greatly favour.
 - Under culture, heritage resources and community, the Board appreciates the changes to section 5.3.2, which identify stewardship as a guiding principle of this Plan.

- Section 5.3.3 – Relates to harvesting rights. This section has undergone significant changes, particularly an emphasis on First Nation Final Agreement rights along with area-specific mitigations and management practices to ensure these constitutionally entrenched rights.
- Section 5.4.1 – Relates to mineral development. Many changes are identified, including wildlife and habitat values that were not present in the Plan's first draft. Concerning the existing and future exploration and mining, and conservation and ecological and socio-cultural values, the Board was pleased to see more information provided for:
 - Best practices.
 - Cumulative effects framework.
 - Responsible practices for reclamation.
 - Land reclamation and compliance.
 - Fostering relationships built on trust.
- Section 5.4.9 - Traditional economy: We see that significant changes are made to wildlife and First Nation subsistence harvesting within this section, and the Board is supportive of these improvements, including references to:
 - Spiritual relationship to the land.
 - First Nations are to benefit from the land.
 - Traditional First Nation economy.
 - Key/traditional use areas.
 - First Nation constitutionally protected harvesting rights.

The Board will abstain from commenting on Section 6 of the Plan. Instead of commenting on this section, the Board supports the local management authorities, including the Tr'ondëk Hwëch'in and Dawson District Renewable Resources Council.

Section 7 highlights some of the most positive changes to the Plan. This section is new and represents the real crux of land use planning, which revolves around the complexity of implementation. The Board commends the Commission for the inclusion of this section, and we appreciate the framework representing the co-management authorities, the key recommendation and priority setting, and the implementation guidelines developed. In particular, the Board agrees with the prioritization of the following recommended actions:

- Plan monitoring as per 11.4.5.10.
- Sub-regional planning.
- Conformity checks and representations to YESAB.
- The 5-year Status Report and 10-year Plan Review.

The Board also appreciates the sections related to capacity building and commends the Commission on its prioritization of the policy recommendations that flow from this section.

Overall, the new draft plan greatly improved over the previous version. There are so many improvements that it would be easy to overlook the Plan's greatest challenge. It is alarming that cumulative effects thresholds within the Plan are set extremely high, and there seems to be acceptance of the impacts of industrial development in the region. In other words, the Plan assumes and accepts that the footprint of industrial development within the region will continue to grow indefinitely. This notion is a serious concern for the Board.

The cumulative impact thresholds identified within the Plan are much higher than those in the North Yukon and Peel plans. Yet, the Recommended Plan seems to accept that we will adopt these much higher thresholds and accept the continuing growth of the industry, and its footprint, within the region. Economic development is good for the economy, but the Plan places an equal value on the conservation and protection of the many natural values in the region and the lifestyle guaranteed within the First Nation Final Agreement.

The thresholds are out of balance with these values. This imbalance should be remedied before the Plan can be implemented in a way that respects all the values contained within. By providing this information, the Plan will provide certainty to the industry during a potential time of economic growth within the region.

Perhaps the next biggest challenge facing the DRLUP, which could stand some improvement, is *connectivity*. There is still no corridor along the western boundary of the planning region that adequately connects 3 SMAs: LMU 1 (Tatonduk), LMU 16 (Matson Uplands) and LMU 20 (Scottie Creek Wetlands). The need for a conservation corridor is acknowledged in the Recommended Plan by the designation of LMU 21 (Fortymile Caribou Corridor) as a caribou corridor, including a caribou overlay and the interim withdrawal of the LMU from Quartz staking and exploration.

However, the Commission seems to have fallen into the trap it set itself, as noted above, where it assumes that industrial development cannot be rolled back, even where the values in the Plan are not aligned with development. The YFWMB recommends that LMU become an SMA to fully protect the Fortymile Caribou Herd and to connect the disparate parts of its range in the West of the planning region. Similarly, it makes sense to extend the corridor further south to connect with and expand the Scottie Creek Wetlands LMU. Such an expanded SMA would also incorporate and protect the Ladue Wetlands, which are proposed as Wetlands of Special Importance.

A similar deficit in connectivity exists in the East of the planning region, where there is an opportunity to connect Tombstone Park to the SMA in LMU 10 (Tintina Trench). LMU 7 (Antimony) has a management direction that is very conservation oriented and includes a caribou overlay and a temporary withdrawal of mineral disposition.

By converting LMU 7 to an SMA and extending LMU 21, the Plan would connect critical caribou habitats and ensure a positive future for the Fortymile, Hart and Clear Creek caribou herds while having a minimal impact on industrial development.

We thank you for the opportunity to comment on the second version of this draft plan and if you have any questions or require clarification, contact our Executive Director, Graham Van Tighem, at (867) 667-5835.

Sincerely,



Michelle Dawson-Beattie, Chair

cc: Dawson Regional Planning Commission
Dawson District Renewable Resources Council
Tr'ondëk Hwëch'in



The Parties of the Dawson Regional Planning Process:
Tr'ondëk Hwëch'in and Yukon Governments

Date: December 20, 2022

Dear Parties,

Re: Feedback on the Dawson Regional Planning Commission's Recommended Plan

We are pleased to see the Dawson Regional Planning Commission (DRPC) reach the Recommended Plan milestone in their process.

We have reviewed the Recommended Plan and generally find it to be a good plan that we suggest meets the objectives of Chapter 11. The plan will minimize conflict, promote Sustainable Development, and support the integrated management of resources. We expect this adaptive plan will help reduce conflict between land and resource users and, with proper implementation, will create more certainty for land users in the Dawson Region.

The plan incorporates Tr'ondëk Hwëch'in traditional land management practices and supports steps towards reconciliation. The plan's mechanisms of land management units, designations, and management direction are logical and consistent with one another, as well as with adjacent planning regions. We want to acknowledge that the Commission has taken a step forward with inclusion of indigenous knowledge in the planning process and the plan itself.

The Council believes that the plan could be **approved** by the Parties, with the following minor edits.

- Revise the LMU intent statements to reduce redundancies;
- Prioritize and differentiate research, policy and action recommendations;
- Minor boundary changes (within approximately 1km) to accommodate mapping inaccuracies or pre-existing legal boundaries;
- Edit wording for clarity and format of pages.

Regardless of your decision whether to accept or modify the plan, we urge the Parties to work together to make the decision in a timely manner.

Given the significant work ahead on the matter of conformity checks in the Dawson region, we encourage the Parties to work with YESAB, YLUPC and DRPC prior to approval of the plan to ensure readiness to meet the requirements of YESAA and UFA Chapter 12. Given the magnitude of the conformity checks required, we urge the parties to have a plan in place to undertake conformity checks prior to plan approval.

The approved Dawson Plan will require a significant commitment and funding from both Parties in order to be properly implemented. Although YLUPC is not an implementation body, we are willing and able to support implementation through our contributions to the Cumulative Effects Framework, technical support on writing a Users Guide, and other tasks flowing from plan approval. Indeed, we have already created [demo webpages](#) that could be used for a website for proponents needing to understand and



use a plan. Our workplan for next year includes supporting the development of a Final Recommended Plan (if needed) and the implementation of an Approved Plan.

One key implementation task will be further development of the cumulative effects framework, including a method for rigorous activity monitoring and tracking, as well as consideration of adding methodology to expand the framework. We encourage the Parties to prioritize work on the cumulative effects framework, as this work is required to make implementation of the plan meaningful. This could be accomplished without requiring amendment of the plan.

With the involvement of the YLUPC Secretariat staff in the Dawson Plan process, we recognize that the Council's review could be seen as having a bias. For this reason, we contracted Stantec Architecture Ltd. to provide a review of the plan on our behalf. The Stantec report is attached to this letter. The analysis undertaken by Stantec has been helpful in our review, however it should be noted that there are aspects of the report from Stantec that do not necessarily reflect the Council's points of view (e.g. Indigenous Planning). Should you wish to go over the details, we are willing to discuss this further.

Thank you for this opportunity. If you have any questions please contact Tim Sellars, Director, at (867) 667-7397.

Sincerely,

A handwritten signature in black ink, appearing to read "N. Salvin", is written over a horizontal line.

Neil Salvin, Chair,
Yukon Land Use Planning Council

copy: Dawson Regional Planning Commission
attachment: Review of Dawson Recommended Land Use Plan (Stantec Architecture Ltd.)

Official Submission on Recommended Dawson Regional Land Use Plan Yukon Prospectors Association (YPA)

The Yukon Prospectors Association (YPA) appreciates the opportunity to submit our official submission on the Recommended Plan (the “Plan”) provided by the Dawson Regional Planning Commission (the “Commission”), and we are hereby pleased to provide our response. We chose not to critique each Land Management Unit (LMU) or other particular aspects individually; rather this submission includes numerous overarching issues concerning this plan and land use planning in general.

Preamble

The geopolitical state of the planet has changed markedly since the inception of the Plan, and even from its re-establishment in 2018 -2019. The recent recognition of the requirement for critical minerals for clean energy capture storage and transmission, and for use in electric vehicles (EVs), computers and devices, has been since early 2022 augmented by their usage for defence purposes. During this time, prices of precious metals, particularly gold, the main economic driver of the Dawson Planning Region, have remained comparatively steady, and have indeed increased somewhat in recent months.

At the same time, the international economic picture has worsened, and is now potentially on the brink of a worldwide recession. Canada’s debt-to-GDP ratio has increased considerably as well, potentially weakening Ottawa’s ability to continually increase transfer payments to Yukon. The Yukon has become increasingly a welfare-state style dependency on Ottawa, which renders us vulnerable to any sudden downturn to the federal government’s financial position. As recently quoted in the Yukon News and in a keynote address, ““We are just one federal fiscal crisis...from a very ugly austerity adventure” (Keith Halliday, 2022).

A healthy and unimpaired Yukon mineral industry can counteract a sudden economic downturn. The federal government has committed considerable funding towards the study of, and assistance to, exploration for critical minerals. However, at COP 15, it has now also committed to protecting 30% of Canada’s land and waters by 2030 (the “30 by 30” initiative), which may undergo disproportionately higher protection in Canada’s north. Although it may be possible to accommodate both, careful planning is necessary to avoid “cognitive dissonance” during enactment of both now-official policies.

Finally, the overall “vibe” of the plan and associated documents is one of pro-protection, focusing on environmental criteria and downplaying the positive socioeconomic effects of mining. Although placer and quartz mining and exploration are the main non-government economic drivers, the YPA feels these industries have been unnecessarily vilified and demonized, resulting in a pronounced polarized “us versus them” political and social setting. Mining and exploration need to be regarded as partners, rather than opponents, and as major contributors to the economic health and well-being of residents of this planning region and to all Yukoners.

Significant Issues

Excessive Prohibition of Entry to Mineral Exploration and Mining. The recommended Plan calls for permanent protection of 34.1% of the area through Special Management Areas (SMAs). If the existing Tombstone Territorial Park is included, a total of 39.4% will undergo permanent protection. Interim protection of a further 14.7% of the planning area, including interim protection of the entire Yukon River within planning area boundaries, will raise the total protected area to 54.1% of the planning region. This is considerably in excess of the amount of land recommended by the Brundtland Commission and, even if the prohibition of entry onto the interim protected areas is lifted, exceeds the amount recommended by the “30 by 30” initiative.

Mineral exploration requires a maximum land base available for early-phase exploration, to improve the chances of finding and developing an economically viable mineral deposit. Early-phase exploration is comprised of very low-impact activities, such as geological mapping, prospecting, geophysical surveying, soil, stream sediment and rock geochemical exploration, and hand trenching. Somewhat more advanced activities include mechanized trenching, with trenches typically backfilled once sampling and mapping are complete, and diamond and reverse-circulation drilling, with mandatory reclamation upon completion. “Advanced Exploration”, classed as further exploration of a mineral deposit with at least an “Inferred Resource”, as defined by modern official standards developed by the Canadian Institute of Mining, Metallurgy and Petroleum (CIMM) and instituted in National Instrument 43-101 (NI 43-101), typically covers far less than 1.0% of any sizable designated land base, and producing mines cover less than 0.1%. All activities are mandated to require reclamation, and advanced exploration and operating mines require a security deposit equivalent to required reclamation expenses.

Although only some areas have been selected as SMA’s, all land areas will be considered special by some people. SMAs need not be excessively large, and are recommended to allow for low-impact activities including camping gathering, harvesting and prospecting. Should a discovery leading to a viable mining operation be delineated, an area of land equal to the minimum amount necessary for responsible extraction, reclamation and closure should be made available for development.

Respect for cultural and heritage values, and care of wilderness and biodiversity values, are crucial for Yukon, and can co-exist with a responsible exploration and mining industry. This would be in combination with appropriate mitigation to protect the local and regional environment, and with reclamation and closure practices. Adverse effects of land withdrawals on exploration and mining companies, their employees, including Indigenous employees, investors, supply chains and economic states of local communities must be carefully assessed. Adequate and fair compensation for de-facto expropriated properties should be considered.

We can coexist and respectfully allow all of us to use the land while, at the same time, support wilderness and cultural values. The vast majority of the land doesn't need "protection" from prospecting, as a very limited number of mineral “occurrences” are likely to be developed to economically viable mineral deposits. Acknowledgement of this can lead to coexistence of prospecting and early-phase exploration with wilderness and biodiversity values.

Cumulative Effects. Cumulative Effects have become a mechanism designed to prohibit further exploration in areas that are currently or have recently undergone exploration. It is based in the amount of land disturbed, rather than the types of activities involved. These activities may prohibit responsible, adequately financed operators from conducting exploration if they are “late to the game”, despite their levels of professionalism in partnering with Indigenous people, local communities, and in providing security deposits for reclamation.

A significant concern is that the threshold limits may be set too low to fully realize the economic potential of a particular mining “camp”. Potential exists for these threshold amounts to be less than areas currently disturbed, resulting in prohibition of any further activity.

To quantitatively determine the thresholds, consideration must be made for the age of previously disturbed areas. Natural reclamation can and does occur in most disturbed sites; therefore, a site explored many years ago may have undergone adequate natural or assisted reclamation. At this point these areas should not be considered “disturbed”.

Cumulative effects thresholds for denial of projects should be less arbitrary and not be lower than necessary, with criteria based on properly documented scientific evidence. The “Precautionary Principle” may be responsible for these low thresholds, and should be used only where there is true uncertainty about the implications and effects of specific activities.

The Plan should acknowledge that reclamation practices are effective, and must be considered within the cumulative effects framework. Mining operations and advanced exploration will result in changes to the landscape; however, with proper reclamation wilderness values do return.

It is important to visualize placer mining reclamation efforts in the long term. For example, there are few natural shallow water ponds in much of the Dawson planning area. Placer mining often results in creation of additional shallow water wetlands, including small ponds, marshes and fens which are very productive habitats that support biodiversity. Biodiversity and wildlife habitat can and must be assured so that exploration and mining can coexist.

All responsible citizens, including explorationists and mining operators, respect the land and wildlife, and can be considered as stewards of the land.

Limits to Disturbance in Integrated Stewardship Areas (ISAs). The Plan calls for four levels of ISAs, ranging from “Lowest Development” (ISA 1) through “Highest Development” (ISA 4), with “precautionary, cautionary and critical” limits to linear and surface development. Review of the critical limits for ISA 1 and ISA 2 LMUs (which the YPA assumes would be the thresholds utilized, rather than the lower-impact categories) show they effectively preclude exploration. For example, one or more access roads extending multiple tens of kilometres may be required for a mining operation. If the linear critical threshold limitation is 0.5 km for an ISA 2, no access road would be possible, as it would require a minimum of 1.0 km of laser-beam straight road per km².

By these standards, mineral exploration would be feasible (although still limited) only within ISA 3 and ISA 4 LMUs. This would result in effective prohibition of entry for viable exploration on 68.2% of the planning

region. This excludes the Yukon and Klondike River corridors (2.8%) and LMU 15 (Sixty Mile, 7.3%), both with (hopefully) temporary prohibition of entry orders. With these included, the total area effectively off-limits to mining would be 78.3%.

Appropriate Compensation for Expropriation. The YPA considers any quartz or placer properties that are “stranded”, without possible road access, by land use planning to be essentially expropriated. Properties acquired and developed in good faith that become stranded, with no allowance for, at minimum winter road access for gold mining and all-weather access for any other types of mining, are unable to attract investment. They are therefore effectively worthless. Adequate compensation will be required to the owners and/or operators.

Within the Peel planning region, the Yukon Government is offering a trade of assessment credits, based on number of claim-years acquired, for any property held by the same owners outside of the Dawson planning region boundary. Although this was accepted by some claim holders, it is inherently unfair as it ignores expenses incurred and the geological and economic potential of these properties. Quartz properties do have monetary values determined by these parameters and legally enshrined by the operators. These are typically at least an order of magnitude higher than an assessment trade-off, and can be much higher. This needs to be considered when the final decisions are made regarding land use planning.

The Yukon River Corridor. The Yukon and Klondike River corridors have been designated for sub-regional planning and are currently off-limits to exploration. Although these are narrow and comprise only 2.8% of the planning region, their prohibition, if permanently enshrined, would eliminate potential for river access throughout the planning region. Barge access is currently utilized by several major exploration projects as an inexpensive alternative to helicopter support. Although it is unclear whether river transport itself would be prohibited, use of dock facilities and access roads extending through the corridor would be prohibited.

Fair and properly representative usage of environmental and economic data. The YPA has recognized that much of the environmental data used in determining planning regions is essentially anecdotal. Data and reports purported as scientific must be signed off by professionals in their respective disciplines. Any property undergoing mineral exploration by a publicly traded company must have a professional geoscientist (PGeo) take responsibility for, and sign off on, any information contained within a News Release, Technical Report in accordance with NI 43-101, or any other public documentation pertaining to mining and exploration. We do not feel this is necessarily true of documents provided by ENGOs or other stakeholders.

Representation in any document must be accurate and fair. Care is required to ensure all images pertain to the Dawson planning region. The YPA feels there has been a lack of balance between economic and all other interests during the process. Images used in documentation suggest the priority is environmental protection, rather than reasonable balance of economic interests. Mining interests need to be considered

as stakeholders and partners in land usage, rather than enemies that need to have their activities curtailed or prohibited. On the land we can walk together and share and use the land respectfully.

There is an assumption that mineral exploration leads to harm and the land needs to be protected from this. It should be acknowledged that modern, properly regulated and permitted mineral exploration leaves minimal impacts on the land. Very little of the land is underlain by economic ore bodies, eliminating the need for "protection" of large areas from mineral exploration and mining.

It should also be understood and acknowledged that in the past many mines did not undergo reclamation to present standards, resulting in degraded former operation sites. This has resulted in mistrust and the opinion that present development will result in similar negative effects. These past effects are prevented under Yukon's modern strict permitting, regulatory and monitoring regimes.

Mineral and placer exploration are all about discovering and delineating what minerals are present, and do not prevent other uses of the land. Multiple land uses can and do co-exist in an environment where biodiversity and wildlife are allowed to thrive. Experiential knowledge shows that caribou and moose do pass through present and former mining and exploration projects. All biodiversity, including small animals and megafauna, must be respected and not harassed; under these conditions, even near active sites, biodiversity can continue to thrive.

One concern is that access to mines improves access for hunters. This is acceptable, provided that conservation enforcement and regulation prevent over-hunting, and that tag limits and hunting seasons are respected. Prospectors, hunters, harvesters, trappers, hikers, boaters and people engaged in recreational activities should all respect each other's activities and co-exist; the vast majority do so.

Critical Minerals. The world has changed vastly since the start of the planning process, and even since its resumption in 2018 and 2019. Most notable is the recognition of the need for critical minerals to combat climate change, for use in high-tech devices and for defence. Copper and zinc, which occur abundantly throughout Yukon, are considered key critical minerals, for their use in electric vehicles (EVs) and in infrastructure necessary for clean energy capture, storage and transmission. Other critical metals include cobalt, nickel, various rare earth elements (REEs) and non-REE rare metals.

The necessity for critical minerals for clean energy, EVs and devices is all but self-evident now. At the recent Yukon Geoscience Forum, critical minerals comprised one of the main foci for talks and discussion, and are likely to become one of the main investment drivers in Canada's and Yukon's mining industries.

However, critical metals, also called "strategic metals" are also necessary for defence. The Ukraine – Russia war is unlikely to end anytime soon, and may escalate to a much wider conflict, involving NATO and Russia's allies. Consideration of this potential need for strategic minerals should be built into any land use plan, to ensure strategic metals for defence are available if, regrettably, they become necessary.

Evaluating the Plan to Determine Implications and Effects on Exploration and Mining. Before the Plan is finalized there needs to be evaluation and analysis of the effects on industry when the plan is implemented. Workshops with examples and scenarios, evaluated with the planners and regulators, would improve the Plan through understanding by all stakeholders, including the planners. Ensuring that

regulators and land users have clear direction will help enable responsible land use. Industry should be included in access and management planning before implementation begins.

We reviewed the Yukon Chamber of Mines (YCM) and the Klondike Placer Miners Association (KPMA) detailed analyses of the Recommended Dawson Regional Land Use Plan. The many points and issues described deserve serious study. It will take more consultations and time and resources to evaluate the issues being raised and to make necessary improvements in the plan. YPA supports the modification of the process to allow for these types of realistic evaluations and analyses to occur.

We must take the time needed, so on the land we can indeed walk together!

Conclusion

The YPA appreciates the hard work that the Dawson Planning Commission put into the Recommended Plan. The YPA is also pleased to have been involved in the process, and to be allowed to critique the plan. However, the need for metals from a non-authoritarian nation is now stronger than ever, replacing Russian and Chinese suppliers, among others.

We hope that the Commission will take our issues into consideration, and we would be pleased to consult further on these and other aspects of Land Use Planning.

Respectfully

Grant Allan

Grant Allan, President
Yukon Prospectors Association

Carl Schulze

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December 20, 2022

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Re: Recommended Dawson Regional Land Use Plan

Dear Ms. Fraser and Mr Petch,

Please consider the attached submission from the Yukon Salmon Sub-Committee (YSSC) in regards to the Recommended Dawson Regional Land Use Plan.

We previously made two submissions to the Dawson Regional Planning Commission detailing our concerns around salmon and making recommendations to help identify and protect Yukon River salmon stocks and habitat in the Dawson planning region. We are not going to repeat all the detail in those submissions but have appended the Executive Summary included in our first submission.

Our current submission to the Parties focusses on the content of the Recommended Plan and makes recommendations for improving it in what we expect will be the Final Recommended Plan.

We would be happy to answer any questions you may have. Should you require further information or clarification please contact Monica Krieger, YSSC Executive Director, at 867- 393- 6725.

Sincerely,

A handwritten signature in blue ink that reads "Elizabeth MacDonald".

Elizabeth MacDonald
Vice Chair, Yukon Salmon Sub-Committee

Cc Dawson Regional Planning Commission

Attachment

Yukon Salmon Sub-Committee Comments on Recommended Dawson Regional Land Use Plan

BACKDROP

Yukon River Salmon are in crisis. The last two years have seen record low returns for both Chinook and Chum salmon. We are coming nowhere near to meeting minimum spawning escapement targets. In both Yukon and Alaska, Indigenous people who have relied upon salmon for millennia as a mainstay of their livelihoods and cultures are no longer able to fish for Chinook and Chum salmon. Our natural ecosystems are no longer replenished by the annual surge of nutrients that have maintained the vitality of most flora and fauna in Yukon – from lichen and mice to trees and Grizzly bears. The loss of salmon affects almost every living being in the Yukon.

It is no exaggeration to say that Canadian Yukon River salmon are on the brink of extinction. The approaches Governments have taken to salmon management have not been effective. If we – as a society - are going to save the salmon, we will have to adopt courageous new approaches. These will undoubtedly have significant effects of the way we conduct business in the Yukon.

This is especially true in the Dawson planning region. Every Yukon River salmon that is destined to spawn in the main stem of the Yukon River Watershed in Canada (all major tributaries except for the Porcupine) enters the Yukon territory in the Dawson planning region. Every Yukon River salmon that out-migrates to the Bering Sea from the main stem of the Yukon River watershed in Canada leaves the Yukon Territory from the Dawson planning region. And many Yukon River Chinook salmon that spawn upstream from the Dawson planning region rear and overwinter in the Dawson planning region prior to out-migrating to the Bering Sea.

As of 2017, 104 separate Chinook salmon populations had been identified in Yukon. The health of every one of those populations will be affected by what happens in the Dawson Planning region.

INTRODUCTION

In many ways the Yukon Salmon Sub-Committee likes the direction the Dawson Planning Commission (the “Commission”) has taken with the Recommended Dawson Regional Land Use Plan (the “Recommended Plan”).

We support Section 1.8 Indigenous Planning and Reconciliation, which notes that “The Plan has an important role to play in First Nation reconciliation. We are happy that the Commission references the United Nations Declaration on the Rights on Indigenous Peoples (UNDRIP) and cites several UNDRIP articles that pertain to indigenous land rights – which parallel and complement the commitment in Yukon First Nation Final Agreements to “recognize and protect a way of life that is based upon an economic (as in traditional economy) and spiritual relationship between [Yukon First Nation people] and the land”.

This is an important addition to the Recommended Plan, further to which the YSSC makes the following recommendation to the Government of Yukon.

Without further delay, the Government of Yukon should formally endorse UNDRIP

The federal government and many territorial and provincial governments have already endorsed UNDRIP. Amid a tidal wave of support across Canada, the Yukon should also endorse UNDRIP.

COMMENTS ON SPECIFIC SECTIONS OF RECOMMENDED PLAN

1.2 VISION

The second Ecological Goal in the Recommended Plan is: “*Disturbances from human activities on the landscape are reclaimed in order to reduce cumulative effects, restore ecosystem functions, including key habitat.*”

The YSSC knows this Goal has to be understood in the context of the other 4 Ecological Goals but wants to emphasize that that good salmon habitats cannot always be maintained through reclamation or restoration. Good salmon habitats are complex and rely upon many interconnected factors. It is not enough to recontour the land and plant vegetation. Oftentimes the only way to maintain key salmon habitats is to leave them in their natural state. Ecological Goals for salmon habitats should include something as follows:

- Ensure disturbance from human activities does not damage salmon habitats in areas that cannot be reclaimed or restored

1.9 GUIDING PRINCIPLES

We are disappointed that the Commission’s vision of stewardship no longer includes putting “*the health of the land at the forefront of decision making*” (Draft Plan 1.6.2.2) in areas where industrial development is allowed. As we will explain in greater detail later, this is especially important for salmon. We hope the Commission reinstates that vision in the Final Recommended Plan.

It is not enough to “*ensure that economic development in the Region continues with the intention of providing for current and future generations.*”

With Yukon River salmon in crisis, we need to ensure that their health and habitats are valued higher than economic development. This is essential to ensure they continue to exist and survive this crisis.

4.2 CUMULATIVE EFFECTS FRAMEWORK

The Recommended Plan expands upon the Draft Plan when it comes to cumulative effects and makes several Policy Recommendations designed to begin to address cumulative effects. These are good as far as they go, but do not include recommendations specific to salmon. The Plan’s recommendations seem mainly focussed on Socio-Cultural and Socio-Economic values. Except for recommendations related to Surface and Linear disturbance, the Recommended Plan does little to address cumulative effects on Environmental values.

Indicators based on Surface and Linear disturbance do not do justice to salmon. Salmon are not spread evenly across the landscape. A very small linear/surface disturbance can be catastrophic, such as a migration barrier. Another measure is needed for cumulative effects that considers small disturbances that can have a disproportionate effect.

The Draft Plan noted that salmon are a “*complex value*” and recommended “*researching and mapping salmon habitat to support management directions prohibiting disturbing important habitats.*” This is a good step towards giving focussed attention on salmon.

It is critical to get a good handle on cumulative effects related to salmon. We know these are complex and include factors outside the Dawson planning region. But nevertheless, we believe these must be addressed in the Dawson Regional Land Use Plan.

As we stated in our comments on the Draft Plan, we need salmon specific indicators upon which to base cumulative effects considerations.

5.2.1.3 Salmon

There is good intent in this section, but to effectively respond to the current crisis, your recommendations need to go further.

The *Fish Habitat Management System for Placer Mining* is not working. Very little information has been generated from the three monitoring programs that form the basis of the System. There has been very little effort made to gather information on sensitive overwintering and rearing habitats for Chinook salmon. The Adaptive Management Framework provides a mechanism for making adjustments to placer mining based on information gathered, but there remains a serious gap in information.

We note that The Draft Plan recommended that *“the Parties should continue to reevaluate (sp) the effectiveness of the Fish Habitat Management System for Placer Mining”*. We are not aware that re-evaluation has occurred. Until that occurs, we do not believe that the Fish Habitat Management System for Placer Mining should be highlighted in the Plan as if it contributes to the *“conservation and protection of fish and fish habitat supporting fisheries.”*

Moreover, the YSSC does not believe that salmon habitat is properly addressed or protected by current Yukon Placer Stream classifications, which in the main are based on computer modelling which was never ground-truthed. (Please see 2020 submission for details).

The YSSC also has concerns with the DFO approach of authorizing habitat alteration, disruption or destruction in one geographical area in exchange for creating habitat in another geographical area; as the conditions for good salmon habitat are too complex to be easily replicated, or replicated at all.

In short, The YSSC believes that we need a new habitat management system for placer mining.

The **Objectives** in your **Planning Strategy** need to go much further.

- 1) *To enhance salmon habitat and support salmon recovery, “Stewardship of rivers” has to be expanded to include stewardship of tributaries and headwaters, i.e., to all portions of watersheds that provide salmon spawning, rearing and overwintering habitat.*
- 2) It is not accurate to say that *“Salmon migration routes allow for salmon recovery.”* Clean and unobstructed migration routes contribute to salmon recovery, but there are many other environment factors that affect salmon recovery, including salmon spawning, rearing and overwintering habitats, and the effects of development away from rivers and streams that affect water flow or cause deleterious substances to enter water courses. All of these factors have to be addressing to *“allow”* for salmon recovery.

The **Key planning issues and interests related to Salmon** are understated. Instead of using the words “may” and “can”, you should use more definite words like “do” and “will”. There is much greater certainty on these matters than implied in the Plan.

- “Cumulative effects across large spatial scales” do (underline added for emphasis) “*cause direct and indirect habitat loss.*”
- In streams where salmon migrate, spawn, rear and overwinter, “*Sedimentation*” does “*affect salmon habitat*”.
- Industrial “*Development along salmon bearing watercourses*” does “*result in changes to water quantity and quality*”.
- With certainty, “*climate change (affects) salmon habitat.*”

Your **Recommended Management Practices** are likewise insufficient.

- a) It is not enough to avoid “*direct disturbance to known sensitive over-wintering, rearing habitat for juveniles, as well as spawning habitats for salmon.*”

We must also avoid indirect disturbance.

Some disturbances are “indirect”, such as downstream accumulations of fine sediments from upstream ground disturbance. Some of the ground disturbance will be the result of landslides, wildfire etc and will be beyond human control. Others, however, may be the result of the development and operation of industrial operations.

- *The YSSC recommends that both direct and indirect disturbances be avoided.*

In addition, given the huge gaps in information about Chinook rearing and overwintering habitat, and the fact that many of our salmon habitats are no longer occupied because of the salmon crisis, we must also avoid disturbance to potential habitats (as opposed to “*known*” habitats).

- The YSSC recommends that disturbances to potential habitats be avoided.

The need to avoid disturbance to sensitive salmon spawning, rearing and overwintering areas is at the heart of the YSSC’s concerns with the management of land and water within the Dawson planning region. As further detailed in our 2021 submission, there is a lack of baseline information about Chinook salmon rearing and overwintering habitat in the Dawson planning area. In our view, the collection of adequate baseline information on both known and potential salmon habitats should be a condition precedent for the approval of any industrial activity.

- b) It is not enough to “*minimize disturbance in riparian areas by maintaining buffers/setbacks where possible.*” In areas of known or potential salmon habitat, appropriate buffers/setbacks should be mandatory. Any disturbance in these areas should only be as a last resort for essential development, such as highway bridges. All development in riparian areas should follow stringent best practices.

- The YSSC recommends mandatory buffers/setbacks in areas of known or possible salmon habitat

- c) It is not enough to “*Avoid significant levels of winter in-stream water withdrawals in known sensitive over-wintering and rearing fish habitat.*”

- The YSSC recommends avoiding significant levels of winter in-stream water withdrawals in known and potential habitat.

- d) It may not be enough to “*avoid or minimize*” adverse effects of large scale industrial activities. Sometimes those effected simply must be avoided.
 - The YSSC recommends avoiding adverse effects of large scale activities.
- e) It is not enough to “*avoid direct or indirect blocking of identified fish migration routes.*” Assuming fish migration routes include routes taken by rearing and overwintering Chinook salmon, not all such routes have been “*identified*”.
 - The YSSC recommends avoidance of both identified and potential fish migration routes.
- f) This is a good recommendation if we assume we know where Chinook rearing and overwintering habitats are. However, given our serious gaps in information.
 - The YSSC recommends that timing windows only apply where we are certain we have good information. Where information gaps exist, industrial activity should be avoided.

The YSSC understands our current submission on these issues goes beyond what we said in previous submissions. We know that curtailing activity in potential habitats goes well beyond any regulatory measures that have been taken to date. But in our view, this is both justified and essential.

The metals in the ground will not disappear if they are left untouched for a while. People can continue to feed themselves without clearing farmland adjacent to salmon rivers. People can continue to enjoy our rivers without *increasingly* powerful watercraft. But our salmon may well disappear unless we make radical changes to the way that take care of our waterways, watersheds, and planet.

The last two years have seen the lowest consecutive spawning escapement in history for both Chinook and Chum salmon. None of us anticipated our current salmon crisis. Like many others we thought the salmon would rebound – with a little bit of help. Unfortunately, we were wrong. We are on the precipice of an extinction event. Only extreme measures will save our salmon.

Recommendations to the Parties

23 – It would have been a good idea to implement the recommendations found in the *Review and Evaluation of Adaptive Management in the Fish Habitat Management System for Yukon Placer Mining*, but at this moment in time that would be too little too late. The Fish Habitat Management System for Yukon Placer Mining needs a total overhaul. It is not enough to slowly phase in adaptive management measures to help our salmon. We need significant change now.

24 - The Plan recommends that “*A comprehensive, publicly available aquatic inventory should be conducted prior to mining and other land use activities in areas that have not yet been mined to determine whether salmon habitat is at risk. Such an assessment should identify and map key habitat with specific focus on spawning and over-wintering areas.*”

As we previously stated, the YSSC does not support limiting the inventory to areas that have not yet been mined. We recommended that aquatic inventories be conducted on streams that are not **currently** (emphasis added) being mined. This recommendation remains valid and was not addressed in the Recommended Plan.

Further, as expressed above, the inventory needs to address not only areas where salmon are currently spawning and overwintering, but which may have been used in the past for those purposes and which may be used in the future.

- At this moment in time salmon are only utilizing a fraction of their former habitats. If we allow those habitats to be compromised, our salmon will never recover.

25 – As previously stated, the *effectiveness of the Fish Habitat Management System for Placer Mining* should have already been evaluated. However, we are now beyond the time where small tweaks and adjustments to the Fish Habitat Management System will suffice. In this time of extreme crisis, we need significant adjustments.

26 – We generally support this recommendation. We appreciate that this recommendation suggests collaboration with ourselves and expands the recommended inventory to areas not currently being mined.

27 – We support this recommendation, with the proviso that the YSSC should be directly involved in this evaluation.

28 – We support this recommendation.

29 – We support this recommendation, with the proviso that in years of very low abundance it is not appropriate to harvest Chinook salmon for this purpose.

30 – We support what we believe is the intent behind this recommendation – which it to do the best we can do educate the public on the impact of land uses on salmon habitats. However, given our current salmon crisis we do not believe that current “*best management practises/management strategies*” are sufficient or effective in mitigating land use impacts. We need new management practise and strategies that are much better than what we now consider the best.

6.3 LMU 3: CHU KON DEK (YUKON RIVER CORRIDOR)

The Recommended Plan designates this LMU as a Sub-regional Planning Area and recommends various interim measures until a sub-regional plan is approved. One of the rationales for this designation is that it “*Provides for salmon habitat for adults and juveniles, tributaries to the rive also offer important spawning habitat*”. It is clear that the Plan recognizes the importance of the Yukon River to salmon and First Nation culture and the people of Yukon – which is excellent.

We support the Commission’s long-term vision to ultimately manage the river in its entirety to honour its many functions.

However, in our view the Parties should seize the opportunity provided by the current Regional Land Use Planning process and go the full distance of designating this LMU as a Special Management Area - with permanent mineral withdrawal throughout the corridor – as part of the Dawson Regional Land Use Plan. There is no reason to punt this issue to sub-regional planning process.

The Yukon River is the main artery of life in the Yukon. It needs to be permanently protected. This does not mean that grandfathered mines currently accessed by barge on the River will be stranded, or that people, including tourists who want to use the river for recreational purposes will no longer be able to do so. Those issues can be addressed in the Management Plan – and in integrated Management Plans that may be developed pursuant to subsequent planning processes.

CLOSING COMMENTS

The YSSC would be happy to talk to the Parties and the Commission to elaborate upon our thinking around the best way to shape the Dawson Regional Land Use Plan in order to protect our salmon – and the people who depend upon and appreciate our salmon.

Thanks for the opportunity to share our thoughts.

Executive Summary from November 13, 2020 Submission

- The Yukon Umbrella Final Agreement establishes the Yukon Salmon Sub- Committee (YSSC) as the main instrument of salmon management in the Yukon. This includes the management of salmon habitats.
- Our submission focuses on salmon populations and habitat in the Dawson planning region. However, the protection of salmon stocks and salmon habitat in the Dawson region affects all Yukon River salmon in the Yukon territory
- Yukon River Chinook salmon spawning distribution is relatively well known. Less is known of Yukon River Chinook juvenile rearing and overwintering distribution. To properly manage and sustain Yukon River Chinook salmon, we need better information on Chinook salmon rearing and overwintering habitat in the Dawson planning region.
- At this point in time, Yukon River fall chum salmon habitat in the Dawson planning region is relatively safe from industrial development. We need to ensure this remains the case going forward.
- As a first principle the YSSC believes that, to the extent practicable, human activities should not result in additive and appreciable amounts of fine sediment or the release of ground or surface waters high in dissolved substances to salmon habitats.
- The YSSC does not believe that salmon habitat is properly addressed or protected by current Yukon Placer stream classifications.
- This is especially relevant to this submission, since at least 50% of placer mining in Yukon takes place in the Dawson region.
- For both Placer and Quartz mining, streams, rivers and tributary waters that have not been mined or are not currently being mined should be subjected to an acceptable aquatic inventory prior to mine development to determine whether Chinook salmon habitat is at risk.
- All mines and other forms of land or water based industrial activity should provide financial security that will pay for the reclamation of the site if proponents are unable or unwilling to do so.
- Off-site infrastructure for exploration and mining, including roads and any electrical transmission lines, should be designed and built to effectively mitigate effects to salmon habitat.
- As a second principle the YSSC believes that, to the extent possible, the operation of large, high powered tourist watercraft on the Yukon River and its major tributaries should not result in appreciable mortality to juvenile or adult salmon, or disruption of their habitats.

In short, the Dawson Regional Land Use Plan should ensure that Yukon salmon stocks and habitat are properly identified and protected in the Dawson planning region.