



November 1, 2021

Dawson Regional Planning Commission
Suite 201, 307 Jarvis Street
Whitehorse, YT, Y1A 2H3

Dear Dawson Regional Planning Commission:

RE: Draft Plan, for the Dawson Planning Region

Thank you for the opportunity to comment on the Draft Regional Plan (Draft Plan) for the Dawson Regional Planning area. The work that the Dawson Regional Planning Commission (the Commission) and your staff, with support from the Yukon Land Use Planning Council, have done to get to this point is noteworthy.

The Government of Yukon commends the Commission for developing a Draft Plan which aims to balance the many values in the region. A few examples of this work include:

- An approach that acknowledges the major values and issues that exist in the region, for instance, wetlands, cumulative effects and economic interests.
- Innovative ideas on how to deal with complex issues such as the division of land management unit designation in Land Management Unit 23 Fortymile Caribou Corridor.
- Consideration of the importance of the issue of Missing and Murdered Indigenous Women, Girls and Two-Spirited People and the link to land use.
- Clarity on the individual values which are being considered in each land management unit.
- An innovative writing style, including questions where the Commission is hoping to gain additional direction. Examples of this include inclusion of stories on what the area means for people, or direct questions related to reclamation.

In our view there are also some key aspects of the Draft Plan that can be improved and require some attention by the Commission prior to the submission of the Recommended Plan. This letter details the key issues the Government of Yukon recommends the Commission address when drafting the Recommended Plan which are listed as numbers 1-6 (below).

One overarching theme of the Government of Yukon's comments on the Draft Plan is the need for clarity. Clarity will provide certainty to industry, for conservation, for regulators during implementation, for traditional uses, for residents of the Yukon and for visitors. Another theme that is woven throughout Government of Yukon's comments is change, and in particular climate change.

Climate change is and will continue to impact the Yukon and the Dawson region. Detail regarding the six key themes the Government of Yukon recommends the Commission address when drafting the Recommended Plan are presented below.

1. Designations and Land Management Unit Boundaries

The Government of Yukon has several concerns with land use designations. As you have been previously made aware, we also have concerns with many land management unit boundaries in terms of legal description to ensure these boundaries are able to be recognized through existing legislation. The Technical Working Group is working with the Commission on this issue.

Special Management Area II

We have numerous concerns with the Special Management Area II designation. This designation lacks clarity in intent, does not allow for land to be protected under existing Yukon legislation, and cannot contribute or be counted towards the federal and international initiative on conserving percentages of land for conservation, such as 25 per cent by 2025. It is also unclear how existing mineral claims will be accommodated, and there is uncertainty how surface access will be allowed to existing claims. For the reasons cited, the Government of Yukon recommends not using the Special Management Area II designation within the plan. Rather, areas currently designated as Special Management Area II should either be redesignated to Integrated Stewardship Area I or Special Management Area (equivalent to Special Management Area I in the Draft Plan).

Existing Claims

With regards to existing claims, we have the following concerns:

- While the Draft Plan acknowledges that existing mineral claims should be honoured, it is important that how these claims could be developed be considered.
- For example in the case of Land Management Unit 7, there are a significant number of claims that would not be developed to their full potential due to the current proposed designation as Special Management Area II.
- Also for Land Management Unit 7, access off of the Dempster Highway to these claims (e.g., Antimony Mountain) should be accommodated as it would create the least amount of impact on the landscape. The Government of Yukon is very aware of the tourism impact that such roads may have on viewscapes along the Dempster Highway.
- For similar access related concerns, we are of the view that the existing claims in the northern portion of Land Management Unit 22 Scottie Creek Wetlands should be removed from the boundaries of this land management unit. Instead it should be included in Land
- Management Unit 21 White Tădzan dĕk. This change would have minimal impact on the integrity of the wetlands, which supports the management intent.

Critical Minerals

Critical Minerals are a major concern for the Government of Yukon as they provide much needed resources as we shift to a renewable energy economy, supported in the Government of Yukon's 'Our Clean Future'. Government of Yukon has supported national strategies and agreements in order to insure that these minerals that can assist in the clean energy industry are viable¹. These known mineral deposits would need access in order to be successful. For example, the cobalt mineral deposit in Land Management Unit 1 North Tthetäwndëk would need reliable access, in order to develop the cobalt deposit in the future. Any provision of access corridors should consider the important sheep habitat in this area as well.

Yukon River Corridor

As the Draft Plan states, Land Management Unit 3 Yukon River Corridor Chu kon'dek is a major transportation corridor used by tourists, industry and wildlife. Restricting access along this corridor, including barge landings, greatly limits the ability for land management units west of the river to, citing the Draft Plan, "ensure sustainable development" (pg. 155) to occur. Development cannot occur in land management units 17, 20, 21 and 23 without allowing for future access across or via the Yukon River. Land Management Unit 3 talks about tourism in its management intent yet it is not listed as an objective. This is an oversight for considering the major tourism activities along the river, both currently and into the future. For this reason and due to our concerns related to the Special Management Area II designation noted above, we recommend that Land Management Unit 3 Yukon River Corridor be designated as Integrated Stewardship Area I. An Integrated Stewardship Area I designation would limit development, yet encourage tourism, and allow for well controlled access points along the river. New access points would ensure planned development in the southern portion of the region can continue based on the management intent expressed in land management units.

Caribou

The Draft Plan notes the importance of the Fortymile and Clear Creek caribou herds. However, the Fortymile caribou summer range was not adequately captured in the boundary of Land Management Unit 18 Matson Uplands.

¹ Yukon has endorsed the Canadian Minerals and Metals Plan (CMMP), is a member of the Critical Minerals Value Chain working group (which arose from the CMMP action plan) which all ties into Canada's agreement with the US.

- The Joint Action Plan on Critical Minerals Collaboration between Canada and the United States was finalized January 9, 2020. This collaborative agreement is linked to the actions arising from the Canadian Minerals and Metals Plan, which has been endorsed by the Yukon government.
- One of the actions arising from the Canadian Minerals and Metals Plan guides cooperation and joint initiatives in areas such as industry engagement and support; securing critical minerals supply chains; improving information sharing on mineral resources and potential; and cooperation in multilateral forums and with other countries.
- As part of our Action plan commitment, the Yukon government is an active member of the Canada Federal-Provincial-Territorial working group on Critical Mineral value chains and is working on developing a Yukon Critical Minerals Inventory that is expected to be released in November 2021.

The northern and eastern boundary should be expanded to abut the existing mineral claims. In addition, Land Management Unit 23 Fortymile Caribou Corridor should be extended east to the 60 mile road to ensure that the summer range of this caribou herd is protected. Industrial road use within Land Management Unit 23 can be managed by seasonal closures to ensure caribou populations are conserved while still allowing for industrial development. To ensure the protection of the Clear Creek caribou herd which is listed as a Species of Special Concern under the federal Species at Risk Act, Land Management Unit 7 Upper Brewery/Hamilton should be extended south along the Draft Plan boundary into Land Management Unit 8 Lower Brewery/Hamilton, to the extent of the core range. Data on both of these herds as well as input from the Technical Working Group can be used to aid the Commission to determine these boundary changes.

Land Management Unit Adjacency

How adjacent land management unit designations interact with each other on the landscape also could have more consideration. For example, Land Management Unit 21 White Tädzan dëk, as an Integrated Stewardship Area I is between an Integrated Stewardship Area III (Land Management Unit 17 Sixtymile Khel dëk) and a Special Management Area II (Land Management Unit 22 Scottie Creek Wetlands). The Government of Yukon would like to see a tiered approach used, such as splitting Land Management Unit 21 into north and south land management units. A logical split would start where the Ladue River meets the United States border, then running easterly along the Ladue River until it meets the White River, then continuing easterly along the White River until it meets the Yukon River. The designation of the northern portion of this new land management unit should be Integrated Stewardship Area II, while the southern portion should stay Integrated Stewardship Area I. This split and designation “stepping” allows for a more gradual threshold gradient on the landscape. It would also allow for further exploration of an important prospective area north of the Ladue and White rivers.

Tombstone – Ddäl ch’ël

As noted in your draft plan, Tombstone Territorial Park - Ddäl ch’ël is a protected area established pursuant to Schedule A of Chapter 10 of the Tr’ondëk Hwëch’in Final Agreement and represents significant First Nation cultural history and value, as well as being important to all Yukoners. The park is managed according to the Tombstone Territorial Park Management Plan, and we support that the Commission consider this management plan as per section 5.4 of the Commission Terms of Reference, when developing the regional land use plan. We also agree with you that the park, which makes up approximately 5.3 per cent of the total planning region, be recognized as part of the total land protected under the Dawson Region Land Use Plan.

2. Cumulative Effects

The Commission’s work to begin to address cumulative effects management in the Draft Plan is notable. We commend your work on this complex and challenging area.

The Government of Yukon views cumulative effects management as a foundational framework for this plan, providing the opportunity to guide the management of the working landscape in the Dawson Region in a more sophisticated manner. Nevertheless, there remains a need for more clarity in the Commission's proposed approach to cumulative effects management. This will need to be addressed prior to plan implementation. We suggest the Commission address the following specific concerns in the next version of the plan:

- Link linear feature density and surface disturbance thresholds to priority ecological values, specifically moose, caribou and water/aquatic systems using best available information.
- Further develop the socio-economic indicators in the Draft Plan to inform cumulative effects management. This will help to balance industry interests and social needs.
- Linear feature density and surface disturbance thresholds should reflect best available mapping, which the Government of Yukon will provide in the spring of 2022.
- Develop values-based reclamation guidance in an adaptive management context.

The Government of Yukon acknowledges that the Commission's work to develop the Draft Plan is at the forefront of the cumulative effects discussion in the territory. Building these tools and approaches will support ongoing growth and development in those areas identified by the Commission as integrated stewardship areas, while respecting the important ecological and social values in these working landscapes.

Accordingly, the Draft Plan's cumulative effects framework should include a strong adaptive management approach. This will support an iterative process to improving and adapting the proposed thresholds as we address knowledge gaps, advances in technology, and share information among key partners involved in implementing the proposed approach, including industry. As we gain familiarity and knowledge with the proposed model, we have confidence that other tools (e.g., Yukon *Environmental and Socio-Economic Assessment Act*, management plans) will help assess proposed projects and developments in the Dawson Region.

3. Wetlands

The draft territory-wide wetlands policy was released for public review and comment in October 2021 and is expected to be finalized and adopted in the spring of 2022. This is about the same time that the Recommended Plan will be presented to the Parties. We encourage you to take this policy into consideration as you develop the Recommended Plan. The Government of Yukon will inform the Commission of any significant changes to the draft territory-wide wetlands policy which arise through public engagement and consultation.

The Government of Yukon appreciates the Commission's efforts to build off of the interim approach for placer mining and wetland reclamation in the Indian River, and efforts to align the Draft Plan with a previous draft of the territory-wide wetlands policy. Specifically, we are encouraged to see reference to application of the wetlands policy's mitigation hierarchy when managing human impacts on wetlands, and the identification of wetland complexes in the Dawson Region as wetlands of special importance.

The Government of Yukon supports the Commission's identification of Scottie Creek as a wetland of special importance, and its protection within a special management area designation. The Government of Yukon questions the identification of the Upper Indian River wetlands (Land Management Unit 19) as a wetland of special importance. This land management unit is an important culturally significant area for Tr'ondëk Hwëch'in; however, Land Management Unit 19 is a working landscape where much of the area is already under mineral claims. Our suggested alternate approach is to designate Land Management Unit 19 as an Integrated Stewardship Area I, as this would allow the existing claims to be developed up to established surface disturbance and within wetland thresholds. The Integrated Stewardship Area I designation will provide adequate guidance to ensure cultural values are maintained on this working landscape. In addition, the south-west boundary of Land Management Unit 19 should be altered slightly to recognize the exiting claims and values.

The Government of Yukon does not support the establishment of wetland avoidance thresholds across the entire planning region. The Recommended Plan should include wetland avoidance thresholds for bogs and fens in specific land management units where wetland values are present, or development interests are putting pressure on the land management units wetlands. Specific land management units include land management units 11, 12, 19 and 21. We are also of the view that Land Management Unit 12 could be split into two halves, running north-east to south-west, to ensure thresholds can be implemented equitably as both halves would be designated Integrated Stewardship Area 4. Within these land management units, bog avoidance thresholds should be 100 per cent, and fen avoidance thresholds should be set at a level appropriate to the level of current and potential future disturbance, but not exceeding 50 per cent protection. All other wetland classes can be more successfully reclaimed, and no specific avoidance thresholds should be set for these classes in the Recommended Plan. The territory-wide wetlands policy's mitigation hierarchy should be referenced as the appropriate guidance and tool for managing wetland impacts for wetlands without specific avoidance thresholds, and for all wetlands in other integrated stewardship areas.

The Recommended Plan should specify the baseline state of wetlands as were present on the landscape in 2022, but should be revisited during a subsequent plan review to account for natural shifts in wetland distribution.

Previously permitted and licenced works must be grandfathered and allowed to proceed; however, their wetland impacts will be counted as changes from the baseline state for all future projects during the Plan compliance review.

Specific wetland avoidance thresholds are not required for special management areas, as these areas and the wetlands within them, are effectively protected through this land designation.

4. Culture and Heritage

The Draft Plan seeks to ensure management practices for heritage resources are met. The Draft Plan appears to assume existing management practices are adequate and effective; however, this is not universally true.

Specific management practices mentioned include:

- the continued use of heritage and historic resource surveys. Current surveys are triggered by assessment processes, meaning heritage resources are identified in areas proposed for development. A more robust and proactive survey approach will better align with Chapter 13, though will require resources and close collaboration with First Nations governments;
- avoidance or minimized land use impacts in the vicinity of identified heritage and historic resources;
- reporting of any heritage and/or historic resource within an affected First Nation's Traditional Territory to their heritage departments and to the Government of Yukon;
 - Supporting collaboration with First Nations governments on heritage legislation, regulation and policies to ensure management practices for heritage resources are met.
 - The Draft Plan should recognize the "Memorandum of Understanding Regarding Collaborative Management of Heritage (2019)" signed by Government of Yukon, Council of Yukon First Nation and 11 Self Governing First Nations.
 - Generally, the significance of culture and heritage resource and their relationship to Chapter 13 of the Tr'ondëk Hwëch'in Final Agreement needs to be better reflected in the plan.
- use of Hän names and phrasing for place names in the Plan and items stemming from the Draft Plan.
 - The Draft Plan should recognize the Geographical Place Names process set out in Chapter 13.

5. MMIWG2S+

In December, 2020, *Changing the Story to Upholding Dignity and Justice: Yukon's Missing and Murdered Indigenous Women, Girls and Two-spirit People Strategy* was released. A number of actions in this strategy relate to resource (extraction) decisions, including:

- 3.4 Resource Extraction and Major Infrastructure Projects: Eliminate violence related to development projects in both workplaces and communities. Increase the workforce capacity, mitigate negative impacts, and improve the positive benefits for Indigenous women and Yukon communities.
- 3.5 Workplace Physical, Psychological and Cultural Safety: Improve the physical, psychological, cultural, and spiritual safety of all Yukon workplaces for Indigenous women, girls and Two-spirit+ people.
- 4.4 Yukon Environmental and Socio-economic Assessment (YESA): Implement culturally relevant, gender-balanced analysis in the YESA Act processes.
- 4.8 MMIWG2S+: Implement culturally relevant, gender-balanced analysis in the YESA Act processes.

As previously stated, the Government of Yukon is very pleased to see this issue raised in the Draft Plan. However, the policy recommendation in the Draft Plan should be extended beyond “the Parties”. We invite proponents to partner with the signatories of this strategy when considering these important actions.

For additional information and other potential actions, follow this link: [wd-yukons-missing-murdered-indigenous-women-girls-two-spirit-people-strategy.pdf](https://www.government.ca/assets/uploads/2021/04/wd-yukons-missing-murdered-indigenous-women-girls-two-spirit-people-strategy.pdf)

6. Implementation

The Draft Plan has over 200 recommendations and action items on a wide variety of land-based topics. This number of recommendations and action items will be challenging to successfully implement in the 10-year proposed review period. Furthermore, many of the recommendations do not clearly align with management objectives, may not be at an appropriate scale, and may not be in the Parties' jurisdiction. In order to deal with this issue the Government of Yukon recommends the Technical Working Group go through the Draft Plan and calibrate each recommendation based on the following criteria:

- Clarity
- Reasonably implementable
- Within the Parties' jurisdiction
- Align with objectives in the plan
- Appropriate scale of a regional plan

Calibrating recommendations using the above criteria would not be focused on the appropriateness of any particular recommendation, but whether the recommendation can be effectively implemented. The benefits of this type of exercise has been demonstrated through the Peel Regional Land Use Plan and the work of its implementation committee.

The Draft Plan also recommends the establishment of additional groups which would assist with implementing the Plan such as the Land Stewardship Trust or the Klondike Highway Corridor Advisory Committee. It is recommended that the Draft Plan identify a single committee comprised of Parties' representatives, similar to the North Yukon and Peel Regional Land Use Plan implementation committees. This would provide coordination and common oversight for effective implementation. If the implementation committee determines additional committees or working groups are needed, they can be established as appropriate.

The aforementioned 6 issues are the key issues the Government of Yukon has identified with the Draft Plan at this initial stage in the planning process and that we are asking the Commission to consider as it drafts its Recommended Plan.

In addition to these 6 issues, we have also collated the observations and comments of our planning practitioners, scientific and technical staff that reviewed the Draft Plan. We are pleased to also provide these for your consideration, and our officials will follow up with you in the week ahead to provide three additional documents, specifically:

- A table which outlines specific considerations related to details in the Draft Plan;
- A track changes version of the Draft Plan that provides corrections and other various editorial comments and errors which were identified;
- An Ease of Use document which provides suggestions on how the Commission can make the document clearer and easier to use. This feedback is based on experience with implementing other regional land use plans.

These three documents provide additional comments for the Commission to consider, and our staff will be happy to meet with the Commission to walk through these documents to discuss any questions or concerns you may have, and in particular to clarify how these comments reinforce or add to the 6 main issues we have provided in this letter.

Yukon Government recognizes there are other perspectives that will need to be taken into consideration as the process proceeds. It is understood and recognized that there will be a wide variety of comments and perspectives the Commission will be considering when developing the Recommended Plan.

White River First Nation has asserted rights in the southern portion of Dawson Region. The Government of Yukon has signed a consultation protocol with White River First Nation and have met with their technical staff regarding the Draft Plan. We encourage the Commission to engage with White River First Nation to hear their views on the Draft Plan.

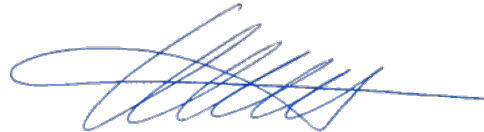
The Government of Yukon looks forward to continuing to work with Tr'ondëk Hwëch'in, the Commission, White River First Nation, other Yukon First Nations, stakeholders, as well as the public in the planning process outlined in Chapter 11 of Tr'ondëk Hwëch'in Final Agreement. These continuing conversations on the overarching plan concepts, for example land management unit identification and designations, may result in changes to the Government of Yukon's views regarding aspects in the Draft Plan and/or Recommended and Final Recommended Plans as they are developed.

The Government of Yukon would be happy to make a presentation on this package to the Commission after the November 1, 2021 submission deadline. Please contact the Government of Yukon Technical Working Group members to arrange for a meeting date.

Sincerely,



John Streicker
Minister of Energy, Mines and Resources



Nils Clarke
Minister of the Environment

cc: Chief Joseph, Tr'ondëk Hwëch'in
Lois Craig, Yukon Land Use Planning Council
Chief Chasse, White River First Nation
Manon Moreau, Deputy Minister Environment
John L. Bailey, PhD., Deputy Minister Energy, Mines and Resources

Encl: Specific Considerations Document
Track Changes Document
Ease of Use Document