



Government

Box 2703, Whitehorse, Yukon Y1A 2C6

April 3, 2014

Mr. Scott Casselman, Chairperson
Dawson Regional Planning Commission
Box 8010
Dawson City, YT Y0B 1G0

Dear Mr. Casselman:

Re: Yukon Government Response to Plan Alternatives

We congratulate the Commission on producing the Plan Alternatives package. This is an important step in the planning process and we have completed a careful review of the package to provide as much clarity as possible at this stage.

Our comments primarily address the land use designation system and the plan alternatives, and are intended to be informative to guide the Commission in its development of a draft and recommended plan. More specific comments from our technical experts are attached.

1. Land Use Designation System

As managers of Yukon's public land, Yukon government (YG) expects a land management regime that reflects territory wide consistency. In this respect we recommend the Commission give full consideration to using the Land Use Designation System (LDS) developed and approved in the North Yukon and Peel regional land use plans. For this reason YG supports the overall concept of the LDS to manage the intensity of use as opposed to the type of use. More specific concerns and suggestions we have with the LDS as defined in the Plan Alternatives document are as follows:

- a) There are too many zones, they are not consistent with other planning regions and they are not clearly distinguished.**

We expect the plan to clearly define for each zone the management intent and considerations to guide land managers and regulators in determining the compatibility of land uses and to choose the appropriate management tools. This

plan introduces three new zones: Conservation Area (CA) zone, the Traditional Economy Area (TEA) zone, and the Yukon River Corridor (YRC) zone, which we do not support. The Integrated Management Area I and II zones and the Restricted Use Wilderness Area (RUWA) zone, that have been used in the other regional plans, would provide zoning options for highly sensitive areas that require a higher degree of management intensity as envisioned for the proposed TEA, YRC and CA zones.

The LDS needs to clearly identify the key values and considerations for land use in each zone and rely on the tools provided by the existing land and resource management regime in recommending management direction.

b) YG does not support the proposed Traditional Economy Area zone.

The proposed zone prohibits mining to address potential conflict with other land uses. A more appropriate response would be to recommend tools and associated actions to manage the concerns and potential conflicts. Placer mining, agriculture, and forestry can and do co-exist and have the potential to benefit each other (e.g., common infrastructure). Yukon's existing land management regime provides a means to balance land uses and maintain values. It is our view that the values identified by the proposed TEA zone can be protected and managed within the existing land use designation system and management regimes developed during the North Yukon and Peel processes.

It is also worth stating that a land use plan and its zoning will not alter Aboriginal and treaty rights retained through the Final Agreements. The pursuit of First Nation harvesting rights is allowed in every land use designation.

c) The LDS should incorporate the direction and tools provided by the current land management regime.

The existing land management regime of the Yukon includes the bodies and regimes created under the Final Agreements; the *Yukon Environmental and Socio-Economic Assessment Act*, the Placer mining regime, the Dawson Forest Resources Management Plan (2013) (DFRMP), the Forty Mile Caribou Habitat Management Measures, and all of the various government legislation, policies, and best management practices. Together, these provide a wide range of management tools for the Commission to integrate in developing the Dawson regional land use plan.

The DFRMP, for example, has undertaken a robust and integrated planning process for much of the Dawson planning region. The forest planning was completed under Chapter 17 of TH Final Agreement and approved by TH and Yukon Government in March 2013. This plan should be carefully considered, including the strategic direction provided, the multiple uses it manages, and the compatibility with the DFRMP "Forest Resource Management Zone (FRMZ) and "Hinterland Forest Zone".

Examples of management tools are seasonal restrictions on land use, new regulations being developed for resource access roads and off road vehicles, forest resource road provisions (Forest Resource Road provisions include restrictions on access, season, permanence and construction), and the changes in the Class 1 mining regime.

The interim withdrawal of mineral rights is not used as part of our general management regime to restrict a particular use. It is used selectively to achieve an end such as protection of specific key value areas.

The Commission should consider adjacent LMU zoning in North Yukon and Peel regional plans to ensure the adjacent LMU's are complementary, particularly where there are activities and values that span more than one region, such as the oil and gas basins, and the Porcupine caribou herd.

d) YG supports managing the cumulative disturbance in a planning region.

We agree that the plan should provide direction on managing cumulative disturbance. A cumulative effects approach should:

- Use the considerable work done in the Dawson Forest Resources Management Plan to manage for different values on the landscape and to provide strategic direction for appropriate harvest thresholds;
- Consider how cumulative effects indicators would be set for the long linear YRC LMU;
- Provide the appropriate adaptive response to manage activity when approaching a cumulative effects level. Depending on the LMU this could range from additional research to additional controls on activity.

e) YG supports further detailed planning along the Yukon River.

While we do not support the YRC zone, Yukon government supports maintaining ecological, tourism, recreational, and cultural values in this LMU while allowing for carefully planned and managed industrial land use, landings, and access

points. We suggest that using an existing IMA zone with management direction would be an appropriate initial approach to managing the multiple uses of this corridor. Given the high volume of activity and range of uses along the corridor, the Commission may consider also recommending more detailed planning, such as a sub-regional plan, of the river corridor to occur at a future date.

f) YG supports identifying future community expansion needs.

The proposed application of the Community Area zoning implies this area has already been identified for development. We suggest the plan identify the LMUs where planned community development may be an appropriate use and indicate that a planned approach to any future community expansion is preferred.

2. Plan Alternatives

Yukon government recognizes the challenge of addressing the diverse range of values and balancing the land uses across the region. The existing management regime provides many opportunities to manage potential conflicts such that different land uses can co-exist and even benefit each other on the landscape. The regime provides the flexibility to enable economic development and to protect important ecological, social and cultural values. In reviewing the alternatives package, we have identified the following factors to be addressed in the draft plans.

a) A Balanced Approach

All economic, environmental, cultural and social sectors are important and a balanced approach to land use provides all sectors the opportunity to develop. The alternatives show a mix of land use zones, but we are unable to provide a full assessment of the proposed alternatives until there is more certainty in the LDS.

It is important that the regional plan supports exploration and development of mineral and oil and gas resources, especially in areas of high activity and active or unexplored prospects, and provides for reasonable managed access. The IMA zones are to enable development and therefore, should not exclude any particular development activity. Mineral or oil and gas exploration for example may be inadvertently excluded by cumulative effects indicators or access restrictions. We also want to avoid a situation of zoning not providing for active land use permits and mineral claims.

We encourage the Commission to consider the management flexibility available within LMUs. For example, where exploration takes place in an LMU, management measures are available to protect key, site specific or seasonal values. Another important consideration is the pace and scale of non-renewable resource development, for example, mineral exploration occurs over a large area but with a small footprint, while the more intense footprint of mineral development is consolidated in a smaller area.

b) Active Landscape Management

Use active landscape management with existing tools and processes to conserve the specific values in each LMU (i.e., seasonal restrictions, special management considerations, and management of wildlife key areas). Protected area designation may be warranted for specific high value areas if other measures are not sufficient.

LMUs with the highest value conservation areas have intact watershed ecosystems and connectivity across the landscape that maintains ecological integrity and resilience to climate change. The alternatives indicate some conservation around the high value areas of the Tatonduk watershed and Fishing Branch HPA and the intact watersheds in the southwest. We cannot fully assess how these values are being protected until the LDS is finalized.

We encourage the Commission to consider the management tools available to protect specific conservation values and connectivity within LMUs as opposed to recommending protected area status at the watershed scale. A management option would be to include plan review triggers, such as new resource information or increased industrial activity, to ensure the Plan is reviewed and updated as required to achieve its objectives.

c) Respect All Cultural and Heritage Values

Historic sites and heritage resources are protected and managed by laws of general application. Cultural Services Branch provided some data to support Tr'ondëk Hwëch'in in identifying their heritage concerns, but did not include the full breadth of its heritage data for performance measure indicators. The heritage thresholds that have been identified in the plan would therefore be more accurately called Tr'ondëk Hwëch'in cultural/heritage values. Heritage values identified in the alternatives document are primarily representing Tr'ondëk Hwëch'in heritage values and viewsapes from cultural routes, but do not specifically reference archaeological and palaeontological or historic sites. As

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such, preferences to particular alternatives have not been discussed in our response.

Specific comments on alternatives and specific LMUs are attached to provide you with the latest information on resource assessment for the region.

Congratulations on the hard work undertaken by the Dawson Commission and staff throughout the process to this point. We will continue to work closely with you and the other planning Parties toward successful completion of the plan.

Sincerely,



for.

Shirley Abercrombie
Assistant Deputy Minister, ECPC
Energy, Mines and Resources



Allan Koprowsky
Assistant Deputy Minister
Environment

cc: Erika Tizya, SLC Representative, Vuntut Gwitchin First Nation
Tim Gerberding, SLC Representative, Tr'ondëk Hwëch'in
Ron Cruikshank, Director, Yukon Land Use Planning Council

/ATTACHMENT: Technical Comments

TECHNICAL COMMENTS

Comments on Alternatives and LMUs

The following comments are provided by our domain experts and are an update to information provided through the resource assessment process. The comments are specific to the value being discussed and do not incorporate other values in their assessment.

Placer and Hard Rock Exploration, Development and Access

Alternatives with IMA IV for LMUs with high placer exploration and mining, hard rock mineral exploration or development activity, and mineral potential are supportive of mineral exploration and development (such as LMUs 13, 15, 17, 18, 19, 20, 24, 25, 26, 29). Conservation zones, Zone II, and Zone III could limit activity and access depending on the restrictions and cumulative effects levels. Buffering of IMA IV LMUs by other IMA zones can help ensure access.

More restrictive zoning of LMUs north of Tintina Trench, (LMUs 9, 10, 11, 14, 15, 16, 19) would make it difficult to consider mineral development. Less is known about the mineral potential north of the Trench. The potential of base metals, which have higher potential in the north, as well as gold potential should be considered.

- LMU 13 is active in summer with placer mining in the valleys, and exploration at higher elevations. Forty Mile River has a long history of placer mining and very good potential for more production. Floating trommel-style operations with closed circuit water supplies (zero discharge) work well on the Forty Mile floodplain. High-level benches have been mapped along the Forty Mile River and are highly prospective. In addition, drainages like Brown and Moose creeks are areas of active exploration with good existing access.
- LMU 15 is one of the largest remaining known placer deposits and is contained in the Klondike River (and benches along north side) from Hunker Creek to Dawson City. A good portion of the floodplain was dredged (although not to bedrock where resources remain) and there are areas that are un-mined (eg. between Bear Creek and Hunker Creek). It is imperative that half the resource isn't isolated because the river is used as an LMU boundary.
- LMU 16 contains some claims.
- LMU 17 includes Brewery Creek, which requires access from the Dempster. The placer potential mapping identified the Brewery Creek area as having high potential for placers. This is an area that has not received much mechanized prospecting yet the hard rock potential for gold is quite good. The placer industry will inevitably need to move into new areas and this region has high potential.

- LMU 21 is fairly active in placer mining. Could be subdivided to allow Stewart River tributaries (Clear, Barlow, Independence creeks) be classified separately. Or add Clear Creek to LMU 26. Flat Creek and Clear Creek are considered part of the goldfields and are highly disturbed. Since 1978 Clear Creek has produced 80,000 ounces of gold. A new bench discovery was made recently near the Klondike Highway with over 7 miles of claims and leases being staked.
- LMU 22 has placer operations and this area is prospective and accessible for future new placer areas;
- LMU 26 has a great deal of advanced exploration and spending and further progress on the project is expected. With recent gold discoveries at White Gold and the historic production from Black Hills Creek, placer mining will continue;
- LMU 29 has high mineral exploration and quartz mineral potential, and favourable placer potential. Yukon Geological Survey conducted placer investigations in Carlisle and Independence creeks and found favourable placer potential. The active floodplains are rigorously managed through the stream classification process, however there are good opportunities for out-of-stream mining on the benches.
- LMU 30 Yukon River high level terraces have not been placer mined outside of the Klondike (LMU 20) and Sixty Mile (LMU 18) areas, however high-level benches run the length of the Yukon River. These benches are prospective yet under-explored.

Oil and Gas Exploration and Development and Access

Alternatives with more restricted zoning could limit access to and exploration and development of the oil and gas basins. Protected area zoning will limit exploration and development. LMUs 1, 2, 3, 4, 5, 6, 7, 8, 9 have portions of the Kandik and Eagle Plains basins in them.

All the alternatives include a combination of Zone II/CA/PA for LMUs 3,4,5,7, which lie between the Dempster Highway and the oil and gas basin in LMU 1. LMU 3 and 8 overlap portions of the oil and gas basin. The zoning for these LMUs needs to ensure access to the Kandik basin can occur.

Forestry

Alternatives with more restricted zoning could limit forestry activities and access and conflict with existing licences and cutting permits if forestry is not allowed. LMUs 11, 13, 14, 15, 17, 18, 19, 20, 21 are in the "Forest Resource Management Zone", which include both "Forest Conservation Management Areas" and "General Forest Management Areas". LMUs 7, 8, 9, 10, 16, 22, 23, 24, 25, 26, 27, 28, 29 are in the "Hinterland Forest Zone". Conservation Management Areas" and "Hinterland Forest Zone" are consistent with the idea of additional management tools in areas of high sensitivity.

The “Forest Conservation Management Area” within the FRMZ and the “Hinterland Forest Zone” are consistent with the IMA zones in having additional management in areas of high conservation focus. The regional plan zoning should enable appropriate access and allow for forest harvesting in the FRMZ, and respect the existing commercial forest licences.

Ecological Conservation

Key requirements to consider when identifying location, size and function of areas for a high degree of conservation, protection, and active landscape management include:

- maintain areas that serve as ecological “benchmarks” of natural ecosystem dynamics, ecologically functional wildlife populations, and terrestrial and hydrological connectivity;
- areas on a size and scale to accommodate major landscape disturbance, such as wildfire and climate change;
- watersheds, which encompass conservation, recreation, and other values; ecologically intact areas and integrity of ecological ‘hot spots’ including rare and sensitive elements;
- ecological connectivity between areas of high conservation value;
- landscape resilience to climate change, which is fortified with connectivity and minimized fragmentation so the landscape enables wildlife migrations and genetic exchange between wildlife populations.

The Dawson region has landscape level areas of high conservation value in the Tatonduk watershed (LMU 8 currently excludes a portion of the watershed), connection to the Fishing Branch Habitat Protection Area, and intact sub-watersheds in the southern portion of the planning region.

High Wildlife Values and Key Wildlife Areas

The LMUs have been ranked as to their overall wildlife values. LMUs 10, 11, 13, 21 have very high wildlife values. They are considered significant for the following reasons and require effective management tools in place to protect them:

- LMU 10: Very high in recognition of Forty Mile caribou and sheep presence and habitat suitability; raptor habitat and locations.
- LMU 11: Very high in recognition of Forty Mile caribou, sheep, and moose presence and habitat suitability; moderate to high fish value.
- LMU 13: Very high in recognition of Forty Mile caribou and moose presence and habitat suitability, high grizzly presence (relative to the rest of the region), some fish value.

- LMU 21: Very high in recognition of moose presence and habitat suitability, very high Forty mile caribou, moderate fish value.
- LMUs 3, 4, 5, and 7: Common winter range and concentrated migratory pathways for the Porcupine Caribou Herd.
- LMU 2 and 27 have important and sensitive habitats, where Habitat Protection Area could be applicable.

Other LMUs that have an overall high ranking are: LMU 17, 24, 18, 25, 20, 27, 28, and 22. Other LMUs in the region also contain wildlife values, which may be significant individually, but the LMU is ranked lower for its additive wildlife value.

Heritage

LMU 30 Yukon River Corridor: Identifying measures to protect the cultural and scenic values of the Yukon River through more detailed planning would be an asset to the possible future Tr'ondëk/Klondike UNESCO World heritage site designation.

Tourism

LMU 30: The Yukon River is the most popular canoe route in the Territory, and is particularly important to the region's tourism sector. Further detailed corridor planning should identify measures and management tools to maintain viewsapes, recreation opportunities and ecological values that support scenic and wildlife values of the corridor, reduce adverse effects of industrial activities, and identify opportunities for cooperation and coordination among users.

LMU 15, 16, 17 Dempster Highway Corridor: Identifying measures to maintain scenic viewsapes and recreation opportunities along the corridor is important to ensure the continued reputation and appeal of the corridor as a unique arctic touring route. The North Yukon Land Use Plan and Yukon's Peel Watershed Land Use Plans recognize the scenic, heritage, social and ecological values of this multi-use highway, and recommend more detailed planning.

LMU 8, 3: The Tatonduk Watershed includes particularly scenic landscapes, hiking and canoeing routes and other high value recreation features that support tourism activity and potential. These values, combined with a recent growth in air-access trips to the area indicate good growth potential for remote hiking, camping and canoeing.

LMU 15 Rock Creek: The established trail network around Dawson is an important tourism asset and there is local and tourism sector interest in developing a trail network between Dawson and Tombstone Park.