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November 1, 2021

## Foreword

Dear Dawson Regional Planning Commissioners and Staff;

Members of the Klondike Placer Miners' Association (KPMA) would like to thank you for your work and for taking the time to read this, and many other, responses to the Draft Regional Land Use Plan for the Dawson Region. We appreciate the time, effort and heart that goes into this important work. We hope you find the KPMA's response balanced while representing our key values – we have put a lot of thought and care towards reasonable comments that can be used to support *SMART* (Specific, Measurable, Attainable, Realistic, and Timely) recommendations to the Parties. We believe this is the best way to achieve the outcome of a Plan that works today, and in the future. Nän kāk ndä tr'ädäl: on the land we walk together.

Please find the KPMA's response to your Draft Plan, attached.

*Electronically signed by the Board of Directors:*

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Note: the following is not an exhaustive list of all KPMA members, rather, a list of individuals who have requested their names be put on this submission, in writing, **after** reviewing the submission draft over the weekend of October 30<sup>th</sup>. Should the Commission wish for additional letters of support we can facilitate that work upon request. The following list is alphabetical, with relevant LMUs each person works in. We considered including time spent working in each LMU (often generational if not multiple decades) but did not have the time or capacity to complete by November 1<sup>st</sup>. This information can be provided upon request.

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18. Carey, Randy. Meldon Construction. LMU14.
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27. Conley, Matt. Macon Industries. LMU12.
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62. Gould, Gemma. LMU12, LMU14.
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65. Green, Laurie. Little Flake Mining. LMU12.
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183. Brown, Sue.
184. Brown, Wilma.
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186. Johnson, Cassia.
187. Latimer, Bernelle.
188. Loveless, Dawson.
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190. Noel, Manual.
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## Draft Dawson Region Land Use Plan – KPMA Response

### Methodology of Response

The important work of Land Use Planning, as set out under the Umbrella Final Agreement(s), is something the Klondike Placer Miners' Association (KPMA) fully supports, demonstrated through our actions in the previous Land Planning exercise in the 2010s, pre-engagement for this process, and we hope through a thoughtful and balanced response to the Dawson Region Planning Commission's (DRPC's) Draft Land Use Plan (Draft Plan).

The KPMA's response to the Draft Plan begins with some background and context on the themes and challenges we face in a general sense at this time. Following that, we review the Draft Plan in the order it was written, responding to relevant sections, Call-Out boxes, and Recommendations. Finally, we comment on each of the LMUs (Land Management Units) in order. We believe we are stewards of this landscape, and through our work we intend to be good partners to both Parties (Tr'ondëk Hwëch'in and Yukon Government) and community going forward.

### Context

The KPMA was founded in 1974 by a group of placer miners looking to unite the industry in their response to changing times. Our membership still includes many of the founding members, as well as their families. While we have been changing with the times, never has there been so much pressure as there is now.

The Yukon's placer industry is unique on a global scale. Our operations are large-scale enough to use new technology, and innovate and provide substantive economic benefit to the Territory when compared to the small artisanal operations found in developing nations. Also unique to Yukon's placer industry is the social context. Although the complex and difficult regulatory frameworks we work within can seem flawed, when compared to other jurisdictions, our legislation ensures basic human and environmental rights are being met, at a minimum. The world is going green, and this means sourcing rare earth metals to build batteries, computers and other things the green economy depends on. We believe that placer mined gold from the Yukon is the best and most responsible source of gold in the world.

We also believe that Yukoners do a very poor job at recognizing our strengths, playing to our assets, and especially in thinking about what happens in the Yukon mineral industry as world-leading. Placer mining uses only three things to extract gold from alluvial gravels: water, motion, and gravity. We *do* alter the landscape through the mining process, but with current reclamation best practices (and hopefully formalized guidelines through upcoming successor legislation), the land we leave behind is ecologically productive and environmentally sustainable, creating post-mined landscapes with greater biodiversity than before, through creating landscape diversity. The KPMA knows that the Commission understands this, but we do not believe Yukoners, in general, do.

The KPMA believes that the better we can educate our fellow Yukoners on the realities of current placer mining, the more trust our community will have in the industry, the easier it will be to make balanced recommendations that work for both Parties, the community and industry.



Land use planning, successor legislation, wetland policies and wetland reclamation plans; there are many issues fundamental to placer mining currently on the table. In this Land Use Planning process, the *interpretation* of recommendations around wetlands and cumulative effects are fundamental to our future. As we respond to these and other important topics the Commission is dealing with, we ask you to keep this in mind. The KPMA has proven our ability to evolve, learn and grow; we have practical on-the-land experience; we understand the important stewardship role we plan on the land we work; and most importantly, we want to do a good job. But we cannot be expected to work to a standard that hasn't been set yet (there is no approved wetland reclamation plan, there is no final Wetland Policy, there is no modern Placer Act), and we do not believe a *Precautionary Approach* is a fair or reasonable response to all issues in front of the Commission. We also appreciate you must respond with a balanced recommendation to these contestable issues, and we've made some recommendations of our own for you to consider adopting.

As well as engaging on this Planning process, we are active at the Industry Table for upcoming legislation modernization, engaged on the Wetland Policy draft, and supporting miners as they tackle the unknowable Wetland Reclamation Plans requested by the Yukon Government and Yukon Water Board. We are under tremendous pressures and one wrong move could have significant negative impacts on the industry, the local businesses we support, and countless families that depend on placer mining for their livelihoods.

Thank you for your consideration.

## 1 Introduction

### 1.6.2.1 SUSTAINABLE DEVELOPMENT

We support this section of the document including the definition of sustainable development, *beneficial socio-economic change that does not undermine the ecological and social systems upon which communities and societies are dependent*. We would like to highlight that in order to achieve **sustainable** development in placer gold mining (a finite resource), the concept of reclamation is integral to sustainability.

*Reclamation is the process of re-establishing ecological functions in post mined areas that are similar to the pre-existing functions, and self-sustaining* (definition adapted from the definition of wetland reclamation from YG's Ruby Creek Guidelines 2017).

The Draft Plan does not include detail on how reclaimed areas will be included as **positive contributions** to linear and surface disturbance thresholds. This is something we would like to see take a much larger role in the Final Draft version of the Plan.

### 1.6.2.2 STEWARDSHIP

Placer miners, by and large, believe we are already stewards of the land. According to the past 2 seasons of KPMA surveys, the primary motivation of miners is to be outside working independently, in nature. We support the Commissions' goal of "minimizing negative environmental and cultural impacts, restoring areas of imbalance, and protecting ecological and cultural values while allowing economic development activities to continue". Again, we believe that more context on how reclamation will support sustainability for the environment and economy is necessary to ensure the "holistic mindset that all land users have a duty to care for the land" is something tangible enough to take action on. We are eager to work at stronger demonstrations of placer mining stewardship, but concrete language around what that means for our industry (ie what reclamation standards are acceptable) is necessary for widespread adoption.



We look forward to working with both the Dawson Plan Parties and other parties on defining better reclamation guides going forward.

#### 1.6.2.3 PRECAUTIONARY PRINCIPLE

*“A lack of conclusive scientific evidence does not justify inaction on managing the environment, particularly when the consequences of inaction may be undesirable or when the costs of action are negligible.”*

In general, we support the Commission’s use of the precautionary principal in areas where there is “limited understanding of some of the ecological functions”, however we do not believe that it is the best approach for all topics. Considering some instances, employing the precautionary principal *will* have conclusive, undesirable economic and social impacts, with a high cost resulting from the inaction of the precautionary principal. Please see our comments on LMU 19 and 23, as well as on wetlands for a more fulsome discussion.

#### 1.6.2.4 ADAPTIVE MANAGEMENT

We support the concept of adaptive management, however we caution the Commission that it can lead to endless feedback loops in the bureaucratic systems. Governments are already working at capacity, and should the Commission choose to recommend significant adaptive management structures, we strongly advise these recommendations include clear ways for *existing* roles within the large government body to do this work. We do not need an additional department to govern the same few people trying to make a living.

#### 1.6.2.5 PRIORITY CRITERIA FOR CANDIDATE CONSERVATION AREAS

The KPMA appreciates the criteria used for candidate conservation areas and respect that while some sides may see the Draft Plan as too restrictive, many believe it is far too lenient. We discuss conservation in our comments specific to each of the LMUs.

#### 1.7 PLAN GOALS

We support the draft goals, but would like to see more balance in the relationship between ecological and economic goals and the role reclamation plays in both returning a disturbance to pre-disturbance state, and in offsetting negative cumulative effects when work is complete. Clear goal setting and recommendations around seeing excellence in reclamation completed in a timely manner will not only improve the landscape, but give confidence to industry, provide encouragement for good operators, and ensure placer mining is integral to environmental sustainability and stewardship.



## 2 Description of the Planning Region

You may consider including a statement on the opportunities available for multiple land uses to the greatest benefit. Perhaps this could fit in sections 2.5.1 or 2.5.2, in either non-renewable or renewable resources. For example, forestry or agricultural leases on reclaimed placer ground, or traditional economy activities on active or decommissioned placer ground, are activities we would like to foster successful partnerships in the future. We believe this kind of hopeful opportunity is something that should be highlighted in a Plan, as something to be referenced as the Plan is reviewed in 10, 20 or more years.

## 3 Plan Concepts

### *Call Out Box: Special Management Area (SMA) II*

We appreciate the many stakeholders considered in defining SMAs (Special Management Areas) and ISAs (Integrated Stewardship Areas), including the natural elements that exist in these areas that, in many cases, need protection. We can also see how an SMAII area could allow for future co-management between Parties, however, the language of the SMAII, as borrowed from the Peel Plan, is problematic. Areas that are designated as SMAIIs have been set up in a way that will halt any likely land use, which is not how we read the goals of SMAIIs. In order to make land management in these areas more adoptable, while achieving many of the “high conservation” goals intended, we suggest some alternative approaches. These alternative details can be found in our comments on each LMU in more detail.

Alternative 1: Outline staked areas within the SMAII that have known active interest and reclassify them as ISA3 or 4 areas, so the businesses that exist or plan to develop claims in these areas are not inhibited by SMAII directions. ISAs “enable existing and future economic activities”, but within the context of an SMA, “industrial land use” would still be “allowed for existing mineral and other land use rights within the area”. This would also require existing access to be protected, for example in Scottie Creek, otherwise it won’t matter what development guidelines are in place as folks won’t be able to get to their claims.

Alternative 2: Designate SMAII areas as ISA1 or ISA2 areas, and allow for offsetting of conservation targets to other LMUs with higher thresholds and less conservation. As an example, wetland complexes in LMU19 (Upper Indian River Wetlands) could have higher disturbance thresholds in place, after trading higher protection in areas with no known interests in LMU11 (Flat Creek).

Alternative 3: Implement a combination of our suggested alternative 1 and 2, and consider including targeted reclamation standards that would allow for a miner to fully develop smaller tracts of land, with a focus on scientific reclamation work. This would require miners in these “SMAII” areas to work with reclamation experts to try new ways to reclaminate, employ test sections (much like the Department of Highways has done with permafrost protection test sections on the Shakwak Highway near Beaver Creek) and have these sections monitored jointly by YG’s Yukon Geological Survey and TH’s Natural Resources Department. Alternative 3 aims to respond to several concerns: it provides economic certainty by allowing miners to continue operating in these areas but with more Party controls in reclamation as part of land use; it allows for graduated disturbance that would have reclamation controls in place before additional permitted ground could be worked; and it allows for continuity of habitat on the landscape through the small piece-meal work that is being done. As alternative 3 is by far the most challenging of the three to implement and enforce, we do not recommend this approach be included in other LMUs where mining is able to occur.

### 3.3 SPECIAL MANAGEMENT DIRECTION



Our comments on the Special Management Directions are made according to each LMU later in this document.

### 3.4.1 RESULTS BASED MANAGEMENT FRAMEWORK

Our challenge with the result- based framework is that the strategies and indicators that lead to Plan Goals are limited by the information available at this point. The current results-based framework is flawed as it does not include a holistic view of indicators to monitor as part of adaptive management. Fortunately, this is an easy problem to solve, by making reclamation a key consideration when determining indicators to inform strategic change. At this point, *disturbance* is considered as an indicator, but including reclamation would greatly change the adaptability of the Plan over time.

For example, maps provided by Ducks Unlimited (which we have very limited knowledge of, as they are not available to the public) do not consider any anthropogenic wetlands (created as a result of placer mining reclamation). This skews data and shows bias against industry/responsible development. We strongly believe that reclamation be included as a value to ensure thresholds are current, to reinforce stewardship as a core value to the placer community, and to motivate regulators to place metrics on when a site is considered “reclaimed.”

### 3.5.1 CUMULATIVE EFFECTS INDICATORS

“Cumulative effects are the net changes to values in the environment and/or society that result from a land-use activity in combination with other past, present, and future activities.” To consider cumulative effects of the placer industry on the Land Use Plan, it is *vital* that reclamation be included as an indicator to effectively consider and manage the past, present and future impacts of placer mining on the landscape. We have some preliminary considerations in including reclamation as an indicator:

- Practical – Reclamation is feasible to monitor and easy to understand. The metrics of what is reclaimed or not will have to be outlined by regulators. The KPMA is very interested in collaborating with the Parties on interim reclamation metrics to consider concurrently with the successor legislation drafting process.
- Accurate – To some extent, all placer mined areas will reclaim over time; active or progressive reclamation (proactively planning for closing a mine cut in the most environmentally sustainable way) will always produce the same results: clean water, recontoured landscapes, and in most cases, revegetation within 1-2 seasons (in some locations, revegetation can take longer due to in-situ organic materials).
- Sensitive – Reclamation is possible in all post-mined placer sites, assuming the outcomes are sustainable and productive ecosystems and not necessarily the same habitat type as before. For example, bogs would be reclaimed as marshes, historic dredge tailings would be reclaimed as verdant uplands. We know that landscape diversity equals biodiversity – when a miner transforms fens into marshes and shallow open water wetlands with uplands, they are creating a more biodiverse environment than existed before. This is a change, but it is not all negative.
- Relevance – Reclamation is the expected outcome of all placer sites across the Territory.

#### 3.5.1.1 SURFACE DISTURBANCE

Surface disturbance is explained as being “any activity that results in a physical footprint on the landscape.” This language reinforces the need for reclamation to be included into the Land Use Plan to ensure thresholds and Plan strategies are current, relevant, and that footprints that revert back to a like-normal state contribute to the “natural” pre-disturbance values.



### *Call Out Box: Surface Disturbance Measurement and Recovery*

Considering the call-out box on page 38 of the Draft Plan, in principal, we support the three points:

1. Surface disturbances facilitate travel by wildlife and people. In forested areas, a surface disturbance can be considered recovered when vegetation growth is over 1.5m.
2. Surface disturbance results in increased run-off and sediment loading. Recovery is when increased run-off and sediment loading has returned to pre-disturbance levels.
3. Major surface disturbances can result in a change to the topography of an area. Recovery is when contours roughly match the original contours.

Our caution is that these criteria are broad and without responsible application (following the Implementation of the Final Recommended Plan), do not take into account all situations. Using point 1: should a reclaimed trail with, for example, 1m of growth in a forested area be burnt in wildfire, does that negatively affect the threshold? Or with 2: What if sediment loading is better than pre-disturbance levels? What if sediment loading does not occur with certain disturbances? Or with 3: what if the interim contouring of an area becomes habitat for a species, does the proponent have to recontour and alter the habitat that is actively being used to recreate a more homogenous landscape?

We bring these questions up as we believe it is the role of legislation, and not Land Use Planning, to determine sufficient reclamation standards that can be used across the Territory. While the KPMA fully supports codifying reclamation standards in legislation, and referencing reclamation goals in the Land Use Plan, we do not believe this important value can be determined in a call-out box.

We support the Commission in making strong recommendations for defining metrics for reclamation standards that will help 'reset' thresholds for disturbance, however there must also be room for disturbance as reclamation can take longer in certain areas.

#### 3.5.1.2 LINEAR DENSITY

We encourage the Commission to consider how future Resource Road Regulations will help in mitigating the cumulative effects of Linear Density for mining access roads, particularly for remote locations with a possible ability to gate or otherwise block access to a road, under an approved permit. The KPMA accepts that roads can bring access, like hunting access, to populations of animals, like certain caribou herds; however, it is frustrating that the roads are an indirect cause while unmanaged hunting is the direct threat. Folks that typically oppose mining projects will and are using linear density to limit industry. While we have little to no control over who accesses our roads and driveways at this time, there is a likelihood that this will be more in our control in the future, and this positive potential should be included in the Commission's deliberations when considering linear density recommendations.

### *Call Out Box: Linear Density Discussion*

Considering the call-out box on page 38 of the Draft Plan, we support the second of the two points:

- Option 1. Linear features less than 1.5m wide are exempt from calculations, This is more reflective of the intent of tracking linear density, but measurement has proven to be inaccurate,
- Option 2. Linear features less than 3m wide are exempt from calculations. Measurement using current technology is much more accurate, but the impact of smaller linear disturbances are ignored.



Of the two, we support this second comment for several reasons:

- Technology and mapping is always increasing.
- A 3m (10ft) wide road is easily accessible by small vehicle (UTV, smaller truck), while discouraging higher travel speeds, multiple road used, and limits access.
- This threshold lends itself to possibly gating or blocking access, which may become possible under upcoming Resource Road Regulations.
- This threshold would exclude firebreak roads, an important aspect of wildfire response that has the overall intent of limiting disturbance.

### 3.5.1.3 OTHER INDICATORS

#### ***Water***

The KPMA supports the use of water as an indicator, however the KPMA cautions the Commission that many purported “unbiased” organizations are overtly anti-industry, or at the least, present one-sided information that leads to anti-industry biased data. Any information that is used by the Parties in implementing recommendations around water values MUST take this bias into account. Additionally, should discrepancies exist with water quality, quantity or flow standards and actual results, industry must be made aware of these differences in a timely manner so as to act upon this information in a meaningful way. Too often, the industry as a collective is “thrown under the bus” because of the actions of one operator.

Water quality, quantity and flow are adjudicated by the Yukon Water Board during water license applications/renewals, and monitored through the Compliance Monitoring and Inspections Branch of EMR (YG). The KPMA supports this work to ensure placer mining does not negatively impact Yukon’s watersheds; and we are available to collaborate and work with community stakeholders to ensure this important resource is used responsibly.

#### ***Salmon***

The KPMA is made up of many individual mining operations, 90% of whom are family mines. Our membership values stewardship and sustainable and responsible placer mining. This includes working in a way that respects the Fish Habitat Management System (FHMS) that was developed in partnership with the DFO. Any actionable recommendations made related to salmon and placer mining should either take the current FHMS into account, or include industry in reviewing the recommendations and how they would be implemented. If there is a known way for placer miners to have a better effect in salmon habitat, we are open to hearing about it and welcome the opportunity to try and help salmon enhancement through physical actions and not only policy development.

#### ***Wetlands***

Please see our comments on Wetlands later in this document.

#### ***Access Intensity***

The KPMA supports this as a value, allowing for a larger linear density discrepancy (Option 2 from the Linear Density Discussion for example) while providing flexibility in reexamining impacts over time.

#### ***Stewardship***



As mentioned before, placer miners, by and large, believe we are already stewards of the land. According to the past 2 seasons of KPMA surveys, the primary motivation of miners is to be outside working in nature. We are eager to work at stronger demonstrations of placer mining stewardship, but concrete language around what that means for our industry (ie what reclamation standards are acceptable) is necessary for widespread adoption. This is something the Commission should consider, however we believe YG has ultimate responsibility in making reclamation a part of the legislative framework and we are disappointed in the lack of accountability by Government on this front to date; hopefully through successor legislation work, this will change. Should stewardship be considered an indicator, the KPMA expects our members to be included as stewards as well.

### ***Reclamation***

The KPMA **strongly** recommends that reclamation be included as a key indicator in the Land Use Plan going forward.

#### 3.5.2 CUMULATIVE EFFECTS THRESHOLDS

In general, the KPMA believes that while the disturbance thresholds are very low, we appreciate that the Commission is balancing use with conservation. We know that Tr'ondëk Hwëch'in wants to ensure the land is used appropriately, with as much natural and wild space left between responsible development as possible. While placer miners fundamentally need access to large tracts of land in order for the industry to thrive, if not survive, we believe there is room for some balance. The addition of reclamation as a key indicator, and possibly a management direction in certain LMUs, could give the industry the confidence we need in having land access, while providing confidence to the Parties (and the public) that the land that is being placer mined is operated responsibly, and with sustainability and stewardship in mind.

The thresholds as they stand are extremely concerning without the additional lens and framework of reclamation included in the conversation. LMU19, for example, has already exceeded the draft precautionary threshold, and this is using information from 2014-2018. LMU19 is one of the most exciting placer discovery areas in the past 3-5 years, and the infrastructure that exists in this area has not been accounted for in the draft thresholds. While it is nearly impossible to generate a Draft Plan with only current information, it *is* possible to create a Plan that considers reclamation and stewardship as core values of one of the Planning Area's largest land user. Should clear and achievable reclamation objectives and metrics be considered, our concerns over thresholds in many LMUs would diminish, substantially.

#### ***Policy Recommendation – Spatial Project Reports***

The policy recommendation that “detailed project proposals and year-end reporting should be mandatory for all Class 3 and 4 projects”, on the surface, is something the KPMA can see value in; however, we believe that there is room for more flexibility on this point.

Ninety percent (90%) of placer mines are family owned and operated. The amount of documentation that is already provided from one family business is immense. License and permit applications and reports are only the start, and even with these submissions – what happens with the information? When a miner reports the same information in a report to the Department of Environment that they do to the Department of Energy Mines and Resources, why is this information not shared across government? Why is the Department of Finance asking for work reports different from those at EMR? And after a decade of reporting, why is none of this information available during the YESA or Water Licensing processes? Nothing seems to be done with endless information gathering.



If miners are required to submit “detailed spatial reports”, who will review this information? Who will review the detailed spatial reports from 200 miners, annually? What information will really be used and how, and in what time period? Is a report really the best way to gather this information, or would we not be better served by annual satellite mapping, which would eliminate opinions and data discrepancies in favour of a good-old-fashioned map?

The placer industry is, like so many, at capacity. While we can change, we can improve and we can grow, we *cannot* take writing yet another report that costs energy and funds only to be lost in a bureaucratic cycle, yielding no change. The same number of Yukon businesses are being regulated by an increasing public sector – there will be nothing left to regulate if we are not careful to keep burdens on small businesses reasonable, manageable, and with demonstrated downstream effect.

The indicator tracker action is, with some finessing, a concept we support. There is opportunity, from our perspective, to gather information on what work is being done in what locations based on both existing reports that are submitted from industry, as well as averaging the amount of work an operator typically does. For example, if Miner A has been working their claims for the past 10 years or more, they will have a very good idea what will be worked in the coming 10 years. Annual reports in the scale of placer mining are not as effective at projecting as a longer-term view. Perhaps a 5 year report would be better suited to this type of tracking, it would certainly provide a bigger scope of change, and allow for clearer projections to be made on both disturbance and reclamation outcomes, as well as prospectivity, economic drivers and other metrics.

#### *Policy Recommendation – Plan Conformity Checks*

We support the action of making more proponent information available online. This is also supported through comments from the Yukon Mineral Development Strategy, and the KPMA has been involved in reviewing YESAB’s work putting the Placer Form 1 application online.

#### 3.5.3 CUMULATIVE EFFECTS FRAMEWORK

The KPMA appreciates the work that has gone into the Cumulative Effects portions of this Draft Plan, and we are grateful to have been included in Draft Plan discussions around CE in the past weeks. This section states that indicators “would not include disturbances that meet the Plan’s definition of *Recovered*”, and the KPMA would like to see more development on defining recovered and reclaimed ground, as reclamation is fundamental to the concept of cumulative effects in placer mining.

#### *Call Out Box: Cumulative Effects Framework Discussion*

As we discuss throughout our response to the Draft Plan, incorporating clear and meaningful reclamation objectives and metrics is foundational to the concept of cumulative effects of placer mining. We touch on this question throughout our response, and in several LMUs.



## 4 General Management Direction

### 4.1 SUSTAINABLE ECONOMY

The KPMA supports the three Draft Sustainable Economy Goals.

#### 4.1.1 MINERAL EXPLORATION AND DEVELOPMENT

This section states that “the need to prioritize some areas for conservation over other interests, including mineral staking, exploration, and potential mining, is key to achieving balance and sustainable development in the planning region.” The KPMA appreciates the desire to achieve this balance and has incorporated this theme into our responses to each LMU. As you are already aware, we believe that reclamation indicators are critical to achieving sustainable development in any area.

#### *Recommendations to the Parties*

We support the Commissions’ recommendations and hope to discuss the implementation of some of the Mineral Development Strategy Panel’s comments further with the Parties.

#### *Policy Recommendation – SMALL mineral work*

We have significant challenges with this recommendation, as outlined in our comments to the Call Out Box on SMALLs, and in specific LMU comments.

#### *Policy Recommendation – ISA I-IV mineral development*

We appreciate the Commission’s comments in this recommendation, and appreciate the balanced approach. Our detailed comments on the practical implementation of various ISA levels in different LMUs can be reviewed later in this document.

The Draft states:

“Efforts to educate and support the mining industry in land reclamation and compliance should be encouraged. As our collective knowledge of mining reclamation improves over time, new techniques and strategies should be incorporated into existing regulatory processes and future Plan reviews. This strategy supports the principal of adaptive management.”

The KPMA thanks the Commission for recognizing this and encourages the Parties to consider ways to support and educate, making the Yukon’s mineral industry truly world-leading.

#### *Policy Recommendation – KPMA101*

The KPMA would like to thank the Commission for recognizing our work on KPMA101, an industry-led education and compliance program. We are very excited to announce the program at the 2021 Geoscience Forum in November. All interested parties are encouraged to reach out and learn more!

#### 4.1.2 TRANSPORTATION AND ACCESS



### *Top of the World Highway*

We support ORV management in the area, please see our comments in section 4.1.2.3 for more information.

### *Klondike Highway Corridor*

The KPMA is interested in contributing to a potential *Klondike Highway Corridor Advisory Committee* should one be started.

#### 4.1.2.2 NEW ALL-SEASON SURFACE ACCESS

##### *Recommended Management Practices*

The KPMA supports the Commissions draft management practices, in general.

- a. Access roads and trails already avoid wetland areas, not least because they make poor roads and trails.
- b. Creating looped or redundant trails may be mitigated through upcoming Resource Road Regulations, which could include tools for gating or blocking road access.
- c. The KPMA is interested in working with the Parties to better achieve the goal of “multi-party use of roads” if possible.
- d. Reclamation and decommissioning of roads is currently not allowed through the *Highways Act*. This is why we are hopeful the Resource Roads Regulations will include tools for gating, blocking and decommissioning roads and trails. Miners often get a bad rap on this piece, but we have no control over the current legislation.
- e. Information on access requirements is already outlined by proponents in YESA applications and renewals.
- f. Putting this responsibility entirely on proponents is not reasonable for small operators. We suggest the Commission considers adding to the recommendation: “For small operators, support resources should be provided by the Parties or by industry advocates with support from the Parties”. This will support small placer mine operations in responding adequately, and provide accountability within the bureaucratic structure as to whom is making these decisions around road development and decommissioning BEFORE they reach the YESA process, which will still occur.

##### *Recommendations to the Parties*

The KPMA supports the Commissions recommended policies and would like to be involved when the Parties develop a road development and reclamation tracking framework. We also look forward to working with the Parties in finding ways to support proponents’ education and research opportunities in these developing areas. We believe there is room for multiple interests with better alignment of regulations (like the Resource Road Regulations and successor legislation development) but that in the meantime, collaboration with industry is the best way forward in the adaptive management or road access.

#### 4.1.2.3 OFF-ROAD VEHICLE ACCESS

##### *Call Out Box: Off Road Vehicle (ORV) Use*

ORVs are used both by the general public, but also as important vehicles on most mining and exploration properties. They have a smaller footprint and are more robust than a pickup, and are the vehicle of choice for



many miners to get around their claims. The KPMA's comment here is that ORV use by the public should be considered separately from that of a miner "doing miner-like workings" on or accessing their claims. The intent of their use is different, the routes used are typically consistent, and we have already contributed to the development of the ORV Regulations and do not have capacity to contribute, again. Any SMAs or ISA areas that prohibit ORV use in the future must not limit the use of a miner, in a miner-like fashion.

#### 4.1.2.4 AIR ACCESS

The KPMA suggests the Policy Recommendation should be amended to "Within SMAs, outside of existing dispositions, new airstrips should be allowed *without an approved and time-specific operating plan that considers future reclamation.*" We believe that this is both consistent with other management directions in the Plan, and allows industry more flexibility in short-term access options to be looked at.

#### 4.1.2.5 WATER ACCESS

The KPMA supports the Recommended Management Practices as both are already used by miners: we construct stream crossings to minimize impacts to fish and fish habitat, and are limited by when stream crossings can be constructed. The ability for a permitted creek ford is crucial to allow for flexibility in the various phases of the project.

The KPMA would like to add to the Research Recommendations that LMU3 (Yukon River/Chu kon dëk) is of great importance to the placer community. Protecting the entire Yukon River corridor until a sub-regional Land Use Plan is complete could have seriously negative impacts on mineral work in the region. Barge and road access to the Yukon River is necessary for a minority of operations, but limiting all new access could put this minority out of business entirely. See our comments on LMU3.

We are interested in contributing to any Best Management Practices or Guidelines that may be created for jet boat or barge activities.

#### 4.1.3 AGRICULTURE

##### *Recommended Management Practice*

The KPMA supports mineral and agricultural industries being encouraged to collaborate on projects, and that directions have been given through the Draft Plan to support this dual land use.

#### 4.1.4 TOURISM

The KPMA believes there is opportunity to work with the Parties in achieving some of the recommendations. For example, Tr'ondëk Hwëch'in cultural history and contemporary use in signage and strategies for tourism may also have synergies in the placer industry. The KPMA is already looking to collaborate with TH on bringing this concept into our KPMA101 program.

#### 4.1.5 OUTFITTING

The KPMA supports the Commission's recommendations to maintain and allow existing outfitting rights, subject to the Tr'ondëk Hwëch'in Final Agreement (THFA).



#### 4.1.6.2 THE KLONDIKE VALLEY

The KPMA looks forward to working with the Parties and contributing to the sub-regional plan for the Klondike Valley.

#### 4.1.7 FORESTRY

The KPMA supports dual land use and sees potential opportunities to work with the forestry industry to this aim.

#### 4.1.8 AGGREGATE RESOURCES

The KPMA supports dual land use and sees potential opportunities to work with the Department of Highways or the City of Dawson to this aim.

#### 4.1.10 RESOURCE DEVELOPMENT AND IMPACTS TO MMIWG2S+

The KPMA is working with YESAB on their review of personal health and safety in the resource industry and impacts to MMIWG2S+.

#### 4.2.1.1 CARIBOU

The KPMA supports the majority of the work in this section, however we believe that the recommendations as they are will lead to strict conservation rather than adaptive management. We encourage the Commission to consider ways to achieve their management goals in the recommendations with clear language that supports responsible mining that can coexist with this important species. For example, YESAB is currently creating 'dead zone' timelines for operations to work in the fall for a 10 year license; regardless of the presence of caribou at the time. This interpretation of the Draft Plan, although not a recommendation, has been enforced on a miner without any ability for the miner to propose other, perhaps more reasonable, alternatives.

Please see our comments in LMU discussions for more detail on alternatives that may meet the needs of both caribou protection and certainty for industry.

#### 4.2.1.2 MOOSE

##### *Policy Recommendation*

The Parties should consider implementing seasonal closures in key post-rut habitat areas during the last two weeks of the hunting season (October 15-October 31) to mitigate pressure on moose populations.

This recommendation is problematic for industry. Limiting all road access assumes all road use impacts moose populations. Most operators are typically finishing up their seasons in late October, and road use will be significantly less during this period. Blanket closures of access roads will have significant negative effects on many operators trying to finish the season during this time. We believe that pressure should be put on ways to limit over harvesting, not on road access for existing road users.



The KPMA membership sees themselves as stewards. The vast majority of operations know that our mines are important and safe habitat for moose to have and raise their calves. Many female moose keep their young close to an operation throughout the summer, taking advantage of the food source, post-mined habitat diversity (typically a combination of uplands and shallow open water wetlands), and protection from predators that are less comfortable around humans. Should additional strategies be considered to protect moose from harvesting, we encourage the Parties and other stakeholders to involve the KPMA early and often, as stewards, to consider creative ways to meet conservation goals without limiting existing development or access.

#### 4.2.1.3 SALMON

##### *Information Box: Fish Habitat Management System (FHMS) for Placer Mining*

The KPMA is proud to have been a key player in developing the FHMS, and we believe it can be used as an example of how our industry is adaptable and collaborative. We also believe it is important to point out the Yukon Placer Secretariat is now defunct. It was originally set up to support miners in implementing and navigating their applications through the process, but has since disappeared, and these support resources are no longer available despite the regulatory regime in the Territory growing increasingly more complex.

The KPMA encourages the Parties and other stakeholders to consider working with industry to find solutions to salmon enhancement problems that may be improved in the short term by working directly with miners. For example, active reclamation on historic mining sites that have a likelihood of salmon spawning habitat is a tangible way to help support the species without the burden of extended timelines for policy development, approval, or regulatory change. As we have brought up earlier in the document, miners see themselves as stewards, but they are also at capacity for reporting and engagement. The KPMA would be pleased to try and facilitate positive change by connecting possible salmon enhancement ideas to the right miners, directly.

#### 4.2.2 OTHER FISH AND WILDLIFE HABITAT

##### *Resident Fish Species*

The KPMA encourages the Commission to consider how the post-mined landscape lends itself to habitat diversity and wildlife diversity. An example of this is finding fish in historically mined tailings ponds.

##### *Migratory Birds and Raptors*

While we support the protection of high-quality habitat for migratory birds and raptors, we believe that this recommendation is being abused through the YESA process in unreasonable terms and conditions that are strictly conservation based. Bird surveys and limiting clearing activities to certain times of the year when migratory birds are not present, is a reasonable way to balance both habitat needs and development; we caution the Commission that the language as written may not be interpreted with the same amount of balance that the Draft Plan has intended.

##### *Species at Risk*

As mentioned, the KPMA members see themselves as stewards, as such we want to ensure the activities we do have positive outcomes for all species, including species at risk (SAR). We know that some groups that map Species at Risk are limited to mapping accessible areas, which can skew results. For example, counting



songbirds in placer mined areas or on active placer access roads will only provide information about songbirds that do or do not exist on these sites; and to draw any meaningful conclusions, baseline information must also be taken in equal representation from areas that do NOT have any placer impact. The results of this type of survey as is, will be biased against placer mining either because there is not enough evidence or because there is too much – without the voice of industry to balance conservation projects like those from groups that provide data to the Canadian Wildlife Service, we will continually be used as a reason for SAR protection, rather than a partner.

#### 4.2.3 WATER

Please see our comments on LMU3 specific to water and access later in this document.

#### 4.2.4 WETLANDS

Fundamentally, we believe the conversation on wetlands is actually: “is placer mining allowed to disturb wetlands or not”, as all of the concern around wetland preservation is targeted at our industry. The majority of wetland complexes that are NOT in placer mining areas are ignored in this conversation. Data that is available only looks at undisturbed wetlands and does not consider the anthropogenic generation of wetlands – this is a bias that needs to be acknowledged. As mentioned throughout this document, miners are not looking to disturb wetlands – we are looking for, exploring and possibly mining areas with economically viable mineral potential; these areas are typically valleys and channel bottoms, often though not always intersecting with wetlands.

Although the KPMA is made of very intelligent and capable folks, we are not biologists. However, we have recently partnered with a wetland specialist, Dr. N Wright, to help us create a simple field guide for the average miner to determine whether or not the area they wish to explore is a wetland, and what type it is. Because we often complain about the inherent bias in many conservation-funded studies, we had this report peer reviewed by the Yukon Government and will be making it public as soon as the edits are made, later this month. We share this with the Commission because one of the things that became clear through this third-party report is the relative simplicity of the issue: bogs and fens and some marshes are peat wetlands. Marshes, swamps and shallow open water wetlands are mineral wetlands.

Placer mining, through mining in peat wetland areas, will reclaim a peat wetland to a mineral one, almost every time.

Although there is work being done in Alaska and southern BC on working towards peat to peat reclamation (which is something we are very interested in learning about and applying locally), this isn't widely done in the Yukon as up to now, we understood that creating valuable and rare shallow open water wetlands was desirable. Moose, beavers, ducks and other species now have valuable habitat through anthropogenic (man-made) wetland complexes. Yes, we do typically destroy the habitat for microorganisms that exist in bogs and fens, however we do create the wetlands that have much healthier populations of fur-bearing and harvestable animals in comparison. And we create an economic benefit through this change.

So we believe the real question the Commission must answer, in order to achieve stewardship and sustainable development goals is simple: is placer mining allowed to transform some peat based wetlands to mineral ones, or not?

We think the Commission understands the significance of saying no, and the KPMA can appreciate how difficult it would be to provide a simple yes. But we urge you to consider the vast areas of wetlands that exist



in the planning area that the KPMA supports protecting (see our LMU responses). Consider that the worst-case scenario of the worst placer miner's faulty operation is natural sediment, and should be preventable through mining inspections. Consider the ease of YESA assessments in determining effects in areas where mining is able to occur, while still doing due diligence in their work. Consider the ease of the successor legislation implementation when working with a flexible Land Use Plan that puts the accountability on the regulators. Consider the opportunities to recommend conservation groups spend their internationally raised funds on working WITH local industry in developing world-leading wetland reclamation techniques rather than always working against us. Consider the positive effect this will have on the economy of the Dawson region, and the confidence the Commission will have in placing stronger conservation controls in areas where fully in-tact and un-explored wetland complexes exist without the mineral potential and interest.

Cries of "too much" or "not enough" are not helpful to the Commission. But, with all of the external factors weighing in on the wetland conversation (successor legislation, wetland policies, YESA assessments, Water Board assessments), ensuring the quality, quantity and flow of water is protected through responsible placer work is assured. Adding wetland thresholds, exclusions or other tools to stop industry in ISAs in the Plan, **will be** too much. Our future is in your hands.

#### 4.2.4.1 WETLAND THRESHOLDS

##### *Policy Recommendation – Bogs and marshes*

We appreciate wanting to protect undisturbed bogs and marshes, however we encourage the Commission to remove this section in favour of a more simple system for the majority of LMUs, and allow for the Wetland Policy to determine whether or not all bogs and marshes are deemed "special". Placer reclamation can lead to development of marshes that are both diverse and productive. Should the Commission still wish to protect all bogs and marshes, you will also have to provide methods to map these areas, buffer zones and how to deal with these areas as operators, which should require additional consultation with industry.

##### *Policy Recommendation – No development*

The policy recommendation in this section does not match the management directions for some SMAIs (for example LMU19). Fens are not rare, but gold is. The KPMA strongly encourages the Commission to determine whether or not placer mining is allowed in an area. If so, fens should be able to have disturbance with responsible reclamation performed. If fens cannot be mined it will destroy many businesses that work in fenned areas as this is often where the gold deposits are.

##### *Policy Recommendation – Fen thresholds*

As discussed above, the KPMA strongly encourages the Commission to determine whether or not placer mining is allowed in an area. If so, fens should be able to have disturbance with responsible reclamation performed. If fens cannot be mined it will destroy many businesses that work in fenned areas as this is often where the gold deposits are. **Fens should not be protected in any ISA area that allows mineral development, but reclamation recommendations are supported.**

##### *Call Out Box: Fen Thresholds*

The KPMA does not believe that fen threshold values are wise or necessary. If we had to support a threshold, of course it would be 75%, but we question the reasoning behind this arbitrary number. The Yukon Government's interim approach to placer mining in wetlands was a stop-gap measure to try an appease



several interests in a very short time frame. There has been no science provided showing that fens protect water quality quantity and flow better than anthropogenic (mineral) ones. It is not a miner's intent to disturb wetlands arbitrarily, it is only to access the gold resource which tends to be found in valley bottoms.

We believe that placer mining should either be allowed in an area with no protection to fens beyond the fact that miners do not look to disturb them needlessly, and that excellence in reclamation is an expectation that will very soon become legislated through successor legislation.

If the Commission was interested in putting accountability on industry in the interim, the KPMA would be pleased to work with the Parties to try and obtain some of this science, and to try new concepts and ways to do reclamation in the short term – highly valuable information that can be used in the regulatory process to make real change while encouraging excellence and not inhibiting the majority of mines in the Dawson region.

Regarding trade offs, we support looking at vast areas of wetlands that the KPMA recommends stay protected (LMU1, LMU4, LMU11 for example) in favour of allowing responsible mining in other areas where sustainable development is supported.

#### *Policy Recommendation – Wetland Inventories*

The KPMA supports inventories of wetlands be performed, and we understand this work has already begun in some areas by the Yukon Government. Any data used in the assessment process must be science-based and public. For this reason we believe the job of mapping and inventory work is firmly under the purview of the Yukon Government.

#### *Research Recommendation – Wetland Inventories*

We support this recommendation, assuming the Parties include anthropogenic wetlands in their inventory.

#### *Call Out Box: Trade-Offs*

We whole-heartedly support the third bullet stating “LMU based vs watershed based is not ecologically the best practice, however, this approach will provide certainty to proponents and clarity for assessors.” This approach would be, understandably, a difficult decision for the Commission to make, but we firmly believe that it is the best way to achieve both stewardship and sustainable development goals. This approach also leaves the door open for successor legislation to ensure best practices become enshrined in legislation vs. industry being limited by arbitrary and difficult to manage thresholds.

#### *Policy Recommendation – SMAs and Wetlands of Special Importance*

Please see our comments on LMU19 and LMU22 related to this recommendation.

#### *Policy Recommendation – Prioritization of policy*

We support the recommendation to prioritize YG's Wetland Policy (the KPMA has been actively engaged on the policy development process for several years). However, we do not support the Yukon Water Board's Guidelines document as it was written and developed in a vacuum, with unreasonable and unrealistic objectives for placer miners. While the KPMA fully supports good guidance and fulsome proponent



submissions, we must be included or at least given the opportunity to review these Guidelines before they are used in all assessments (as was the case with the Water Board).

#### *Policy Recommendation – Public Awareness*

We support this recommendation and would be interested in partnering with the Parties on this aim. Who better to encourage and support reclamation stewardship with miners than the KPMA? This concept would work well in our new KPMA101 program, which we created in answer to the frustration of miners being held accountable to standards that have never been explained, and to share the development of this curriculum with regulators to ensure consistency and transparency in what is being shared.

#### *Research Recommendation – Buffers*

Unless the Commission chooses to protect certain wetland values over others, as a result of a more complex approach to mining in wetlands, we do not believe this work needs to be recommended in the near future. We suggest that research on buffers would be an excellent recommendation should mining be allowed to continue.

#### *Research Recommendation – Wetland Inventory*

As mentioned before, we support this recommendation, assuming the Parties include anthropogenic wetlands in their inventory.

#### *Research Recommendation – Research Initiatives*

We support this recommendation and look forward to collaborating with the Parties on this work.

### 4.2.5 CLIMATE CHANGE

See our recommendations in specific LMU areas for comments on how the Climate Change recommendations that relate to climate change.

### 4.3.2 STEWARDSHIP

In general terms, the KPMA supports the Commission's recommended Dawson Land Stewardship Trust; and we have some comments to further clarify our support. In the KPMA's response to the Draft Mineral Development Strategy's recommendation of a "Yukon Heritage Fund", we made the following comment:

"We question who would access the fund, when and how. This recommendation could be positive IF the fund benefitted the COMMUNITY (and not a government) in which the mining occurs. For example, Dawson gold field fee revenues would go to the community of Dawson (which extends past "City" limits), Mt Nansen miners would see benefits go to the town of Carmacks, etcetera. It would be an incentive to welcome responsible mining into the community, and would directly impact the people that live there. Over time, it could contribute to build a year-round swimming pool, better internet, maintained trails, workout equipment at a rec centre, musical instruments at the school with flexible open hours."

While our response does not directly relate to the Dawson Land Stewardship Fund, we believe some of the principals do. Fair, reasonable, and balanced fee collection and dispersal is key to the success of this



initiative. With concurrent successor legislation discussions happening, a Dawson Land Stewardship Fund should work within future regulatory structures and not duplicate efforts. The KPMA looks forward to working with the Parties to consider how this Fund might be developed with the support of industry.

#### 4.3.3 HARVESTING RIGHTS AND ACTIVITIES

As mentioned in our comments to section 4.2.1.2, limiting road access for habitat protection from over-harvesting assumes all road use negatively impacts populations. We believe that pressure should be put on ways to limit over harvesting, not only on road access for existing road users. Should additional strategies be considered to protect animals from over-harvesting, we encourage the Parties and other stakeholders to involve the KPMA early and often, as stewards, to consider creative ways to meet conservation goals and not just limiting existing development or access.



## 5 Land Management Units

*Each section will be titled with the Land Management Unit (LMU) number, the English and Hän name for the area, and the Land Use Designation under the Draft Plan.*

LMU1: NORTH – TTHETÄWNDĚK, SMAII

As mentioned in the Draft Plan, “this area contains some of the most undisturbed and wild landscapes of the planning region”. There is no known placer interest in the area at this time. We appreciate the Commission’s recommendations to make LMU1 an SMAII area, allowing for co-management of the area by the Parties, however we also would support making this LMU an SMAI area to protect the area from future development, providing an offsetting region for complete wetland protection. Should this not be the case and the LMU turns to an ISA1 for example, we support providing management directions prohibiting disturbance in wetlands completely, to offset wetland disturbance in areas with significant mineral activity.

It should be noted that this LMU contains significant rare metal potential required for battery production.

### ***KPMA Recommendations: LMU1***

We support making this LMU an SMAI or an ISA1, with management directions prohibiting disturbance in wetlands completely, to offset wetland disturbance in areas with significant mineral activity.

LMU2: EAGLE PLAINS – CH’ĚZHÄN WĚCHĚL, ISA2

This area has habitat protection goals for the Porcupine Caribou. There is no known placer interest in this area, however there is significant oil and gas interest. We appreciate the Commission’s recommendations to find a balance between caribou and oil and gas interest by making this area an ISA2, which respects existing mineral tenure, has conservation in mind, and allows for co-management of the area by the Parties.

LMU3: YUKON RIVER – CHU KON DĚK, SMAII - FUTURE PLANNING AREA

The KPMA has significant concerns with the current Special Management Directions for this LMU, specifically related to the interim land withdrawal prior to an approved sub-regional land use plan.

We appreciate that the issues related to the Yukon River corridor are broad and difficult to manage. Stakeholders of the Yukon River are not contained within the arbitrary boundaries of LMU, provinces or country; nor are stakeholders of this important area limited to humans. We can see that the Commission is attempting to do the right thing in separating this corridor for a separate sub-regional land use plan, and we support this in *concept*; however, the special management directions for this LMU as they stand, will have significant negative impacts on other aspects of the existing Draft Plan and that, we believe, is not the intent.

Placer mines and other mineral based projects need access to land that can be responsibly developed, and this intent (for the most part) has been built into the Draft Plan for LMUs 12, 17 and 20 (areas with high mineral potential and ISA3 or 4 designations) for example. But if a viable project could occur in these LMUs that needed new, permitted access to the river, the entire project wouldn’t be possible because of the management directions for LMU3. There are many current and historic examples of placer mining with river access only. The locally owned and operated barge regularly delivers fuel, equipment and supplies up and



down the Yukon – we are not asking for significant development, only the opportunity to access this important and existing infrastructure.

As we know, linear disturbance from connected road networks has associated cumulative effects, but adding a permitted trail up a valley for supply barge access has far less impact than building 10-40km of road to achieve the same goal of supplying the miners at an operation. River access for these types of operations are also far less expensive, and easier to relocate. In addition, most barge landings for placer operations have an extremely low footprint, and remote mine access trails are narrow, certainly not all-season nor two-lane roads. They are only accessible from the water, so traffic risk is eliminated completely.

***KPMA Recommendations – LMU3:***

- Follow the guiding principle of sustainable development and consider changing the terms of this LMU from an SMAII with a staking ban, to an ISA2, to allow for potential river access to be considered when going through the permitting process.
- Ensuring the language in the management direction is clear should the direction change, to help guide regulators and miners through the permitting process in the interim with confidence.

**LMU4: FIFTEEN/CHANDINDU – TSEY DĚK/TTHEN DĚK, SMAII**

As mentioned in the Draft Plan, “this area is rich in Tr’ondĕk Hwĕch’in cultural history and contains important traditional trails between key areas”. There is no known placer interest in the area at this time. The KPMA supports the Commission’s recommendations to make LMU4 an SMAII area, which respects existing mineral tenure and allows for co-management of the area by the Parties, however we also would support making this LMU an SMAI area to protect the area from future development, providing an offsetting region for complete wetland protection. Should this not be the case and the LMU turns to an ISA1 for example, we support providing management directions prohibiting disturbance in wetlands completely, to offset wetland disturbance in areas with significant mineral activity.

It should be noted that this LMU contains significant rare metal potential required for battery production.

***KPMA Recommendations: LMU4***

We support making this LMU an SMAI or an ISA1, with management directions prohibiting disturbance in wetlands completely, to offset wetland disturbance in areas with significant mineral activity.

**LMU5: TOMBSTONE – DDÄL CH’ĚL**

We have no comments for this LMU.

**LMU6: KLONDIKE – TR’ONDĚK, ISA2**

Currently this area is a Land Management Unit level 2, allowing for limited surface and linear disturbance. Given the high mineral prospectivity of the area, we believe that management directions should take into account current and future mineral interest in the area.

The current thresholds for ISA2 (precautionary levels at 0.15% of surface disturbance, and 0.15 km/km<sup>2</sup> of linear density) is very low for an area that has significant potential for future development. We would like more definition of activities that would have the potential to disturb salmon, to clarify for proponents and



regulators what is or is not allowed. For example, are permitted, closed-system (out-of-stream) placer operations allowed during this time? Or are placer operations allowed time if a fish survey has been completed? Are placer operations allowed if the Fish Habitat Management Systems shows there is little to no likelihood the area is potential spawning ground? If the answers are no, the placer industry should read LMU6 as an SMAII. If the answer is maybe, then it gives industry more confidence to explore, plan and survey an area before applying for an application. We are not looking for blanket development, but we do want to protect the opportunity to possibly develop potentially prospective ground in the future. We believe as co-managers, the Parties will want the flexibility of sustainable development in their toolkit as well, especially considering the improvements of mining practices in the past decade, future successor legislation, and the growing global need for rare earth metals.

***KPMA Recommendations – LMU6:***

- Consider more defined directions around areas that have the potential to disturb Chinook spawning habitat, using language from the Fish Habitat Management System (placer miners understand this system, even if it may be flawed in the eyes of some).
- Consider setting LMU6 as an ISA3, or further defining the thresholds for all areas to include reclamation, which is essential to the long term future of the placer industry under the Draft Plan.

**LMU7: UPPER BREWERY/HAMILTON – SMAII**

The current description of this SMAII outlines that existing mineral rights are recognized, with interim (possibly permanent) staking withdrawals in the LMU, very low development thresholds allowed under strict management conditions, and that lapsed mineral tenure should not be renewed. The intent of this area is to “adequately protect key wildlife habitat and aesthetic attributes along the Dempster Highway while allowing for limited mineral development and surface access within existing tenure.” Special Management Directions include restricted industrial land use within existing mineral tenure, and withdrawal of all other lands from staking and industrial use.

The KPMA appreciates the importance of protecting key wildlife habitat, but questions if the protection measures of an SMAII are too strict for an area with significant historic and current mineral use, not to mention potential. We would also like to understand why the language “limited” industrial land use within mineral tenure was used, and what this would look like to a proponent with existing mineral claims, or to a regulator going forward.

We understand the most significant mineral potential in the area is in the southern part of the LMU, and suggest that redefining the borders of LMU7 further northwards (making LMU7 slightly smaller and increasing the size of LMU8) to allow for potential access to this highly prospective resource, and designate LMU7 as an SMAI – the area of most protection.

***KPMA Recommendations – LMU7:***

- Consider making this LMU slightly smaller and increasing the northern border of LMU8 to contain areas of high mineral potential. This would mean making the new (slightly smaller) LMU7 an SMAI.

**LMU8: LOWER BREWERY/HAMILTON, ISA3**

Currently this area is a Land Management Unit level 3, allowing for moderate surface and linear disturbance. There is active and historic mineral activity in the area and significant mineral potential for both quartz and placer.



The current thresholds for ISA3 (precautionary levels at 0.37% of surface disturbance, and 0.37 km/km<sup>2</sup> of linear density) is very low for an area that has potential for future development. We would like to see the concepts of reclamation included in thresholds for all ISA zones, especially for areas with future mineral prospects.

***KPMA Recommendations – LMU8:***

- Consider making this LMU slightly larger and increasing the northern border of LMU8 to contain areas of high mineral potential currently encapsulated in LMU7. This would mean making the new (slightly smaller) LMU7 an SMAI.

**LMU9: CLEAR CREEK, ISA4**

Currently this area is a Land Management Unit level 4, allowing for the highest surface and linear disturbance. There is significant active and historic placer activity in the area.

The current thresholds for ISA4 (precautionary levels at 0.74% of surface disturbance, and 0.75km/km<sup>2</sup> of linear density) is low for an area that has such a large amount of current and potential future development. We would like to see the concepts of reclamation included in thresholds for all ISA zones, especially for areas with large mineral prospects.

The Special Management Directions contain some extremely limiting directions, including suspension of industrial activities during key rutting periods in September and October. Practically, we have two major concerns with the direction as is, one related to the impact of caribou by industrial activity, and two related to the impact of seasonal closure by September each year.

As mentioned in our comments to section 4.2.1.1 on caribou, the KPMA supports protection of this important species, and wants to work in ways that do not negatively affect populations. We also believe that the issues related to caribou mortality in placer mining areas are due to harvesting and not mining activity. This has been evidenced for decades by miners having caribou come close to an operation, using the security of humans over the risk from predators like wolves. While it is illegal for a miner to harvest a caribou on their claims, there is nothing stopping an individual from the public from doing so. We question if mining activity is actually the impacting effect, or if better harvest management (or gating and blocking road access during important time windows) would achieve the same or even better goals of population protection? We also understand that caribou have varied habitats across multiple regions, and do not understand the rationale for regularly enforced seasonal suspensions if there are no animals in the area. Previously, terms and conditions in licenses required an operator to suspend activities should caribou be known in an area close to activity. This is a much more reasonable recommendation to enforce, as it a) assumes the operator knows the animals are in the area either from sight or with notice from a regional biologist, b) gives clear rules to the operator on how to act when animals are in the area, and c) does not limit the operator during the years (and sometimes decades) caribou are not in the area. These conditions are, of course, not the only protection needed for the species, but they are much more reasonable than September to October mining suspensions.

The other significant impact this special management direction has on our industry is related to the impact on a business to close by September each year, regardless of the presence of caribou. Placer mines use the seasons as part of their work: when the water is flowing (not frozen), operators sluice and process gold bearing gravels. When the environment is cold, miners take advantage of the frozen or near-frozen state to prepare ground for the following summer, often completing important aspects of reclamation that is not possible in warmer months (seed-rich topsoils and overburden are difficult to move in warm months). The average KPMA member works from early May to mid October, and most large operators work from March to



late October or early November. Suspension of activities for two months of the year would drastically change how a miner operates, in a very negative way. It would shorten the sluicing season and force seasonal closure activities to take place in August. This reduces not only direct employment, but limits the likelihood for these miners to employ people for 2-3 less months than normal. It will also have negative effects on the service and supply businesses who will not need parts, groceries or fuel for September or October, and certainly not into November. A placer mine can't be scaled in the way other businesses can – the amount of ground that can be responsibly moved in a season is finite – this recommendation is essentially cutting the profit margins of an operation by at least a quarter, if not half, which we are not exaggerating, will put most of these family businesses out of business and possibly bankrupt.

The KPMA does not believe the Commission fully understood the impacts of the current draft recommendation for LMU9 related to seasonal closures, and encourages the Commission to work with regional biologists and industry to come up with alternative guides that could meet the needs of protecting caribou without destroying a key area of the placer industry's present and future through misused language. The recommendations, as are, make LMU9 more like an area of protection rather than meeting the intent of sustainable development.

***KPMA Recommendations – LMU9:***

- Adjust the language in special management direction number 1 to ensure all industrial activity does not shut down for 2 months, regardless of the presence of caribou.
- Implementing stronger recommendations on harvesting in this area.

**LMU10: UPPER KLONDIKE, SMAI**

As mentioned in the Draft Plan, this area contains five TH Settlement Land blocks “also known as Land of Plenty, which hosts year-round culture camps for Tr’ondëk Hwëch’in.” There is no known placer interest in the area at this time. We appreciate the Commission’s recommendations to make this area an SMAI area, the highest level of conservation with no new disturbance allowed. We do, however, need to maintain exiting access to LMU8 through existing trails from the Dempster Highway through LMU10 and into 8.

***KPMA Recommendations – LMU10:***

- Ensure mineral projects have access to LMU8 through LMU10, using existing trails. This is especially significant should the Resource Roads regulations allow for the gating or restricting access, which we support for harvest management, but need to see stewardship for sustainable development in LMU8.

**LMU11: FLAT CREEK WETLANDS, ISAI**

This area has habitat protection goals for wetland habitat, and has forestry and harvesting interests. There is no known placer interest in this area. We suggest making clear special management directions that will protect wetlands from any mineral exploration or mining in the future, while allowing for selective forest practices (as permitted). The concept in protecting wetland complexes in this LMU is that it would act as a tradeoff or offset, securing wetland connectivity similar to the nearby neighboring LMU19 (Upper Indian River Wetlands), while opening additional access to wetlands in LMU19, within reason. Please see our comments on LMU19 for more information.

***KPMA Recommendations: LMU11***



We support making this LMU an ISA1, with management directions prohibiting disturbance in wetlands completely, to offset wetland disturbance in areas with significant mineral activity.

#### LMU12: EAST – NÄCHO DĚK, ISA4

This area is by far the most significant and populated area in the Draft Plan (excluding Dawson City and the Klondike Valley), from a placer perspective. The current thresholds for ISA4 (precautionary levels at 0.74% of surface disturbance, and 0.75km/km<sup>2</sup> of linear density) is low for an area that has such a large amount of current and potential future development. We would like to see the concepts of reclamation included in thresholds for all ISA zones, especially for areas with large mineral prospects.

The KPMA supports all the special management directions for the area, and would like to add some comments to be considered by the Commission and the Parties. We support the opportunity acknowledged to promote awareness of Tr'ondëk Hwëch'in cultural history and contemporary land use in the area, and the KPMA is working with TH to start an initiative through our training program, *KPMA101*, to make whatever information that is made available for sharing, presented to our membership. We are also open to other opportunities in working with TH, especially related to multiple land uses (agricultural opportunities or native-plant gardens on reclaimed mine sites for example).

Sharp tailed grouse terms and conditions already exist within the mining permit structure in this area, miners are meeting these requirements already.

Subsistence harvesting and land access is a tricky concept, as outlined in many places throughout our response. Collaboratively working towards shared goals is much easier (and more enjoyable) than extensive restrictions and policy, and is in the spirit of sustainable development and stewardship, which aligns with KPMA's values. We would like to suggest that there is room for the Parties to think outside the box, especially in terms of pilot projects and not in Land Use Planning, to work with mine proponents to try new ways of reclamation that can either increase or decrease the likelihood of moose harvesting areas. For example, when doing final reclamation on an area, a miner can make upland features around anthropogenic wetlands that could act as a hunting blind, with dry upland access from a safe parking spot on a road. Alternatively, this same situation could discourage hunting by making it difficult to access areas that view anthropogenic wetland areas (known moose hot-spots).

#### LMU13: KLONDIKE VALLEY, ISA FUTURE PLANNING AREA

This area is a complex and highly populated area set as an ISA for future planning. The area has significant current, future and historic placer interest, as well as many multiple land use opportunities given the proximity to Dawson City.

#### *KPMA Recommendations: LMU13*

- The KPMA is very interested in being a part of the future planning of this area. We believe there are some wonderful opportunities available to Yukoners, especially considering multiple land uses (like agriculture on reclaimed workings, forestry farms on reclaimed placer ground, reclaiming historic disturbance (and dredge tailings) for better use, as some examples. We are eager to make a positive impact on our community!
- We encourage existing development in the interim period, without existing operators future multi-land-use will not be possible if people are forced to stop working to wait for a Plan.



- We recommend implementing a subcommittee of specific KPMA miners with interests in this area to communicate with future Land Use Planning efforts in this area. The KPMA would be pleased to support this subcommittee if developed.

#### LMU14: DAWSON CITY

We have no comments for this LMU.

#### LMU15: FORTYMILE RIVER – CHĒDÄHDĚK, ISA2

Currently this area is a Land Management Unit level 2, allowing for limited surface and linear disturbance. Given the high mineral prospectivity of the area, we believe that management directions should take into account current and future mineral interest in the area and make this LMU an ISA3.

The current thresholds for ISA2 (precautionary levels at 0.15% of surface disturbance, and 0.15 km/km<sup>2</sup> of linear density) is very low for an area that has significant potential for future development. We would like more definition of activities that would have the potential to disturb salmon, to clarify for proponents and regulators what is or is not allowed. For example, are permitted, closed-system (out-of-stream) placer operations allowed during this time? Or are placer operations allowed time if a fish survey has been completed? Are placer operations allowed if the Fish Habitat Management Systems shows there is little to no likelihood the area is potential spawning ground? If the answers are no, the placer industry should read LMU15 as an SMAII. If the answer is maybe, then it gives industry more confidence to explore, plan and survey an area before applying for an application. We are not looking for blanket development, but we do want to protect the opportunity to possibly develop potentially prospective ground in the future. We believe as co-managers, the Parties will want the flexibility of sustainable development in their toolkit as well, especially considering the improvements of mining practices in the past decade, future successor legislation, and the growing global need for rare earth metals.

Special Management Directions recommend additional communication with rights holders – this consultation is already occurring through the YESA process, and we question why more communication is required on a permitted project once public consultation has been done; however, should this recommendation stand, there needs to be clear deliverables so proponents understand what they are accountable for in terms of communication.

Mickey Creek requires clear guidelines on what activities are acceptable, and this information must be provided through the Plan so any proponent in the area has adequate time and resources to respond to it. Perhaps signage could be in place with cultural information as referenced in Top of the World Hwy section 4.1.2?

#### *KPMA Recommendations: LMU15*

- Consider more defined directions around areas that have the potential to disturb Chinook spawning habitat, using language from the Fish Habitat Management System (placer miners understand this system, even if it may be flawed in the eyes of some).
- Consider setting LMU15 as an ISA3, or further defining the thresholds for all areas to include reclamation, which is essential to the long term future of the placer industry under the Draft Plan.
- Provide clear guidance on what additional communication requirements are needed in this area. Additionally, clear guidance on what requirements are when working in the area around Mickey Creek.



#### LMU16: SWEDE CREEK, ISA2

The current thresholds for ISA2 (precautionary levels at 0.15% of surface disturbance, and 0.15 km/km<sup>2</sup> of linear density) is very low for an area that has significant potential for future development.

Special Management Directions recommend additional communication with rights holders – this consultation is already occurring through the YESA process, and we question why more communication is required on a permitted project once public consultation has been done; however, should this recommendation stand, there needs to be clear deliverables so proponents understand what they are accountable for in terms of communication.

Swede Creek requires clear guidelines on what activities are acceptable, and this information must be provided through the Plan so any proponent in the area has adequate time and resources to respond to it. Perhaps signage could be in place with cultural information as referenced in Top of the World Hwy section 4.1.2?

#### *KPMA Recommendations: LMU16*

- Consider setting LMU16 as an ISA3, or further defining the thresholds for all areas to include reclamation, which is essential to the long term future of the placer industry under the Draft Plan.
- Provide clear guidance on what additional communication requirements are needed in this area. Additionally, clear guidance on what requirements are when working in the area around Mickey Creek.

#### LMU17: SIXTYMILE – KHEL DĚK, ISA3

Currently this area is a Land Management Unit level 3, allowing for moderate surface and linear disturbance. There is significant active and historic placer activity in the area. The current thresholds for ISA3 (precautionary levels at 0.37% of surface disturbance, and 0.37km/km<sup>2</sup> of linear density) is very low for an area that has such a large amount of current and potential future development. We would like to see the concepts of reclamation included in thresholds for all ISA zones, especially for areas with large mineral prospects.

As mentioned in our comments to section 4.2.1.1 on caribou, the KPMA supports protection of this important species, and wants to work in ways that do not negatively affect populations. We also believe that the issues related to caribou mortality in placer mining areas are often due to harvesting and not mining activity.

Timing windows are challenging as placer mines use the seasons as part of their work: when the water is flowing (not frozen), operators sluice and process gold bearing gravels. When the environment is cold, miners take advantage of the frozen or near-frozen state to prepare ground for the following summer, often completing important aspects of reclamation that is not possible in warmer months (seed-rich topsoils and overburden are difficult to move in warm months). The average KPMA member works from early May to mid October, and most large operators work from March to late October or early November. Suspension of activities for two months of the year would drastically change how a miner operates, in a very negative way. It would shorten the sluicing season and force seasonal closure activities to take place in August. This reduces not only direct employment, but limits the likelihood for these miners to employ people for 2-3 less months than normal. It will also have negative effects on the service and supply businesses who will not need parts, groceries or fuel for September or October, and certainly not into November. A placer mine can't be scaled in



the way other businesses can – the amount of ground that can be responsibly moved in a season is finite – this recommendation is essentially cutting the profit margins of an operation by at least a quarter, if not half, which we are not exaggerating, will put most of these family businesses out of business and possibly bankrupt.

***KPMA Recommendations – LMU17:***

- Implement stronger recommendations on harvesting in this area.

**LMU18: MATSON UPLANDS, SMAI**

This area has habitat protection goals for the Fortymile Caribou. There is no known placer interest in this area, however there is significant mineral potential and there is a road that is used to access claims on Matson Creek. We appreciate the Commission’s recommendations to protect this area from any future disturbance. We support the Commission in designating the Matson Upland an SMAI, with the year-round access road available to miners with existing claims in the Matson Creek area.

***KPMA Recommendations: LMU18***

- Clearly define that the existing road through the Matson Uplands LMU is available to be used by miners with claims in Matson Creek. Should the Resource Regulations be passed, this provides an opportunity to block or gate the road to users with the exception of permitted miners.

**LMU19: UPPER INDIAN RIVER WETLANDS, SMAII**

Before we respond to the LMU19 recommendations as written, we would like to restate the key part of our comments on section 4.2.4 on wetlands: fundamentally, we believe the conversation on wetlands is actually: “is placer mining allowed to disturb wetlands or not”. Our hope is that LMU19 will change to an ISA4 area, and that wetland conservation will be offset by complete protection in LMU1, LMU4 and LMU11.

The current description of this SMAII outlines that existing mineral rights are recognized, with interim (possibly permanent) staking withdrawals in the LMU, very low development thresholds allowed under strict management conditions, and that lapsed mineral tenure should not be renewed. The intent for the area is to “protect the function of the upper Indian River wetland complex”, but also to “explore options for mineral development to continue in this area by implementing disturbance thresholds for wetland types”. Special Management Directions are as follows:

1. Restricted industrial land use is allowed within existing mineral tenure
2. Interim withdrawal of all other lands from staking and industrial use. Withdrawal can be reassessed at time of Plan review or reconsidered by Parties at completion of the Yukon Wetland Policy
3. Development within undisturbed wetlands is subject to the following:
  - a. No disturbance to field-verified marshes, fens and bogs
  - b. Development on all other wetland types subject to general management directions for wetlands (section 4.2.4)
  - c. Robust reclamation and restoration practices
4. Cumulative effects thresholds match those of ISAII

In the specific context of placer mining, the management directions as they stand contradict themselves. Direction 1 allows for existing mineral tenure to be worked, but 3.a and 3.b covers the majority of placer interest. Gold is heavy, and placer gold is found in alluvial gravels (ancient streambeds), which are in valley bottoms. Valley bottoms have wetlands, including fens.



LMU19 has significant interest in placer geology, and applying these strict directions across the board would destroy any economic interest in the area.

One idea is to consider this relatively new area of interest as a large economic driver with known mineral interest and apply more significant reclamation standards onto the LMU without protecting so many wetland classes ahead of a confirmed Wetland Policy. We do not expect to just receive access to this land without protecting wetland complexes. We suggest that by opening up access to the deposits in LMU19, other LMUs with known wetlands but no known placer interests could have SMAII designations applied to them. For example, LMU11 (Flat Creek Wetlands), is adjacent to LMU19, yet it has no known placer interest. We would support complete protection of these wetland complexes with more flexibility in working in the wetland areas (in accordance with pending policy) of LMU19.

Another idea is to further divide the LMU into more bite-sized portions covering placer claims, and designating these bite-sized areas as ISA 3 or 4. This would allow maintenance of the disturbance thresholds for the larger area, decrease the protection of fens, and could also include clear actionable reclamation outcomes that would put undisturbed ground back into the LMU “pot”. In this scenario the footprint of surface disturbance would stay around the same value, the disturbance to fens would be in a more realistic range (ex 100% allowed disturbance of fens and 100% disturbance of marshes – see comments on wetlands), but the physical location of the disturbance would move as the mine life progressed.

This second approach would encourage miners to plan carefully, and work towards new high standards in wetland reclamation. It would provide opportunity for partnerships with Parties to research wetlands and how placer impacts wetlands, and also encourage miners to think outside the box in the way they approach wetland reclamation, possibly pioneering new technologies and ways of working.

Conversely, the status quo SMAII designation would see all current operating mines in LMU19 shut down at the end of their current water licenses, as they would be unable to explore in valley bottoms, putting at least five families directly out of business.

We encourage the Commission to be leaders in this conversation. We do not want to destroy habitat and leave environmental disasters, and you know this is not something modern placer miners do. Build tools for flexible land use within SMAII areas and further define what reclamation goals need to be met for disturbed ground to be considered “natural” again. Supporting the industry through making us accountable for our actions is the best way forward; this includes less restriction on known areas of significant placer interest, like LMU 19.

#### *KPMA Recommendations – LMU 19:*

- Designate claim and lease areas in the Upper Indian River Wetlands LMU as ISA 4, allowing for greater development to occur.
- Protect areas not covered by claims and leases currently, to ensure work performed in the meantime is done responsibly.
- Include clear reclamation objectives that would put surface disturbance “back into the pot” for future land to become available.
- After 10 years of working under this Plan, or when the current water license expires (whichever is sooner), miners can apply to stake additional ground directly adjacent to their claims or leases that are currently under a staking ban, with an approved Wetland Reclamation Plan.



#### LMU20: COFFEE – TTHATRYÄN, ISA3

Currently this area is a Land Management Unit level 3, allowing for moderate surface and linear disturbance. There is significant active and historic placer activity in the area, as well as quartz interest. The current thresholds for ISA3 (precautionary levels at 0.37% of surface disturbance, and 0.37km/km<sup>2</sup> of linear density) is very low for an area that has such a large amount of current and potential future development. We would like to see the concepts of reclamation included in thresholds for all ISA zones, especially for areas with large mineral prospects, not to mention potentially very large quartz project development.

As mentioned in our comments to section 4.2.1.1 on caribou, the KPMA supports protection of this important species, and wants to work in ways that do not negatively affect populations. We also believe that the issues related to caribou mortality in placer mining areas are often due to harvesting and not mining activity.

This LMU has significant mineral potential, with very limited access. The current status of LMU3 would significantly impede any development in this ISA3 area as is.

For air and land access near sheep, we suggest all proponents commit to adhering to YG's existing guidelines on flying near wildlife, weather permitting.

#### *KPMA Recommendations – LMU20:*

- Implement stronger recommendations on harvesting in this area.
- Ensure the ability to develop very small river access trails and barge landings is allowed through the permitting process.

#### LMU21: WHITE – TÄDZAN DĚK, ISA1

This area has habitat protection goals for wetlands, sheep and migratory birds. There is active placer interest in this area, as well as significant mineral potential. We suggest making LMU21 an ISA2, with clear special management directions that will ensure any work in wetlands follow stringent reclamation standards. We believe this is a more representative example of sustainable development as it does not put families out of business entirely.

Please see our comments on LMU19 for a more fulsome discussion around mining in wetlands.

#### *KPMA Recommendations – LMU21:*

- Designate claim areas in the White LMU as an ISA2, allowing for greater development to occur.
- Protect areas not covered by claims currently, to ensure work performed in the meantime is done responsibly.
- Include clear reclamation objectives that would put surface disturbance “back into the pot” for future land to become available.
- After 10 years of working under this Plan, or when the current water license expires (whichever is sooner), miners can apply to stake additional ground directly adjacent to their claims that is currently under a staking ban, with an approved Wetland Reclamation Plan.
- Implement stronger recommendations on migratory bird protection in this area (seasonal clearing windows).



## LMU22: SCOTTIE CREEK WETLANDS, SMAII

The current description of this SMAII outlines that existing mineral rights are recognized, with staking withdrawals in the LMU, and very low development thresholds allowed under strict management conditions. The intent for the area is to protect the wetland complexes that exist.

The placer families with interests in the area do not mine in wetland areas, rather in upland areas; however the winter access road does traverse wetlands.

### *KPMA Recommendations – LMU 22:*

- Designate claim areas in LMU22 as ISA 1, allowing for development to occur.
- Protect areas not covered by claims currently as SMA1 areas, with the exception of existing access trails to mineral claims.
- Include clear reclamation objectives that would ensure excellence in mining practices.
- Differentiate between uplands and valleys in terms of what disturbance is allowable.
- If designations do not change, consider combining existing placer claims into LMU21 to keep LMU22 an SMAI.

## LMU23: FORTYMILE CARIBOU CORRIDOR; ISA1 (UPPER ELEVATIONS), ISA2 (LOWER ELEVATIONS)

This LMU has been split into two zones based on elevation and location to better manage ridgetops key to the migration of the Fortymile caribou herd.

The current designation of two ISA levels is complex, with the upper elevation being further divided into either 700m or 1000m above sea level depending on which side of the Top of the World Highway you are on. The upper elevation designation of ISA1 essentially means SMAII with the current management directions. While this area is of small concern to placer interests, it is very concerning for our hardrock counterparts, who need access to land (regardless of elevation) to continue exploring. Quartz exploration has occurred in the area for the past 50 or more years, during which time we have seen the Fortymile herd population grow in tandem to this work.

The current thresholds for lower elevations, where placer interests lay, are ISA2 (precautionary levels at 0.15% of surface disturbance, and 0.15 km/km<sup>2</sup> of linear density) is very low for an area that has significant potential for future development.

As mentioned in our comments to section 4.2.1.1 on caribou, the KPMA supports protection of this important species, and wants to work in ways that do not negatively affect populations. We also believe that the issues related to caribou mortality in mining and exploration areas are often due to harvesting and not mining activity.

### *KPMA Recommendations – LMU 23:*

- Designate the entire LMU as an ISA2.
- Implement stronger recommendations on harvesting in this area.
- Implement strong conservation directions that allow for responsible development and caribou habitat.
- See our comments on caribou from LMU9 Clear Creek regarding timing windows.



- Consider recommending guidelines created by the KPMA and the regional biologist aimed at on working in Caribou country, rather than placing that responsibility on all individual proponents alone. The implementation and enforcement of these guidelines would be site-specific, through the permitting process and regular mining inspections.
- We suggest recommending a future research opportunity for placer mining and lichen farming as a part of reclamation.



## 6 Plan Implementation and Revision

The Implementation of the Plan is very important to the KPMA. The YESA process gives equal weight to all commenters regardless of their knowledge of the specific proposed activities or area comments are being made. This is not to say that all comments are not valuable, but that without very clear guidelines that support responsible industrial development, there are significant barriers the Commission must consider that proponents face. Only negative effects are considered through the YESA process, we hope the Land Use Plan will provide the framework that presupposes the positive socio-economic or environmental impacts of a project, to help guide YESA assessors in their work. Over the years, we have seen many interventions based on emotion and perception of the appearance of temporal disturbances, and a lack of understanding of current versus historical mining practices (ie reclamation and channel diversions). In the absence of this understanding, we do not have the ability to filter input from those who may be unaware of current practices faulty decisions can be made; however, the Commission has the opportunity to provide this filter through its recommendations.

### 6.2 IMPLEMENTATION RESPONSIBILITIES

The KPMA would like to be involved in the Implementation Committee as recommended in 6.2.

### 6.3.3 SUBREGIONAL PLANS

The KPMA would like to participate in the subregional planning process for LMU3, the Yukon River Corridor, as well as LMU13, Klondike Valley.

### 6.4 PLAN CONFORMITY

The KPMA recommends to the Parties that clear terms of reference, including timelines and personnel included in conformity checks, be put in place before the Land Use Plan is accepted. This would provide consistency and certainty in this process.

We question the process surrounding Information Requests as a result of public feedback during the permitting process, after a Land Use Plan has been approved. This information should be clear to all proponents before starting the process.

### 6.4.1 IMPLEMENTATION GUIDELINES

The KPMA is very interested in supporting the work by the Parties in identifying and developing implementation guidelines as part of the Plan. We hope our response to this Draft Plan has demonstrated our commitment to respectful and constructive collaboration on building the framework our industry will be beholden to.

### 6.6.2 PLAN REVIEW

We suggest adding reclamation values as a key aspect of the plan review, and potentially including industry in this review to provide the most relevant information on how things are progressing in different areas, using different techniques, etc.



*Table 6-2*

We suggest adding reclamation as an indicator of either socio-economic (post mined) or ecological (habitat development) categories.



## Key take home messages:

We appreciate the work the staff and Commission have put into this important process. The KPMA values the opportunity to comment on the Draft Plan. We hope our thorough and thoughtful response demonstrates how seriously we take this process, enshrined through the Tr'ondëk Hwëch'in Final Agreements, and that the Commission, Parties, and other stakeholders feel well informed on the placer industry's position. Collaboration and consultation takes time, we know that you understand this better than anyone. Please reach out to us for further clarification on any point. The KPMA remains available to respond further, or put you in touch with the right miners to find out information you may need in your decision making; this commitment to collaboration is true for the Parties as well.

In summary, the key take-home messages from our response include:

- The addition of reclamation into all aspects of the Plan
- Recognition of placer miners as taking a stewardship role in their work
- Designating SMAI areas as either SMAIs or ISAs
- Offsetting disturbance values with reclamation
- Avoid recommendations that create unnecessary reporting or additional bureaucratic systems
- Add reclamation to the cumulative effects framework
- Use the Fish Habitat Management System as a guide, especially the language it uses (more widely understood by industry) when talking about fish and placer mining
- Use the offsetting principle for wetlands, and be clear in determining simple wetland thresholds. In known mining LMUs, this would mean allowing for responsible mining to occur in all wetlands, including all fens. In other LMUs, this would be protection from placer mining in wetlands.
- Ensure access to mineral claims that are 'allowed' in the Plan is maintained, even if the access goes through an SMAI area.
- Change management directions related to timing windows so they are more adaptable to the actual presence of species and not a date on a calendar.
- LMU1 – protect wetland complexes.
- LMU3 – open access through appropriate permitting channels to maintain the integrity of the ISA3 levels of surrounding LMUs
- LMU6 – further define allowable activities related to salmon.
- LMU7 – update borders to best consider mineral potential on the south end of LMU7
- LMU8 – ensure road access is maintained through LMU10
- LMU9 – adjust timing windows to be more flexible for species presence, and implement stronger recommendation on harvesting
- LMU10 – ensure the access to LMU8 (through LMU10) is maintained
- LMU11 – protect wetland complexes.
- LMU12 – include reclamation in determining disturbance values, and allow mining in fens
- LMU13 – include the KPMA in future planning.
- LMU15 - further define allowable activities related to salmon and amend the designation of this LMU to ISA3.
- LMU16 - amend the designation of this LMU to ISA3
- LMU17 - implement stronger recommendation on harvesting
- LMU18 - ensure road access is maintained through the protected area
- LMU19 – amend LMU19 as an ISA4 area, offset wetland development with other LMUs. Do not place LMU19 as a wetland of special importance.



- LMU20 - implement stronger recommendation on harvesting and ensure access is available (with a permit) through LMU3
- LMU21 – amend to an ISA2, allow for development on existing claims
- LMU22 – designate area as an ISA1, and allow for the designation of wetlands of special importance to be made after the Plan has been accepted, or adjust boundaries to move placer claims out of LMU22 and into LMU21
- LMU23 – amend to an ISA2, implement stronger recommendation on harvesting, and adjust timing windows to be more flexible for species presence