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October 31, 2021

Dawson Regional Planning Commission
Suite 201, 307 Jarvis St.
Whitehorse, Yukon
Y1A 2H3

RE: Dawson Regional Land Use Plan Submission to the Dawson Regional Planning Commission

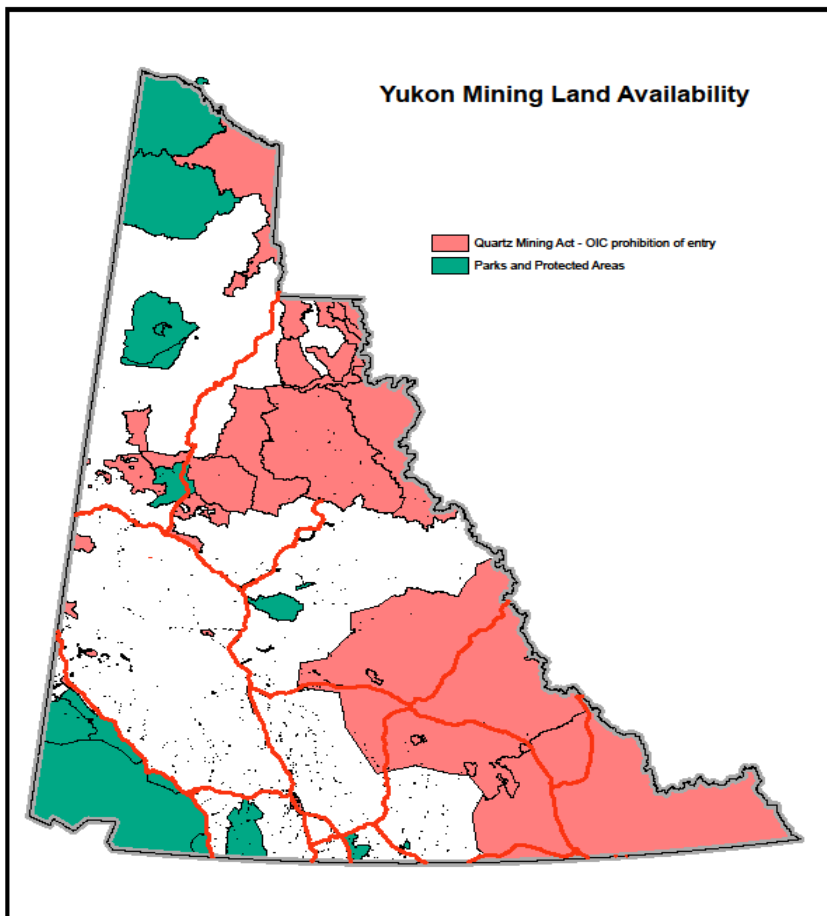
The Yukon Chamber of Mines (YCM) appreciates the opportunity to provide review and input on the Draft Dawson Regional Land Use Plan (DRLUP) released on June 15th 2021. Our membership has reviewed the draft plan and we respectfully provide the feedback below in hopes our recommendations will be considered in the draft plan.

YCM acknowledges the Dawson Regional Land Use Plan (DRLUP) is within the Tr'ondëk Hwëch'in (TH) traditional territory. The Yukon Chamber of Mines (YCM) advocates for a fair, transparent, and objective Land use planning process, one that considers all aspects of land use. Industry respects the final agreement made between TH, Yukon Government and Government of Canada and supports Yukon Government and Yukon First Nations in the completion and successful implementation of the DRLUP to address uncertainty for industry. Those that work in the TH traditional territory understand the importance of partnership with TH as paramount to a healthy future of exploration and mining in the Dawson region.

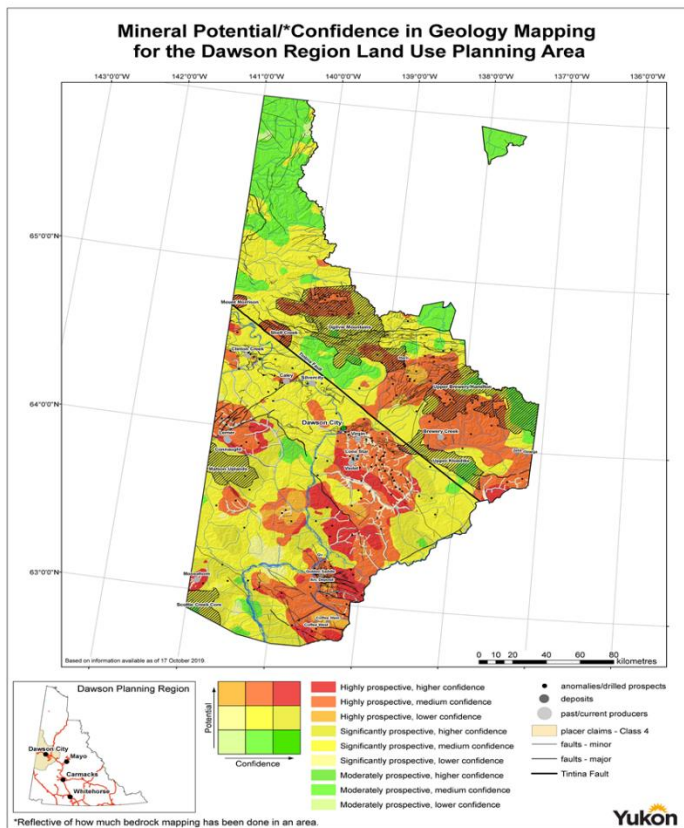
Industry understands, social, economic, and environmental goals are interconnected. The work to ensure future generations can live and make their livelihood here in the territory starts with decisions made based on science, transparency and in collaboration with all partners. It is recognized that traditional knowledge plays an important role in meeting evidence-based objectives. Claim holders in the Dawson region understand furthering successful projects requires support from the community and strong stewardship to ensure responsible development and protection from irresponsible activities on the land.

YCM would like there to be more focus on environmental stewardship, rather than outright land withdrawals. In our previous meetings with the commission YCM expressed its concern with land withdrawals in the Dawson region made on June 15, 2021 (2021-0080_1.pdf (yukon.ca)) via an Order in Council (OIC). This order was in addition to the March 11, 2021 OIC for withdrawal of lands, both made without consultation with industry. The draft plan divides the planning region into 23 Landscape Management Units (LMU) with each unit allowing for varying levels of

conservation and development. Each LMU is assigned a land use designation (zoning) depending on priority values and land use identified. Special Management Areas, SMA I and SMA II, which are maximum and high conservation areas make up 41.51% of the Dawson region. With Tombstone Territory Park included the total is 44.59% of the region protected, not including wetlands which make up 10% of the Dawson planning region and have additional protections. Designating 44.59% of the Dawson region for protection, combined with the 51.79% of Yukon lands already withdrawn from mineral staking (not including wetlands, as shown in the map below) brings the total of withdrawn land in Yukon to 55.01%. This is before recommendations and management directives are imposed on industry in each Land Management Unit and prior to land use planning being completed in other parts of the Territory. This is more than double the withdrawn amount recommended in the Yukon Mineral Development Strategy(YMDS), where “parcel-specific moratoriums **should not exceed 20%** of a regional planning area” (YMDS, pg.36, emphasis added).



We need to include economic value not just economic potential, where there are claims. Land withdrawals have a direct impact on companies' ability to attract investors, particularly when their claims are left stranded with no access. The map, "Mineral Potential/Confidence in Geology Mapping for the Dawson Region Land Use Planning Area" attached below, shows the land withdrawals in black overlaid on the mineral potential map. The staking prohibition surrounds claims that have been in existence since as early as the 1990's and the land withdrawals have created significant uncertainty for the owners of those claims. Those claim owners were not consulted or informed of what values or reasoning led to the withdrawals at the time of the OIC.



Access is one of the biggest challenges facing mineral exploration. No investor is looking to fund a project that is land locked. When land is withdrawn surrounding high probability areas or known deposits it seriously damages industry and sets up conflicts. Challenges in marketing and further exploring existing stranded claims have made things difficult for individual prospectors and exploration companies, and in some cases the loss of investors and partnerships have occurred. The industry is highly regulated and the time and money that goes into furthering a project to approvals stage is substantial. When OIC's come without industry consultation, the viability and legitimacy of projects may be in doubt.



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Land withdrawals also impact NI 43-101 technical reports where the potential ore body is stranded (any public company listed on the TSX-V or equivalent or hoping to become so, must have at least one "Property of Merit"). The technical report provides assurance which is accredited by a professional geologist (independent Qualified Person) and approved by a security commission for investors and commits to the deposit types, location, economic analysis, environmental studies etc. of a project. Claims that may not be economical to pursue today may become so in time and future access will need to be considered decades from now.

Despite the robust environmental and regulatory review process for industry, with a long and complicated permitting process, the industry is optimistic that Yukoners can benefit from the Territory's mineral potential. However, barriers to development like access restrictions, along with a lack of infrastructure, roads, communications, power, and a shortage of skilled workers with a lack of housing options only add to the list of challenges the industry faces. Once a mineral deposit is located it can take up to 30 years to develop a mine. The applications, consultations, permitting, licensing, commodity prices all need to align for a project to become a success.

When exploration and mining is done responsibly and in stewardship and partnership, the economic benefits for the community are substantial.

The financial contributions of Industry in the Yukon and more specifically the contributions to Dawson are summarized below:

- Exploration Expenditures in Dawson 2019-2020: \$77,064,929.54 (Yukon Geological Survey)
- Whole of Yukon 2019-2020 Exploration: \$187 million
- Development Expenditures in Dawson 2019-2020: \$42,833,524.00 (Yukon Geological Survey)
- Whole of Yukon Development 2019-2020: \$277 million
- In 2019 based on an informal survey of companies working the Dawson Land Use Planning region there was \$62M spent on exploration in the Dawson region.
- Expectations for 2021: Placer production estimated at 83,000 crude ounces with a value of \$140M

Local Yukon businesses who provide industrial services would suffer losses if the mining industry were to decrease their expenditures.

Page Specific Issues of Concern in the Dawson Regional Draft Plan:

Page 18 section 1.6.2.3 - Precautionary Principle

YCM has concerns about the application of this principle. If this principle is going to be applied, then resources must be allocated to ensure science and up to-date data is available to make decisions when required.

YCM believes the definition chosen for the Precautionary Principle in the draft puts the emphasis on avoiding making decisions where scientific data is lacking, whereas the United Nations definition of the precautionary principle has emphasis on “not postponing actions that are cost-effective to prevent environmental harm”. New reclamation techniques, mitigation strategies, and adaptive management methods have led to more environmentally responsible mining and cost-effective measures. This is not well reflected in the Dawson draft plan, and it is critical in weighing moratoriums vs other less restrictive mitigation measures. YCM understands the emphasis on the need for action even if we don’t have all the information, the key difference is the lack of reference to cost-effective measures while there is a reference to “undesirable” outcomes which adds more weight to one side.

“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” Dawson Draft Land Use Plan, as per International Institute for Sustainable Development

Compared to:

“Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.” Rio Declaration on Environment and Development, United Nations, 1992

Page 33 Table 3 – 1 – Summary of land designation systems for the Dawson region

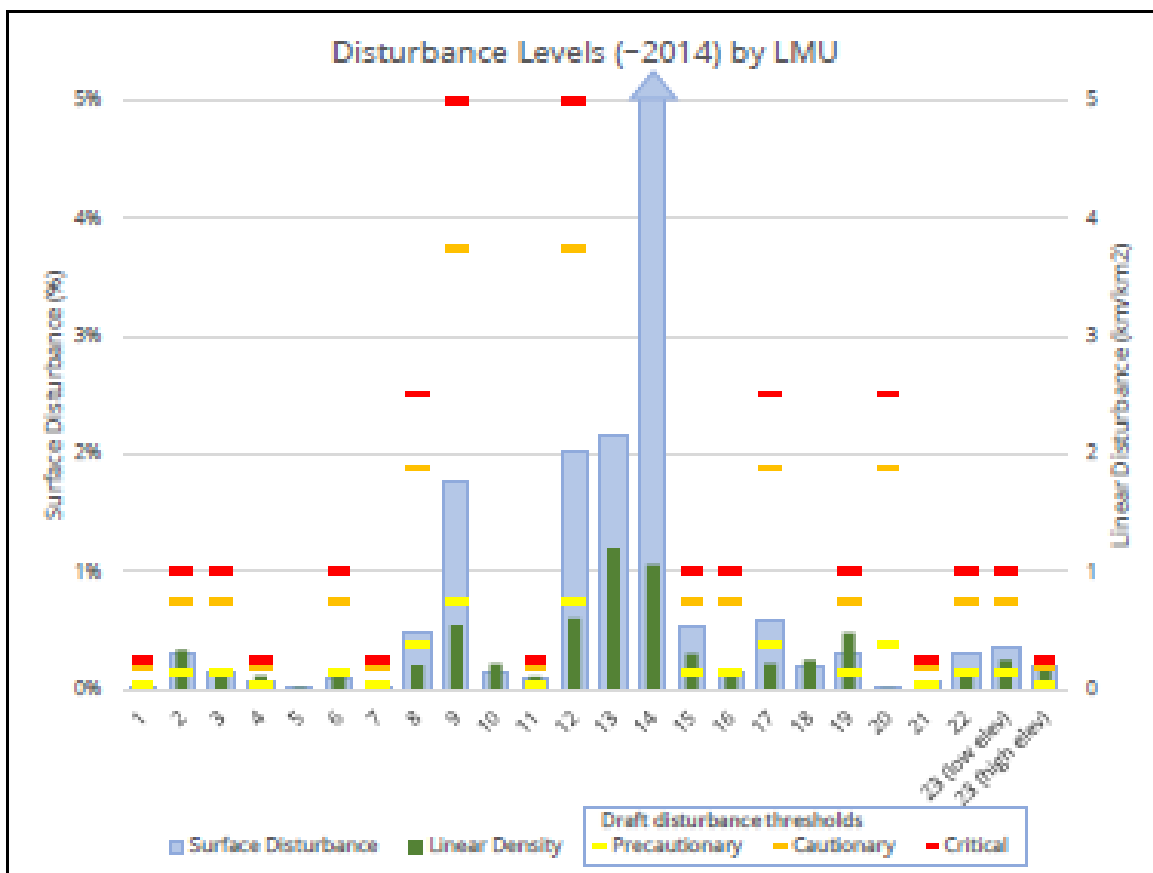
ISA I, II, III, IV: The Critical Level of development thresholds within the ISA’s are very restrictive and may not allow for industry to further projects to a point of viability, despite being listed as areas where development is meant to occur. When you factor in the critical level thresholds for cumulative effects, development is limited to 1.4% of the entire planning area.

Page 44 – Table 3-2 Cumulative Effects Thresholds:

YCM is concerned that without sound up-to-date data (cumulative effects threshold plan uses 2014 data) the thresholds are subjective and are excessively precautionary. YCM believes there is a lack of clarity for on the ground disturbances and disagrees that past, present and future activities should be combined. Past legacy disturbance should not be part of current disturbance

tracking and the plan should be supporting and providing financial support to those miners willing to restore and use best practice reclamation standards on past disturbance. Present disturbances and past reclamation efforts should reset the threshold disturbance level. Further defining reclamation standards and definitions of what and where recovered areas are in the region would provide clarity for current and future miners.

The cumulative effects spreadsheet (shown below) on the DRLUP website uses 2014 data and forecasts that critical levels have not been exceeded. YCM is concerned the graph does not account for reclaimed or recovered areas or describe how anthropogenic and natural occurrences (wildfires) will affect the threshold disturbance levels. Experience with the Federal Government’s caribou critical habitat, especially in Saskatchewan¹, illustrates the challenges of poor understanding and blanket application of thresholds. Thresholds must consider the natural fire regime and the ecosystem.



¹ Saskatchewan is an example of an area with low anthropogenic disturbance and high fire disturbance resulting in proposed “limits” on anthropogenic activities despite limited evidence of caribou population impacts.

The range in critical thresholds in the draft plan from 0.25% to 5% is vastly different than other Canadian jurisdictions and are extremely low. Thresholds applied in other jurisdictions are generally based on environmental studies and are often species specific. For example, a 2011 study of critical habitat area for Woodland Caribou done by Environment Canada concluded that the critical threshold level is 35-45% (Environment Canada, 2011. Scientific Assessment to Inform the Identification of Critical Habitat for Woodland Caribou (*Rangifer tarandus caribou*), Boreal Population, in Canada: 2011 update. Ottawa, Ontario, Canada. 102 pp. plus appendices) and the Recovery Strategy (<https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/recovery-strategies/woodland-caribou-boreal-2020.html#toc11>) set the threshold at 65% undisturbed habitat. These thresholds are significantly higher than any proposed in the draft Dawson plan.

At the current thresholds, discovered mineral deposits would be precluded from developing into a mine in many ISA-designated LMUs. If the current thresholds are maintained in the final plan quartz and placer industry will struggle with economic viability. This threatens future potential for royalties to be collected for local communities, such as those from the Minto Mine (see Minto Mine, Socio-economic Monitoring Program annual reports). With estimated current disturbance levels at Victoria Gold being roughly 7km² only 7 LMU's would allow a Victoria Gold- sized mine at the cautionary level and only 10 LMU's would allow a Victoria Gold size mine at the critical level (assuming no other disturbances). The number of LMU's that would allow a Casino size mine at approximately 28km² is even less, at 2 LMU's in the cautionary level and only 3 at the critical level. With the current critical thresholds, 3 ISA designated LMUs, would not allow for either of these types of mines.

Page 57

Where it's recommended to not allow all -season access roads and permit temporary access through a plan amendment only, YCM favors recommendations that clearly allow for access with proper mitigations. Potential future changes and recommended amendments do not provide industry certainty.

Page 60

In the ORV activity recommendation, YCM believes balancing commercial and public use is important and measures for enforcement and policing may be necessary to ensure there is a balance.

Page 62

Water access and the ability to ensure the use of barges to deliver mine supplies is crucial and needs to be compared to the use and impacts of the more frequently used Dawson ferry which runs on a regular basis.

Page 69

In recommended management practices for Dawson water supply: “Land users working in proximity to streams that are used for human consumption should be made aware of this value and appropriate set-back distances of harmful activities should be applied.” The definition of what a harmful activity is needs to be added/clarified as does the requirement to ensure downstream water quality is acceptable for human consumption and not worse than the upstream water quality. Industry will continue to meet the standard, however they need to know what the end product should be. Mandating only specific mitigation measures is not cost-effective, as mitigations such as set-backs are only one means of achieving water quality but not the only effective option.

Page 72

Education on the use of Timber harvest plan permits within ISA designations on claims are necessary to ensure safe and needed community access to wood in the form of wood resource sharing for the Dawson community.

Page 74 4.1.9 Traditional Economy

“Recommended Management Practices: a. Overlapping land users with traditional economic activities should utilize a communication and consultation Protocol to minimize conflict. The Protocol should ensure activities that are likely to cause disturbances to other rights holders (trappers, Outfitters, etc.) are communicated and consulted prior to.” Yukon’s Environmental and socio-economic Assessment Board (YESAB) is in place to provide this deliverable and YCM recommends structures are put in place to fill in gaps instead.

Page 76 – Policy recommendation

“The Parties shall implement requirements for proponents of large-scale advanced exploration and mining companies in the Dawson planning region to prepare gender based socio-economic and impact assessments.” As above, this recommendation is already being done through YESAB.

Page 77 – 80: 4.2.1 Key Species Habitat for Caribou

Recommended Management Practices: Mitigations need to be adaptive and flexible to allow for the changes in migration and status of caribou and caribou habitat. Healthy caribou populations can co-exist with mining. Ensuring that activity at a mine site adapts to caribou in the area should be the focus, instead of language noting projects should be avoided on migration routes that can change. Mitigations such as, road embankment slopes, speed limits, minimum overflight altitudes, temporary road closures where there are large groups of caribou and temporary curtailment of activities on the mine site can all be used in an adaptive management plan vs having areas entirely withdrawn from industry development. The application of the precautionary principle to caribou should be focused on the acceptable outcomes and leave the development of cost-effective mitigation measures to industry. Industry should be able to hire

caribou experts to develop site-specific caribou mitigation and monitoring plans. Other jurisdictions have caribou mitigation and monitoring plans such as BC, Alberta and NWT.

Page 81: 4.2.1.2 Moose: Policy Recommendation

Seasonal road closures should be made only in collaboration and cooperation with industry.

Page 88: Fish and wildlife habitat

Mining should not be seen as the only reason for fluctuations of fish populations. Changes to fish populations due to climate change and higher temperatures in creeks need to be considered and adaptive management for mining needs to take place.

Page 89

Any species and habitat research initiatives should be done in collaboration with and in full transparency with industry in the affected region.

Page 92 -103 4.2.4 Wetlands

A comprehensive Wetland's policy has been developed over the past 4 years and the draft wetlands policy is now out for public review. Classification of wetlands will take time and allowances to mine in wetlands that can be reclaimed back into a marsh should be acceptable as marshes provide productive ecosystems abundant with wildlife. Once wetlands maps are being used in the permitting process, they should be made available to industry to allow for effective planning. Methods to map these areas should be decided in consultation with industry. A ban of development where there are bogs and marshes will essentially shut down placer mining (policy recommendation pg. 94). YCM recommends the commission allow the wetlands policy to determine whether bogs are determined to be 'special'. Other northern jurisdictions like Alaska have systems in place to rate the values of wetlands (biodiversity, habitat value, water quality) before and after mining activity which provides impact examples of mining and tools for management.

Page 106

YCM is in support of a Dawson Land Stewardship Trust, this type of trust was also recommended in the YMDS and the DRLUP commission should look at what's already in place and what is being proposed so as to be compatible and in line with current and future capacity for further Yukon trusts.

Page 107 4.3.3 Harvesting Rights and Activities

YCM would like to see further collaboration between industry, YESAB and First Nations to foster further communication, openness, and transparency before and during the formation of projects.

Page 108 4.3.4

YCM is in support of Hän phrasing where appropriate, in addition to phonetic pronunciation written into the plan.

YCM Feedback on Land Management Unit Recommendations:

When considering the recommendations, YCM looked for wording in the Plan to provide increased clarity to each of the landscape management units. As well, YCM looked at the implications to existing claims and projects in the LMUs where there was industry activity. The commission should consider the number of claims in the areas and their economic potential and individual owners claims value.

LMU 1: North – Tthetäwndëk

Number of Claims: 804 Claims

Land Use Designation: SMA II – 35.5% of the Dawson region

Within this land use designation there is restricted industrial land use allowed within existing mineral tenure combined with the withdrawal of all other lands from staking and industrial use.

In the policy recommendations there is consideration for temporary winter access only. Until Resource Roads Regulations and changes to the Lands Act are complete there needs to be adaptive management approach following the approval to the regulations. YCM would support an increase in policing under the Off Road Vehicle Management Area Regulations. Consideration and balancing of public and commercial use of off road vehicles is recommended so Industry does not shoulder the entire burden of impacts of off road vehicles. Air strips and helicopter pads once reclaimed should allow for new air access infrastructure for other existing claims. YCM supports the research recommendation to conduct baseline linear disturbance studies to areas with high industrial activity to provide an up-to-date baseline to make decisions.

LMU 3: Yukon River – Chu Kon dëk

Number of Claims: 1045 claims

SMA II – Future Planning Area: Interim withdrawal of lands from staking and industrial use until the completion and approval of sub – regional plan.

More clarity is needed in timelines for ‘future planning areas’ and what will be allowed in the interim as far as access around barging. Continued consultation with industry is needed for this area. Many claims are only accessible by river and rely on barge delivery of supplies. YCM recommends that this area is changed to an ISA II to allow for continued river access for existing claims.



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LMU 4: Fifteen/Chandindu – Tsey Dëk/Tthen Dëk

Number of Claims: 10 claims

SMA II – disturbance only in connection to existing surface and sub-surface rights

YCM recommends that given that there are only 10 claims that claim holders should be allowed to develop under ISA mitigations or compensated to market value for their claims.

LMU 6: Klondike – Tr’ondëk

Number of Claims: 17 claims

ISA II – low development; activities that disturb salmon spawning should be suspended July 1st to Aug 15th

YCM recommends the definition of activities that would have the potential to disturb salmon to be clarified for proponents and regulators on what is or is not allowed. It should be acknowledged that Placer mining is a closed mining system and does not continue to draw on fresh water to sluice. YCM would like to see added to the Management Intent Box the socio-economic pillar to sustainability. Economic stability leads to healthy communities and environments. YCM recommends LMU 6 be designated an ISA III and further definition of thresholds for all areas to include reclamation.

LMU 7: Upper Brewery/Hamilton

Number of Claims: 1468 claims

SMA II – disturbance only in connection to existing surface and subsurface rights. ISA I Cumulative effects thresholds.

The claims in this area should be fairly compensated if projects cannot be developed under the current regime, for example ISA I cumulative effects thresholds will not allow for larger scale projects. Claims if not compensated should be allowed to work under ISA II.

LMU 8: Lower Brewery/Hamilton

Number of Claims: 1728 claims

ISA 3 – Moderate development

In the Special Management Direction, the idea of viewscape being maintained off the Dempster Highway needs to be further clarified with respect to, distances and time of year. The recommendation that access roads off the Dempster need a plan variance or amendment is concerning, again this does not provide certainty, rather a ‘maybe’ for access (as in previous LMU recommendations). Until Resource Roads Regulations and changes to the Lands Act are complete there needs to be an adaptive management approach following the approval to the regulations. YCM would support an increase in policing under the Off Road Vehicle management Area regulations. Consideration and balancing of public and commercial use of off road vehicles is



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recommended so Industry does not shoulder the entire burden of impacts of off road vehicles. Air strips and helicopter pads once reclaimed should allow for new air access infrastructure for other existing claims. YCM supports the research recommendation to conduct baseline linear disturbance studies to areas with high industrial activity.

The current thresholds for ISA3 (precautionary levels at 0.37% of surface disturbance, and 0.37 km/km² of linear density) is very low for an area that has potential for future development. YCM would like to see the concepts of reclamation included in thresholds for all ISA zones, especially for areas with future mineral prospects.

Ecological Values can be mitigated as stated previously in YCM recommendations (regarding Page 77 – 80: 4.2.1 Key Species Habitat.) Mitigations need to be adaptive and flexible to allow for the changes in migration of caribou. Healthy caribou populations can co-exist with mining. Ensuring that activity at a mine site adapts to caribou in the area should be the focus, instead of language regarding avoiding development on migration routes that can change. Mitigations such as, road embankment slopes, speed limits, minimum overflight altitudes, temporary road closures where there are large groups of caribou and temporary curtailment of activities on the mine site can all be used in adaptive management vs having areas withdrawn from industry development. The application of the precautionary principle to caribou should be focused on the acceptable outcomes and leave the development of cost-effective mitigation measures to industry. Industry should be able to hire caribou experts to develop site-specific caribou mitigation and monitoring plans. Other jurisdictions have caribou mitigation and monitoring plans such as BC, Alberta and NWT.

LMU 9: Clear Creek

Number of Claims: 1274 claims

ISA IV – Highest development

In the recommendation that industrial activities suspend during caribou breeding Sept to October (or if suggested by a regional biologist), Industry again asks for adaptive management and working in collaboration with project developers to ensure data is shared and decisions are made on the basis of sound evidence. This recommendation falls under the scope of licensing after the YESAA assessment of a project and is too prescriptive for a LUP area.

In the recommendation that access roads within caribou fall breeding habitat should be discouraged, YCM asks that decisions wait until current studies are complete and that government consider mitigations to road use are used instead of rejecting project development as a blanket decision.

LMU 10: Upper Klondike

Number of Claims: 26 claims

SMA 1 – No new disturbance; withdrawal of all lands from staking, industrial use and surface access

YCM asks that current claim owners be allowed to develop under an ISA I designation or be compensated for their claims.

LMU 11: Flat Creek Wetlands

ISA I – Lowest development ISA

YCM recommends this area become a “trade off” area and be designated as an SMA I instead of LMU 19 where the mineral potential and economic value is higher. Protecting wetlands in this LMU would act as a tradeoff or offset, to LMU19 (Upper Indian River Wetlands). YCM supports management directions in LMU 11 prohibiting disturbance in wetlands completely, to offset wetland disturbance in areas with significant mineral activity.

LMU 12: East – Nācho dēk

Number of Claims: 32,633 claims

ISA IV – Highest development

YCM supports the designation of this LMU as ISA IV. LMU 12 has high mineral potential and is actively explored by industry. YCM is only concerned that limitations to mining in wetlands will essentially make this area a higher conservation ISA and limit development. YCM recommends that linear density and surface disturbance for this LMU supports the ISA IV designation and it is stated in the plan that reclamation will account for calculations in surface disturbance and linear density.

LMU 13: Klondike Valley

Number of Claims: 1132 claims

ISA – Future Planning Area

YCM requests that future planning involve industry collaboration, and requests clarifications on what timeline this planning will be conducted in.

LMU 15: Fortymile River – Chēdāhdēk

Number of Claims: 933 claims

ISA II – Low development surface disturbance and density

YCM would like clear mitigations that allow for responsible development of claims. The plan recommendation that suspends activities between July 1 and Aug 15 during Chinook spawning

season does not fit with an ISA II designation. Consider more defined directions around areas that have the potential to disturb Chinook spawning habitat. YCM would like to see management directions consider current and future mineral interest in the area and make this LMU an ISA III.

LMU 16: Swede Creek

Number of Claims: 388 claims

ISA II – Low development surface disturbance and density

In Special Management Directions recommendation, there is an overlap in scope to what is covered by YESAB. YCM recommends instead that the mining recording office send Tr'ondëk Hwëch'in (TH) status updates at the end of season. The wording in the Plan "allowing for limited sustainable development to continue" needs more clarity, what class of mining does this allow for? YCM recommends that this region be designated as ISA III and asks the commission to further define thresholds for all areas to include reclamation.

LMU 17: Sixtymile

Number of Claims: 7132

ISA III – Moderate development

YCM recommends mitigations that are adaptive and flexible to allow for the changes in migration of caribou. Natural Resource Officers should be available to contact when and if caribou come onto a claim. The possibility of caribou and other species migration patterns going through a claim should not be a barrier to development, rather collaboration and mitigations should be used. Healthy caribou populations can co-exist with mining. Ensuring that activity at a mine site adapts to caribou in the area should be the focus, instead of language regarding avoiding development on migration routes that can change. Mitigations such as road embankment slopes, speed limits, minimum overflight altitudes, temporary road closures where there are large groups of caribou and temporary curtailment of activities on the mine site can all be used in adaptive management vs having areas withdrawn from industry development. The application of the precautionary principle to caribou should be focused on the acceptable outcomes and leave the development of cost-effective mitigation measures to industry. Industry should be able to hire caribou experts to develop site-specific caribou mitigation and monitoring plans. Other jurisdictions have caribou mitigation and monitoring plans such as BC, Alberta and NWT.



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LMU 18: Matson uplands

Number of Claims: 1 claim

SMA I – No new disturbance is allowed

YCM recommends the one claim in this area be compensated fairly for the value of the claim. YCM supports the Commission in designating the Matson Upland an SMAI, with the year-round existing access road available to miners with existing claims in the Matson Creek area.

LMU 19: Upper Indian River Wetlands

Number of Claims: 1196 claims

SMA II – Disturbance only in connection to existing surface and subsurface rights; Interim withdrawal of all other lands from staking and industrial use; recognition of key wetland areas

The Indian River watershed is high in placer producing potential and is critical to the placer industry. 50% of Yukon's placer gold is derived from the watershed every year. YCM recommends that areas with existing claims be designated ISA III or IV and the rest of the LMU be retained as an SMA II. As mentioned in the discussion on LMU 11: Flat Creek Wetlands which is designated ISA I, YCM suggests there is a 'trade off' to reclassify the claims in LMU 19 where the economic value is substantially higher. LMU 19 also has lower (relative) ecological and heritage value so it does not make sense to be classified as an area requiring a high-level of protection. YCM requests that the wetlands mapping being used to guide the commission and governing bodies be made available for industry to review. It is difficult for project proponents to invest time and money in the area without an understanding of known wetlands data. Current levels of disturbance for LMU 19, indicated in the Disturbance levels chart are formatted using data collected from 2014 and the factors used in the ALCES do not include reclamation or natural disasters such as fire. With LMU11 (Flat Creek Wetlands) adjacent to LMU19, and having less mineral interests, YCM would support complete protection of these wetland complexes in LMU 11 with more flexibility in working in the wetland areas (in accordance with pending policy) of LMU19.

LMU 20: Coffee – Tthatryān

Number of Claims: 4220 claims

ISA III – Moderate development (allows for continued mineral development and exploration)

In the Special Management Direction recommendations YCM would like further clarification on how efforts to enhance the use of the area for traditional economic activities will be achieved. Caribou and sheep are mentioned under priority objectives and as stated in previous LMUs where caribou may migrate through an LMU, mitigations and precautions can be undertaken to avoid disturbances in partnership with Tr'ondëk Hwëch'in. YCM would like to see barge landings allowed through the permitting process to maintain access to claims.



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LMU 21: White – Tädzan Dëk

Number of Claims: 2617 claims

ISA I – Lowest development

In the Management Intent Statement for LMU 21 it states that while maintaining core values it will allow for continued sustainable development. However, under the proposed cumulative effects thresholds for ISA I the surface disturbance thresholds are between 0.04% at the precautionary level up to 0.25% at the critical level. With 2617 claims in the area, and active exploration, industry is concerned that the level of activity is nearing the threshold for surface disturbance already. It is also concerning that the LMU recommends no disturbance to marshes, fens and bogs when there is a high level of active placer exploration and mining in the area. YCM recommends that claim holders in LMU 21 are allowed continued sustainable development at a ISA IV designation while designating the rest of the LMU ISA II. Alternatively, YCM recommends that LMU 21 border be adjusted so that the majority of existing claims are put into an adjacent higher-designation LMU. YCM also recommends that disturbance to marshes be allowed with approved reclamation plans, as claims can be reclaimed back into marshes.

LMU 22: Scottie Creek Wetlands

Number of Claims: 435 claims

SMA II – Disturbance only in connection to existing surface and subsurface rights

Under Special Management Directions there needs to be more clarity in what those with claims in the area can do under the statement, “restricted industrial land use is allowed within existing mineral tenure”. YCM recommends that existing claim holders are allowed to develop under the land use designation and thresholds of an ISA III vs an ISA II. The rest of the LMU can remain a SMA II.

LMU 23: Fortymile Caribou Corridor

Number of Claims in Lower elevations: 2506 claims

Number of Claims in the higher elevations: 1960 claims

ISA II – in lower elevations

ISA I – in higher elevations

Under the current threshold levels this LMU would not allow for a single Casino- sized mine, and the higher elevations would not permit a Minto-sized mine. This is concerning as the mineral potential in the area is very promising and global need for critical minerals is on the rise to meet green and renewable technology demands. With little data on the fortymile herd migration patterns within the two elevations it is difficult for industry to understand why these elevations were chosen and how their claims will be affected. Recent data shows that the herd population has been on the rise despite exploration and mining taking place in the area. This demonstrates



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that with appropriate mitigations there can be coexistence between the herd and mineral development.

In special Management Directions for LMU 23, YCM recommends that the words “when caribou are found notifications to the Resource officer are made and reasonable and responsible mitigation measures and migration pathways are decided in collaboration with Tr’ondëk Hwëch’in and industry” be added. Ensuring understanding and continued engagement of all parties including industry, will ensure implementation is a success.

YCM disagrees with the Rational for Designation in the way it is currently written. If numbers of caribou were in decline because of industry development in the area and the herd was being threatened Yukon would not have reopened the forty mile caribou for hunting in January 2020.

The way the LMU is split up by elevation is erratic and will be extremely difficult for industry to decipher and for regulators to monitor. The definition of ISA’s to “enable existing and future economic activities for both surface uses and subsurface resource extraction” (3.2.2 Pg. 31) is in direct conflict with recommendations made for this and other ISA LMU’s. By also writing that recommended management practices for caribou is to avoid “high concentration of small-scale disturbance and any large quartz exploration projects (class 4) or quartz mines” (4.2.1.1 pg. 78) this essentially prevents projects from moving ahead.

YCM recommends that the commission consider combining LMU 23 south of the Top of the World Highway with adjacent LMUs or splitting LMU 23 designations into two zones, north of the Top of the World Highway as an ISA I and South of the Top of the World Highway as an ISA III. With the focus on best practices and mitigations to allow mineral exploration and development to co-exist with a sustainable caribou population.

Conclusion

YCM supports the draft plan’s priority to value heritage and habitat areas for conservation, however, industry currently working in the region would like to also see the plan preserve the ability for industry to continue to work in areas that are economically important today and in the future. We believe that establishing relevant and reasonable habitat disturbance thresholds and concurrent reclamation practices for the 3 proposed ISA classes will be critical. The current plan is excessively restrictive and vastly exceeds the recommendations in Land Use Planning Conservation Thresholds (Environmental Law Institute) which states: “land use planners should strive to conserve at least 20% to 60% of natural habitat in a landscape.

The Dawson region has a high level of mineral potential as well as a developed and active placer industry and a strong and emerging quartz industry. There will be a direct impact on Yukon’s overall mining industry if the final Dawson Regional Land Use Plan does not change thresholds.



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It will also set the bar for future land use plans and future investments to Yukon's mining industry at an unacceptably low threshold. Yukon needs to decide whether it will be part of the global movement toward green energy supported by minerals extracted with high environmental standards.

Managing and implementing the plan will be difficult with the way the plan is currently written. Overall clarity within the land use designation system is needed. Whether it is simplifying and combining SMAs / ISAs or using trade offs for areas that have less economic and mineral potential, Industry implores the commission to ensure that claim owners and future projects are not halted before they become economically viable. If there are situations where claim owners are not allowed to further their projects Yukon Government needs to ensure they are fairly compensated in a timely manner, preferably within a year of the plan being implemented.

Implementation needs to involve industry and community transparency to be successful. Industry has proven through the robust environmental review process (YESAB) that development can coexist with environmental and socio-economic values being respected. As clearly demonstrated by Yukon companies, pro-active partnerships and engagement with First Nations and communities, the use of innovative technologies to mitigate potential effects of exploration, mineral development and mine production show the mining industry's preparedness to take on, with partners, positive environmental land stewardship. Despite these strides made by industry over the past several decades there has not been a positive reflection of this written into land use plans.

YCM appreciates the Commissions engagement with industry as it is important that the process includes industry and protections for future mineral developments to ensure Yukon's economic future. Industry asks the commission to look at the full potential of each LMU, including its economic and geological potential. Understanding that an approach that is evidence-based and informed by the most current information and science available will provide an outcome that meets the needs of all involved.

Respectfully,

A handwritten signature in blue ink that reads "Brianne Warner". The signature is written in a cursive, flowing style.

Brianne Warner
Executive Director
Yukon Chamber of Mines