



November 22, 2024

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

Dear Debbie Nagano,

**RE: Recommended Plan for the Dawson Planning Region**

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

After careful review, extensive consultation, and engagement on the Recommended Plan, the Government of Yukon has determined to modify the Recommended Plan in relation to Non-Settlement Land as per 11.6.2 of the Tr'ondëk Hwëch'in Final Agreement.

The Government of Yukon commends the Commission for developing a Recommended Plan which aims to balance the many values in the region. A few examples of elements of the Recommended Plan that we particularly appreciate include:

- most of the Landscape Management Unit designations and boundaries, especially the distribution of Special Management Areas across the planning area;
- acknowledging the importance of the Clear Creek Caribou herd;
- the consideration of heritage and cultural factors tied to the work of the Department of Tourism and Culture through Plan management practices;
- consideration of the importance of the issue of Missing and Murdered Indigenous Women, Girls and Two-Spirited People and the link to land use;
- the establishment of an agricultural corridor in the Tintina Trench Landscape Management Unit;
- the Dempster Highway Corridor and its consistent description to the corridor recommended in the Peel Watershed Regional Land Use Plan; and
- the inclusion of Wetlands of Special Importance in the planning area.

We would also like to thank you for considering our feedback on the Draft Plan and incorporating that into the Recommended Plan, including:

- the removal of Special Management Area IIs; and
- the expansion of LMU 16: Wëdzey Nähuzhi (Matson Uplands) to better protect the Fortymile Caribou summer range.

One overarching theme of the Government of Yukon's proposed modifications to the Recommended Plan, similar to that of the Draft Plan, is the need for clarity. Clarity and specificity will provide certainty to industry, for regulators, for conservation, for traditional uses, for residents of the Yukon and for visitors.

In our view there are also some key aspects of the Recommended Plan that require some attention by the Commission prior to the submission of the Final Recommended Plan. This letter details the key issues the Government of Yukon has proposed modification on and requests the Commission address when drafting the Final Recommended Plan (listed as numbers 1-9 below). We believe that the first six key issues are essential and that failing to address these may jeopardize the Government of Yukon's ability to support the Final Recommended Plan.

## 1. Implementation

The Government of Yukon proposes modifications to the Recommended Plan text to improve the clarity of the document for all users, including assessors, regulators and proponents, to ensure that it will be implementable within the existing assessment and regulatory system. Any management directions for proponents or recommendations to the Parties must be legally, technically, financially and administratively sound.

The process for revising the Plan, including variances, amendments and reviews, must also be carefully considered to ensure the Plan can adapt to changing circumstances and should be established prior to the completion of the Final Recommended Plan. The Government of Yukon looks forward to working with Tr'ondëk Hwëch'in and the Commission during the next phase of plan development to ensure that these elements are developed and incorporated into the Final Recommended Plan.

The Government of Yukon has prepared a tracked changes version of the Recommended Plan that forms a portion of this submission that highlights problem areas and proposes modifications to address concerns. Finally, the Government of Yukon proposes a phased implementation of some aspects of the Plan to ensure it can be practically implemented, more details of which are included in the memo in the submission. Please review the complete submission for specifics on this and other implementation issues.

## 2. Sustainable Economy and Socioeconomic Wellbeing

The Government of Yukon wishes to underline the commitment under the final agreement “to ensure Sustainable Development” (11.1.1.6) and the subsequent Recommended Plan value of a sustainable economy and socioeconomic goals. We deeply value that Sustainable Development means beneficial socio-economic change that does not undermine the ecological and social systems upon which communities and societies are dependent (Chapter 1, Tr’ondëk Hwëch’in Final Agreement). Our proposed modifications aim to integrate these values and goals more fulsomely throughout the Plan.

The Government of Yukon views a sustainable economy – the production and exchange of goods and services in a manner that provides for the present and future well-being of the people and planet – as essential. We further understand sustainable development in the context of United Nation’s Sustainable Development Goals, which include reducing poverty; promoting wellbeing; building inclusive and sustainable economic growth; advancing gender equality; protecting, restoring, and promoting sustainable use of terrestrial ecosystems; and taking action on climate change.

Further information on our proposed modifications to support a sustainable economy and socioeconomic wellbeing of Yukoners can be found in the sections below on removal of interim withdrawals, cumulative effects thresholds, special management area quantum, critical minerals, climate change, and wetlands as well as in the accompanying memorandum and tracked changes.

## 3. Interim Withdrawals

The Government of Yukon does not support the inclusion of interim prohibitions of entry (interim withdrawals) in the Recommended Plan and proposes removing interim withdrawals from Landscape Management Units 3, 7, 17 and 21. In the case of Landscape Management Unit 3, we support a permanent withdrawal in the northern portion and a designation of the southern portion as an Integrated Stewardship Area 1 and the removal of the interim withdrawal. For Landscape Management Unit 7, we are proposing a boundary modification and an SMA designation and therefore would support a permanent withdrawal for this modified area. The Government of Yukon understands sustainable development to be allowed in Integrated Stewardship Areas and the Plan should provide sufficient direction to allow for this sustainable development.

Interim withdrawals do not provide clarity to regulators, industry, or assessors on how to implement a regional land use plan. It is unknown how long the additional conditions outlined in the Plan, such as access management plans, sub-regional planning or the Upper Indian River Stewardship Plan will take to complete. The Plan dictates that these are required to lift interim withdrawals and therefore this introduces uncertainty into Plan implementation counter to one of

the purposes of land use planning which is to allow for clarity of management practices on a landscape scale.

The Government of Yukon would like to see the Dawson Regional Land Use Plan avoid “planning to plan”. Management directions should be developed as part of the Final Recommended Plan, negating the need for interim withdrawals and creating further clarity and certainty moving forward.

#### 4. Cumulative Effects Thresholds

A key position of the Government of Yukon is that the surface disturbance critical thresholds are 2.5% for ISA 3 and 5% for ISA 4 (i.e., return to Draft Plan thresholds). The Government of Yukon supports the linear disturbance thresholds outlined in the Recommended Plan.

Returning ISA 3 and ISA 4 thresholds to the Draft Plan levels aligns with the Chapter 11 commitment to sustainable development (11.1.1.6) and supports said development occurring in appropriate areas. ISAs 3 and 4 are intended to allow for higher levels of development than elsewhere in the Plan and the Government of Yukon wishes to support responsible development in these areas. In addition, the tracking system for surface disturbance includes disturbances from all human activities on the landscape: agriculture, forestry, mining, housing, trapping, recreation, outfitting, aggregate, etc. As the tracking system cannot distinguish between uses, the thresholds must allow sufficient room for these activities to occur while still providing a reasonable level of conservation. We view this as supporting the value for sustainable economy.

The Government of Yukon wishes to highlight that the ISA 2 Cumulative Effects Threshold for Landscape Management Unit 17 – Upper Indian River, has likely been exceeded by recently permitted or completed activities in the unit. Further information on this is available in the accompanying Memorandum section on LMU 17 and the track changes document.

The Government of Yukon recommends that the Plan provides a mechanism to incorporate cumulative effects indicators developed during implementation into the Plan (e.g. water and socio-economic indicators). This should be embedded in the adaptive management framework and implementation sections of the Plan.

#### 5. Reclamation and Restoration and return of lands to the quantum of allowable disturbance

Another area, further highlighted in the memo and track changes document, that will need to be clear by the release of the Final Recommended Plan is definitions of reclamation and restoration, and detailing the process that returns land to the quantum. This is a key consideration for how the cumulative effects thresholds will be implemented and accounted for and, in the Government of Yukon’s view, essential for the functioning of the plan and supporting a sustainable economy and socioeconomic wellbeing.

## 6. Special Management Area Quantum

The Government of Yukon is comfortable with 39.9% of public lands in the planning region designated as special management area (including Tombstone Territorial Park and excluding Settlement Lands). This quantum of non-settlement lands contributes to an overall quantum (including both settlement and non-settlement lands) equivalent to Draft Plan levels of approximately 45%. We believe that the resulting Special Management Area quantum, in combination with critical thresholds used to limit the amount of activity in ISAs to a sustainable level, achieves a balance between multiple values within the planning region.

Information on Land Management Unit boundaries and designations supported by the Government of Yukon is in the memo, map and tracked changes.

## 7. Critical Minerals

The Government of Yukon proposes adding a section to the Final Recommended Plan speaking to critical minerals, including information on the access to known critical mineral deposits within the region. Critical minerals provide essential resources for the societal shift to a renewable energy economy and support a local and global sustainable economy. Overall, we seek to ensure that these minerals can assist in a viable clean energy industry. We view this as supporting the value for sustainable economy.

## 8. Climate Change

As highlighted in Government of Yukon's Draft Plan submission, specific actions and direction to achieve the climate change priority objectives in the Recommended Plan are missing. To address this, the Final Recommended Plan should integrate the updated climate change data and projections we are providing for more informed and regionally specific policy and management.

The proposed modifications in Government of Yukon's tracked changes document connect high-level policy on climate change to actions, provide clarity and consistency of terms, and add specificity to directions. Proposed changes focus on three main areas: updated climate projections, revised management directions, and recommendations and adaptive management specifics. Please review the complete submission for specifics.

## 9. Wetlands

The Government of Yukon recommends the Final Recommended Plan more fulsomely address wetlands in alignment with *A Policy for the Stewardship of Yukon's Wetlands* (January 2023). The Government of Yukon has proposed modifications to align the plan with the Wetlands Policy and correct inaccuracies related to wetlands.

The Government of Yukon is supportive of the three Wetlands of Special Importance proposed by the Commission in the Recommended Plan (Ladue, Flat Creek and Scottie Creek). We have proposed new geographic boundaries for these Wetlands of Special Importance based on wetland mapping and watershed boundaries to ensure that these designations can be properly implemented upon Plan completion.

For a full list of proposed modifications related to wetlands, please see the tracked changes document.

## 10. White River First Nation

White River First Nation has asserted rights in the southern portion of the Dawson Region. The Government of Yukon has signed a consultation protocol with White River First Nation and have met with their technical staff regarding the Recommended Plan. We encourage the Commission to engage with White River First Nation to hear their views directly on the Recommended Plan and we support White River First Nation's request to the Commission to mention White River First Nation by name in the Final Recommended Plan text in areas of the Plan overlapping with their assertion.

### Submission Overview

The ten issues mentioned above are the key issues the Government of Yukon has identified with the Recommended Plan at this stage in the planning process. In addition to these ten key issues, the Government of Yukon is providing additional comments and observations from our thorough whole-of-government review. The Government of Yukon is pleased to provide this feedback as part of our submission. The documents are intended to be read collectively. The contents of our full submission include:

- This letter introducing the Government of Yukon's major proposed modifications;
- A cover letter for the entire package;
- A memorandum delving deeper into proposed modifications that we felt warranted additional detail or explanation;
- A map detailing the Government of Yukon's proposed boundary and Landscape Management Unit designations changes;
- Rationales for major proposed modifications that were previously provided to Tr'ondëk Hwëch'in;
- A tracked changes version of the Recommended Plan that details various technical, minor and editorial comments and errors which were identified;
- A design and writing style document that makes suggestions of how to improve the structure of the Recommended Plan to increase its usability and ability to be implemented for Plan users and Parties;
- A table of all recommended management practices, recommendations to the Parties and special management directions from the Recommended Plan with proposed modifications;

- Tracking table that summarizes all of the above and will hopefully serve to help the Commission in navigating the Government of Yukon's submission; and
- Scenarios report, which reflects Government of Yukon's learnings from a scenarios exercise hosted by Government of Yukon and Tr'ondëk Hwëch'in designed to identify gaps in the Recommended Plan related to the implementation of projects in the Dawson planning area. We are sharing a report to acknowledge the important contributions of the scenario exercise participants, and to meet our obligations to them.

The Government of Yukon looks forward to continuing to work with Tr'ondëk Hwëch'in, the Commission, White River First Nation, other Yukon First Nations, stakeholders, as well as the public in the planning process outlined in Chapter 11 of Tr'ondëk Hwëch'in Final Agreement. These continuing conversations may result in changes to the Government of Yukon's views regarding aspects in the Final Recommended Plans as they are developed.

The Government of Yukon would be happy to make a presentation on this package to the Commission. Please contact the Government of Yukon Land Planning Branch to arrange for a meeting date.

Sincerely,



John Streicker  
Minister of Energy, Mines and Resources



Nils Clarke  
Minister of Environment

cc: Hähkè Taylor, Tr'ondëk Hwëch'in  
Chief Chasse, White River First Nation  
Kirsten Reid, Senior Planner, Dawson Regional Planning Commission  
Neil Salvin, Yukon Land Use Planning Council  
Dennis Berry, Deputy Minister Environment  
Paul Moore, Deputy Minister Energy, Mines and Resources

encl: Cover letter  
Memo  
Map  
Rationale document previously provided to Tr'ondëk Hwëch'in  
Tracked changes Recommended Plan  
Design and writing style document  
Recommendations table  
Summary table  
Scenarios report