



Canadian Parks and Wilderness Society, Yukon Chapter  
101-301 Hawkins Street  
Whitehorse, Yukon  
Y1A 1X5

March 10, 2022

**Attn:** Dawson Designated Office

**Re:** Project Number: 2021-0176 Project Title: Quartz Exploration - Michelle Creek

To Whom It May Concern,

The Canadian Parks and Wilderness Society, Yukon Chapter (CPAWS Yukon) advocates for the territory's most valuable and priceless resource: our abundant wilderness. We work with First Nations and all levels of government, local organizations, businesses and citizens to ensure the natural wealth we enjoy today is available for our children tomorrow. We represent the views of many Yukoners who want the Yukon to be an example for the world of how people can live in balance with the natural resources we depend upon.

CPAWS Yukon has concerns and recommendations relating to the proposed Michelle Creek project, particularly given its location within Wilderness Areas of the Peel Watershed Region and proximity to important caribou and thimblehorn sheep habitat. **We respectfully request that the Designated Office recommend that project activities within Wilderness Areas do not proceed. We also recommend additional mitigations and baseline data collection for project activities proposed in the Blackstone River Integrated Management Area.**

#### **Peel Watershed Regional Land Use Plan**

The Michelle Creek project is located entirely within the Peel Watershed Region and must conform with the Peel Watershed Regional Land Use Plan. As the first development project proposed since the regional plan was finalized, this project and its assessment by YESAB is precedent setting. The regional plan has eight goals which express the desired results of the plan. We would like to highlight the first two goals, which are to:

- 1. Maintain the wilderness character of much of the planning region*

2. *Maintain ecological integrity by ensuring terrestrial and aquatic habitats remain in a suitable condition to sustain healthy native wildlife and fish populations and communities within their natural ranges*<sup>1</sup>

These goals indicate that proposed industrial development is to be measured against a high standard of care for the land.

The project overlaps three landscape management units (LMUs) in the Peel Watershed Region: an Integrated Management Area (IMA) and two Wilderness Areas (WAs), a type of Conservation Area.

#### *Blackstone River Landscape Management Unit*

About 25% of the project falls within the Blackstone River (LMU 5), an IMA III. IMAs allow varying degrees of development depending on which zone they are categorized as, from IMA I to IMA IV. The management intent of IMA IIIs is moderate development.

CPAWS Yukon recognizes mineral exploration is an acceptable activity within the Blackstone River landscape management unit if project activities conform to the regional plan, adequate baseline data are provided, caribou movement and habitat are not significantly impacted, and sufficient mitigations are strictly adhered to. We have provided a list of recommended mitigations for project activities within the Blackstone River landscape management unit at the end of this letter.

#### *Hart River and West Hart River Landscape Management Units*

Approximately 75% of the project overlaps two Wilderness Areas, the West Hart River (LMU 4) and the Hart River (LMU 6). The management intent of Wilderness Areas is “conservation and the protection of ecological and cultural resources and wilderness character”<sup>2</sup>. CPAWS Yukon does not believe that the proposed development is compatible with conservation or the maintenance of wilderness character.

A definition for wilderness character is provided in the regional plan’s glossary, and the concept is extensively discussed in the document’s introduction. The plan notes that wilderness character is protected “by excluding roads and industrial activities”, and that industrial activities “include the activities of the mineral, oil and gas, and transportation sectors”.<sup>3</sup> While this project does not include road access, it does include a number of activities that are incompatible with maintaining the wilderness character of the Hart River and West Hart River areas, including drilling, helicopter pad construction, trenching, clearing, and daily helicopter flights. These activities visually and/or audibly mar the wilderness experience of people out on the land and, as further discussed in the wildlife section of our comments, negatively impact wildlife habitat and wildlife populations.

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<sup>1</sup> Page xiv, Peel Watershed Planning Commission. (2019). *Peel Watershed Regional Land Use Plan*. First Nation of Na-cho Nyäk Dun - Tr’ondek Hwëch’in - Vuntut Gwitchin First Nation - Gwich’in Tribal Council - Government of Yukon. Available at: [https://yukon.ca/sites/yukon.ca/files/emr/emr-peel-watershed-regional-land-use-plan\\_0.pdf](https://yukon.ca/sites/yukon.ca/files/emr/emr-peel-watershed-regional-land-use-plan_0.pdf)

<sup>2</sup> Page 36 of the Peel Watershed Regional Land Use Plan

<sup>3</sup> Page 5 of the Peel Watershed Regional Land Use Plan

The comments by Blackstone Outfitters (document #2021-0176-0027) also indicate that pollution from garbage and fuel at the Michelle Creek exploration site in 2021 deeply marred the “natural beauty of the northern Yukon” and impacted the enjoyability and viability of associated wilderness tourism activities. We recognize that the proponent has recommended establishing “good two-way communication” with hunters as a proposed mitigation (Document #2021-0176-0001) but we do not feel that this mitigation is adequate or logistically possible.

Wilderness Areas are under an interim withdrawal from any new industrial land use and surface access. This is meant to “provide options for future generations”<sup>4</sup> while “providing land use certainty in the near term”<sup>5</sup>. This withdrawal will be reviewed during a future comprehensive plan review and these areas could be permanently protected at that time. The interim nature of this protection does not mean Wilderness Areas should currently receive less protection than Special Management Areas with permanent protection. Unless designated as Integrated Management Areas in the future, permitting this quartz exploration project within the Hart River and West Hart River LMUs is inconsistent with the regional plan’s objectives for Conservation Areas, given the impacts of the project. **CPAWS Yukon requests that the Designated Office recommend that project activities proposed within the Hart River and West Hart River Wilderness Areas do not proceed.**

#### *Adequate Baseline Data*

The regional plan calls for adequate baseline data on wildlife, terrestrial habitat, fish, waterbird, aquatic habitat and water quality, and heritage and historic resources to be provided prior to the commencement of development activities. The intent of this information is to allow for appropriate project assessment, mitigations, and monitoring<sup>6</sup>. While the plan does not define “adequate” or list detailed baseline data requirements, the Plan Parties, and in particular the implementation working group, can likely provide further guidance on baseline data that should be provided as part of this assessment.

The regional plan’s description of the West Hart River (LMU 4, pages 85-87) and Hart River (LMU 6, pages 91-93) also provide useful guidance on key values where comprehensive and up-to-date baseline information should be provided. While not an exhaustive list, we suggest the following baseline information be provided:

- Up-to-date use areas, high habitat suitability areas, and Wildlife Key Areas for the Porcupine and Hart River caribou herds and sheep for all seasons both within and near the project area.
- Projected habitat shifts due to climate change and climate refugia within and near the project area.
- Golden eagle, bald eagle, and gyrfalcon nesting locations.
- Endemic plant survey within the project area.
- Locations of mineral licks and wildlife passes within the project area.

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<sup>4</sup> Page 5 of the Peel Watershed Regional Land Use Plan

<sup>5</sup> Page 36 of the Peel Watershed Regional Land Use Plan

<sup>6</sup> Page 48 of the Peel Watershed Regional Land Use Plan

- Spatial and temporal extent of wilderness tourism, recreation and hunting/outfitting activities, both guided and self-guided, within and near the project area.
- Viewscape analysis from the Dempster Highway.
- Culturally important places and other heritage resources within and near the project area.
- Spatial and temporal extent of traditional economy activities, both within and near the project area.

It is critical to gather this information now, ahead of the commencement of industrial activities, to determine project effects, develop appropriate mitigations, and allow for adequate monitoring as called for by the Peel Watershed Regional Land Use Plan.

## Wildlife

### Caribou

The Michelle Creek project overlaps important wintering areas for the Porcupine caribou herd and the Hart River caribou herd. This includes Wildlife Key Areas (WKAs<sup>7</sup>) for the Hart River caribou herd. While winter project activities are not planned at this time, this is a future concern if winter activities are proposed. The Silver Matt drill zone is adjacent to a rutting range WKA for the Hart River caribou herd and project activities are likely to temporarily overlap use of this area (September and October). The Hart River caribou herd belong to the Northern Mountain caribou population, a species of Special Concern under the Species at Risk Act. This population was listed due to threats from habitat modification, increased human access, and resulting vulnerability to predators<sup>8</sup>. The management plan for Northern Mountain Caribou includes two objectives we would like to highlight:

- *Herds comprising the Northern Mountain population are maintained or recovered, and populations operate within the natural range of variability.*
- *The ecological integrity of key habitats and ecosystems required by the Northern Mountain population are maintained.*

Caribou are highly sensitive to disturbance and alterations to their habitat. Barren-ground caribou in the Northwest Territories have demonstrated a mining-related zone of influence of up to 14 km<sup>9</sup>. Other researchers determined a zone of influence ranging from 1.5 km to 9 km, depending on the season and type of disturbance, on northern mountain woodland caribou<sup>10</sup>.

<sup>7</sup> Government of Yukon. 2021. Find Wildlife Key Area GIS Datasets. Available at:

<https://yukon.ca/en/science-and-natural-resources/fish-and-wildlife-species/find-wildlife-key-area-gis-datasets>

<sup>8</sup> Environment Canada. (2012). *Management Plan for the Northern Mountain Population of Woodland Caribou (Rangifer tarandus caribou) in Canada*. Species at Risk Act Management Plan Series. Environment Canada, Ottawa.

[https://www.sararegistry.gc.ca/virtual\\_sara/files/plans/mp\\_woodland\\_caribou\\_northern\\_mountain\\_population\\_e.pdf](https://www.sararegistry.gc.ca/virtual_sara/files/plans/mp_woodland_caribou_northern_mountain_population_e.pdf)

<sup>9</sup> Bouglanger, J., Poole, K.G., Gunn, A., & Wierzchowski, J. (2012). Estimating the zone of influence of industrial developments on wildlife: a migratory caribou Rangifer tarandus groenlandicus and diamond mine case study. Wildlife Biology. 18: 164-179. Available at:

<https://nwtdiscoveryportal.enr.gov.nt.ca/geoportaldocuments/Bouglanger%202012%20Caribou%20ZOI%20Wildlife%20Biology.pdf>

<sup>10</sup> Polfus, J.L., Hebblewhite, M., & Heinemeyer, K. (2011). Identifying indirect habitat loss and avoidance of human infrastructure by northern mountain woodland caribou. Biological Conservation. 144(2011) 2637-2646. Available at: <https://www.sciencedirect.com/science/article/abs/pii/S0006320711002862#!>

## Sheep

The project's Silver Matt Zone, an area where trenching and drilling is proposed to occur, is near to a thinhorn sheep winter habitat WKA. Thinhorn sheep are extremely sensitive to human disturbance, including helicopter flights. Asking pilots to follow the *Flying in Sheep Country* and *Flying in Caribou Country* guidelines is good practice, and highly recommended, but this alone is not sufficient in ensuring negative effects to sheep and other wildlife do not occur.

It also does not appear possible for the proponent to follow the guidance in *Flying in Sheep Country* to fly more than 3.5 km from known sheep ranges in the case of the Silver Matt Zone, and is a further reason we recommend no activity take place in the regional plan's Wilderness Areas. For any project activities occurring near important sheep habitat, spatial buffers and timing windows<sup>11</sup> are key mitigations the proponent should describe in detail, informed by project-specific wildlife baseline data and recommendations from the Regional Biologist.

## Raptors

Finally, the project overlaps Golden Eagle, Gyrfalcon, and Bald Eagle nesting WKAs. Alpine raptors are already sensitive to disturbance<sup>5</sup>, and may be more vulnerable to human disturbance during the reproduction stage as they incubate, defend, and feed their young. Again, detailed and project-specific spatial buffers and timing windows are necessary for any project activities to mitigate effects to these species.

## Wildlife - General

Exploration activity within the Wilderness Areas and within or near Wildlife Key Areas is likely to have a detrimental effect on the wildlife of the region. On page 11 of the project proposal (document #2021-0176-0001), the applicant notes that "wildlife quickly adapts to exploration activity". We are concerned this phrasing indicates wildlife disturbance during previous exploration activity, especially given the comments submitted by Blackstone Outfitters indicating that 2021 exploration activities (document #2021-0176-0027) displaced wildlife from the project area, including from a critical watering hole. This displacement and other likely detrimental effects is not consistent with the regional plan's call for "unfettered movement and habitat use of Porcupine and Hart River caribou herds, Dall's sheep and other large mammals<sup>12</sup>". **CPAWS Yukon repeats our request that project activities within the Wilderness Areas do not proceed, and that project activities within the Zone III IMA are subject to additional mitigations.**

We recommend the following mitigations for activities within the Zone III IMA:

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<sup>11</sup> [Correspondence] Reid, D., and Hayes, R. 2014. Avoiding Disturbance to Yukon's Alpine Ungulates and Raptors: A Summary of Scientific Knowledge on Spatial Buffers and Timing Windows. Wildlife Conservation Society Canada – Whitehorse. <https://library.wcs.org/doi/ctl/view/mid/33065/pubid/DMX3271000000.aspx>

<sup>12</sup> Pages 86 and 92 of the Peel Watershed Regional Land Use Plan.

- Collect adequate baseline data on wildlife, terrestrial habitat, fish, waterbird, aquatic habitat and water quality, heritage and historic resources prior to beginning exploration activities.
- Use baseline data to form project-specific mitigations such as identifying flight paths that will avoid important habitat for sensitive species.
- Install and maintain bear proof dumpsters and an electric fence around camps and fuel during the operating season.
- Ensure all project personnel abide by the following documents:
  - Environment Yukon. 2008. Guidelines for Industrial Activity in Bear Country. Available at <https://yukon.ca/en/guidelines-industrial-activity-bear-country>
  - Proponent's Guide: Assessing and Mitigating the Risk of Human-Bear Encounters. Available at <https://yukon.ca/en/proponents-guide-assessing-and-mitigatingrisk-human-bear-encounters>
- Develop spatial buffers and timing window mitigations, including but not limited to:
  - No project activities near sheep lambing areas in May and June, or near sheep rut habitat in November.
  - Industrial activities near or within caribou fall breeding (rut) habitat should be suspended during the key rutting period, September to October, or otherwise as suggested by a Regional Biologist.
  - For guidance in developing these types of mitigations, refer to: Reid, D., and Hayes, R. 2014. Avoiding Disturbance to Yukon's Alpine Ungulates and Raptors: A Summary of Scientific Knowledge on Spatial Buffers and Timing Windows. Wildlife Conservation Society Canada – Whitehorse. <https://library.wcs.org/doi/ctl/view/mid/33065/pubid/DMX3271000000.aspx>

In summary, CPAWS Yukon is strongly opposed to the parts of the Michelle Creek project that fall within the West Hart River and Hart River Wilderness Areas. For aspects of the project that fall within the Zone III IMA, we strongly recommend more detailed mitigation measures are taken and that baseline data is collected before exploration work begins.

Sincerely,

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