

December 20, 2022

Dear Government of Yukon and Tr'ondëk Hwëch'in Government,

Thank you for the opportunity to comment on the Recommended Plan for the Dawson Region. The Yukon Chapter of the Canadian Parks and Wilderness Society (CPAWS Yukon) advocates for the territory's most valuable and priceless resource: our abundant wilderness. Our mission is to conserve the land, water and wildlife of the Yukon for current and future generations. As a conservation organization, we carry a responsibility to ground our actions within a commitment to reconciliation, and we recognize that the lands and waters we advocate for are also the Traditional Territories of Yukon First Nations, the Inuvialuit, and transboundary First Nations in British Columbia, the Northwest Territories, and Alaska.

CPAWS Yukon is deeply grateful that the Tr'ondëk Hwëch'in Final Agreement has provided an opportunity to participate in the development of a plan for the Dawson Region, and we are thankful to the staff and Commission members who have created a process that lives up to the plan's motto: On the Land We Walk Together/ 'Nän kāk ndä tr'ädäl.

We commend the Commission for the care they have put into the plan. It is obvious that the members respect the land and know the region well. We see that a multitude of positive changes have made their way into this version of the plan, from stronger protections for caribou and conservation areas, to weaving in Tr'ëhudè and climate change, to the recognition of UNDRIP and of cultural landscapes. It was an impossible task for our submission to acknowledge all of the strengths of the plan, but please know that we see many.

This plan is being developed against the backdrop of multiple commitments. The recently signed Canada-Yukon Nature Agreement looms large in our minds and is a helpful measure for what it will take to preserve the region's biodiversity and the many values attached to it. But the most important commitment of all is honouring the integrity of the Tr'ondëk Hwëch'in Final Agreement, where this plan is grounded, as well as the stewardship that exists now and has preceded the planning process since time immemorial.

We wish the Parties well as they reflect on the feedback they receive and work together to secure a healthy future for the region.

Sincerely and on behalf of the CPAWS Yukon team,



Randi Newton, Conservation Manager

We have divided our recommendations into three sections: (1) major, overarching recommendations, (2) recommendations specific to each Land Management Unit, and (3) other comments on the plan.

Major Recommendations

1. Prioritize protection of the Fortymile caribou herd's key habitat over exploration and hardrock mining

In our comments on the Draft Plan, we had urged the Commission to build on protections in the Matson Uplands and designate the entirety of the Fortymile caribou herd's range as an SMA, given the immense importance of the herd and the threats it faces from access and mining development. While stopping short of full protection, we recognize that the Commission has taken the bold step of recommending the interim withdrawal of Wëdzey Tay (Fortymile Caribou Corridor) from quartz staking, and in stating that quartz exploration and development is not supported in this landscape.

It is vital to maintain the integrity of the Fortymile caribou herd's existing range in the Yukon and ensure it can expand into its historic range. This goal is embedded within the *2020 Fortymile Caribou Herd Harvest Management Plan*. The persistence of the herd relies on maintaining the herd's migratory range and summer habitat. We won't detail this evidence, recognizing that both Parties have summarized evidence for the importance of habitat and unfettered migration in multiple documents, including in submissions to YESAB for hardrock exploration projects in the herd's summer range.¹ More recently, we are aware that the Parties have collaborated on a cumulative effects report² for the Region, which notes:

As a result, maintaining current summer range is critical for this herd, meaning that any loss of summer range availability will result in a reduction in the size of the Fortymile caribou herd. To meet the herd's harvest management plan objectives of continued use and expansion into historic range, human activity should be managed to allow for the full use of existing summer ranges in Yukon, including migration into and out of those ranges. Based on current research, the loss of either of these components will reduce the herd's size and as a result, a reduction in herd distribution, which ultimately limits the ability of Yukoners to access this herd.

We urge the Parties to maintain or strengthen the designations of the landscapes that the Fortymile herd relies on, in alignment with the documents we've cited. We understand that

¹ For example, see Tr'ondëk Hwëch'in's and Yukon Environment's comments on [Project 2021-0045: Quartz Exploration - Connaught Property \(Amendment\)](#).

² Hornseth, M.L., A. Pysklywec, S. Skinner, K. Staples, and M. Suitor. (2022). *Exploring the Cumulative Effects of Future Land Use in the Dawson Planning Region*. Dawson Regional Planning Commission, Yukon, Canada. <https://dawson.planyukon.ca/index.php/publications>

quartz claims blanket large parts of the herd's core range but to open up these landscapes to hardrock mining would be a disservice to the herd and everyone who has sacrificed and worked so hard to help it recover.

While some have claimed that intensive industry and caribou can co-exist, a mountain of research and the staggering decline of caribou herds to the more-developed south shows this is not true. As one research study bleakly stated, "What we do know is that after 30 years of caribou management involving industry guidelines, best practices, and various restrictions on activities, Alberta's woodland caribou are now closer to extirpation than they ever have been".³

For these reasons, and detailed in our comments on the relevant LMUs, we recommend:

- Maintaining protections for the Wëdzey Năhuzhi (Matson Uplands) through the SMA designation.
- Providing enduring protections from hardrock mining in Wëdzey Tay, through an SMA designation or by cementing the caribou overlay and hardrock withdrawal during implementation.
- Extending the caribou overlay across the northwestern section of LMU 15: Khel Dëk (Sixty Mile) that falls within the herd's core range, so that hardrock exploration and mining activities are prevented (while recognizing that the area contains existing placer activities which may be less impactful to the herd).

2. Honour commitments to adequately protect the Klondike Plateau ecoregion

The planning area overlaps five distinct ecoregions: the Klondike Plateau, McQuesten Highlands, Mackenzie Mountains, North Ogilvie Mountains, and a small corner of the Yukon Plateau-Central ecoregion. These areas are nature's neighbourhoods - each has a distinct ecological character, is home to different communities of plants and animals, and gives rise to unique on-the-land experiences. Protecting a significant portion of each ecoregion in the Yukon will ensure future generations of people and wild creatures can experience the same diversity of wild places that exist today.

The Mackenzie Mountains and North Ogilvie Mountains ecoregions already have protection afforded to them through Tombstone Territorial Park and protected areas outside the region, and CPAWS Yukon is pleased to see that the Tintina Trench SMA (LMU 10) will provide better representation for the McQuesten Highlands ecoregion, an area that currently lacks sufficient protection.

However, the Klondike Plateau, which blankets the southern and central parts of the region, currently has no protection in the Yukon, and would receive meager protection (~5%) through the Wëdzey Năhuzhi (Matson Uplands) and Łuk Tthe K'ăt (Scottie Creek Wetlands) SMAs. Shifting the Recommended Plan's proposed Wetland of Special Importance for the Ladue River

³ Page 1610 in Schneider, R. R., Hauer, G., Adamowicz, W. L., & S. Boutin. (2010). Triage for conserving populations of threatened species: The case of woodland caribou in Alberta. *Biological Conservation*, 143(7), 1603-1611.

Wetlands to an SMA for the Ladue Watershed is one way to better protect the Klondike Plateau, although of course additional areas could be identified.

Adequately protecting the Klondike Plateau ecoregion aligns with a key goal of Yukon's *Parks and Land Certainty Act* and the *Yukon Parks Strategy*, which is to represent all ecoregions in the network of Yukon's protected areas. The Dawson Region is the last chance for the Government of Yukon to honour this commitment for the Klondike Plateau. Adequately protecting this ecoregion is also necessary to meet one of the Recommended Plan's own ecological goals, to "preserve ecologically representative areas" (pg. 11).

There are many other reasons to ensure ecoregions have sufficient protection. For one, it creates a conservation network that is biodiverse and ecologically representative. Ecosystems rich in biodiversity are resilient and better able to adjust to future disturbances like fire or climate change.

Adequate protection of ecoregions is also critical for measuring the future success of the plan's cumulative effects framework. Large, ecologically healthy conservation areas are 'ecological benchmarks,' which can be used as undisturbed points of reference. This makes it possible to evaluate how well management actions are working in similar landscapes that host development or resource extraction.⁴ Ecological benchmarks make it easier to determine if changes on the land are human-caused or due to natural ecological fluctuations.

For example, if biodiversity is declining in a developed landscape and similar changes are occurring in a comparable conservation area, then development is not likely behind the decline. But if biodiversity is declining in a developed landscape and not in a comparable conservation area, then the cause is likely development. This type of information could be used to adjust policies and disturbance threshold levels in the Dawson Region.

3. Provide much-needed good news for salmon.

The Dawson Region Plan is being prepared against the backdrop of a historically low return of chinook and chum salmon up the Yukon River. There is no one single driver behind the declines in the Yukon River salmon, so that means that there's no singular solution. But the plan can work to address some of the threats to salmon, and hopefully play a part in the recovery of the Yukon River's critical salmon runs.

Across much of the Dawson Region, disturbance from placer mining presents a risk to salmon. Placer development can disrupt spawning habitat for salmon and increase the turbidity of streams and rivers.⁵ Meanwhile, streams that have been disturbed by placer mining tend to be more structurally homogeneous than undisturbed creeks, which limits the availability of deep

⁴ Schmiegelow, F. (2007). On benchmarking natural systems. *Canadian Silviculture*, 5(1), 3-7.

⁵ Sergeant, C. J., Sexton, E. K., Moore, J. W., Westwood, A. R., Nagorski, S. A., Ebersole, J. L., ... & Skuce, N. (2022). Risks of mining to salmonid-bearing watersheds. *Science Advances*, 8(26), eabn0929.

pools and other features that provide important habitat for juvenile salmon.⁶ Such creeks tend to support fewer juvenile salmon than creeks with a higher diversity of streambed habitats.⁷

The Recommended Plan speaks to the ecological and cultural significance of salmon, but the specifics could provide stronger protections for salmon. One shortcoming is that the Recommended Plan's cumulative effects thresholds are land-centric. The health of the land and water are interconnected, but using only land-based indicators limits the plan's ability to manage the health of the region's waters. The Final Plan should strengthen protections for salmon and water by adding water quality indicators into its cumulative effects framework and linking these indicators to linear and surface disturbance (which increase sediment runoff). For example, the Final Plan should include an indicator for turbidity levels in streams and rivers, often measured in nephelometric turbidity units (NTUs). Many detrimental effects on juvenile salmon have been found in turbidity levels ranging from 10 to 60 NTUs.⁸ The Parties to the plan should work to determine appropriate water quality thresholds for the Dawson Region, based on the requirements of salmon and other aquatic life.

Excessively high levels of disturbances in and around riparian habitats could also disrupt salmon spawning and overwintering habitat, pollute streams and rivers with sediments and trace toxins, and deteriorate in-stream salmon habitats. In the Goldfields LMU, about 20% of the lands within one kilometre of the Indian River have been disturbed by placer mining, but overall disturbances account for about 2% of the LMU. Under the current disturbance threshold regime, similar patterns of disturbance could occur around other stream and river habitats within the Dawson Region. The final plan should manage development levels at a finer scale, to ensure that no one habitat type experiences an inordinate amount of disturbance. One way to do this could be to designate a series of river corridor overlays within each LMU, and then require that disturbance levels within the river corridor stay within or at a much lower disturbance threshold set for the whole LMU (or within levels linked to riparian and aquatic health).

CPAWS Yukon supports the Plan's recommendation that a "comprehensive, publicly accessible aquatic habitat inventory should be conducted prior to mining and other land use activities in areas that have not yet been mined to determine whether salmon habitat is at risk." However, such baseline monitoring should also occur in areas where mining activity has occurred, as such places could still harbor important salmon habitat.

4. Include clear language that the plan will be jointly implemented

The Dawson Region Land Use Plan's motto is "On the Land We Walk Together" / 'Nän kāk ndä tr'ädäl." These words represent the importance of people coming together to create a strong

⁶ Mossop, B., & Bradford, M. J. (2006). Using thalweg profiling to assess and monitor juvenile salmon (*Oncorhynchus* spp.) habitat in small streams. *Canadian Journal of Fisheries and Aquatic Sciences*, 63(7), 1515-1525.

⁷ Mossop, B., & Bradford, M. J. (2006). Using thalweg profiling to assess and monitor juvenile salmon (*Oncorhynchus* spp.) habitat in small streams. *Canadian Journal of Fisheries and Aquatic Sciences*, 63(7), 1515-1525.

⁸ Bash, J., Berman, C. H., & Bolton, S. (2001). *Effects of turbidity and suspended solids on salmonids*. University of Washington Water Center.

future for the Dawson Region. Joint implementation of the plan by the Parties is a vitally important way to carry this spirit of partnership forward. Joint implementation aligns with the Supreme Court of Canada's decision on the Peel Watershed planning process, which reiterated that modern treaties are expressions of partnership between nations, meant to advance reconciliation.

While the Recommended Plan speaks of “a collaborative approach to management” in the implementation section (pg. 274) and of the Parties working together, it does not have the same clear language of the Peel Watershed Regional Plan, which states that “The Parties to the Plan will make best efforts to jointly implement the Plan in its entirety” (pg. 125). This language should be included in the Dawson Region Plan so that co-implementation is unambiguous.

5. Include linear features in the surface disturbance calculation to avoid undercounting disturbance

The Recommended plan provides a cumulative effects framework that considers surface disturbance and linear feature density. These are commonly used metrics to monitor human disturbance across the landscape, but the plan's surface disturbance measurement excludes features such as roads, trails, and seismic lines. We believe this is an oversight because these features are both linear and surface disturbances.

Excluding roads, trails and seismic lines from the surface disturbance calculation means there will be more disturbance on the landscape than is accounted for and the surface disturbance metric won't be truly representative. This could lead to underestimates of habitat loss and obscure the impacts of disturbance.

In addition, the density of linear features isn't the only way linear features influence cultural and ecological values. The width of linear features like roads and trails influences species' habitat use and movement rates, interactions among species, edge effects and tree regeneration rates. Predators such as wolves and bears select linear features because they make it easier to travel and spot prey. These features can help predators move into areas of prey refugia, which has negative impacts on species like caribou⁹. The width of linear features influences how much predators use these features. For example, wolves prefer long, straight features but don't select narrow, serpentine or zigzag features¹⁰. Black bears select seismic lines over interior forest habitat when the lines are greater than two metres wide¹¹. Wider linear features also experience

⁹ DeMars, A.D., Boutin, S. 2017. Nowhere to hide: Effects of linear features on predator-prey dynamics in a large mammal system. *Journal of Animal Ecology*. DOI: 10.1111/1365-2656.12760

¹⁰ Dickie, M., Serrouya, R., McNay, R.S., Boutin, S. 2017. Faster and farther: wolf movement on linear features and implications for hunting behavior. *Journal of Applied Ecology*, 54,253–263. doi: 10.1111/1365-2664.12732

¹¹ Tigner, J., Bayne, E.M., Boutin, S. 2014. Black Bear Use of Seismic Lines in Northern Canada. *The Journal of Wildlife Management* 78(2):282–292. DOI: 10.1002/jwmg.664

greater temperature and light fluctuations, which can extend up to 10 metres into the adjacent forest and affect growing conditions for plants¹².

While the width of the different types of linear features is variable, Yukon Government's protocol for surface disturbance mapping includes measuring the width of linear features,¹³ and it should be straightforward to include these features in the surface disturbance calculation.

6. Use tools to ensure disturbances cannot be concentrated to extreme levels within LMUs.

The Recommended Plan allows 4% surface disturbance in LMU 11 - Goldfields, or 249 km² of disturbances across the entirety of the LMU. While at first glance this appears to be less disturbance than the 5% surface disturbance allowed in the Draft Plan, unlike the Draft Plan, the Recommended Plan does not count linear disturbances like roads and cut lines as surface disturbances. That means that the overall amount of surface disturbance permitted across the two versions of the plans is likely similar.

The Recommended Plan's surface disturbance framework calculates disturbances by averaging them out across the entirety of each LMU, but placer disturbances are concentrated in the bottoms of valleys. Existing disturbances make up about 2% of LMU 11 - Goldfields, but already consume about 20% of the habitat within a kilometre of the Indian River. Extrapolated, that means that the 4% surface disturbance permitted under the Recommended Plan could lead to 40% disturbance in the Indian River corridor—an extreme level of development by any definition.

According to the Recommended Plan, the purpose of cumulative effects indicators such as limits on surface disturbance is to help “achieve the objective of Sustainable Development as defined in the [Final Agreements]” and as a tool to “minimize land use conflicts and support compatible uses.” In spite of these intentions, the Recommended Plan's cumulative effects framework would permit extraordinarily high levels of development in places such as the Indian River corridor. A framework that could allow 40% disturbance of valley bottom habitats clearly does not balance development with other values that the land use plan aims to respect.

The reason why development levels could become so high in places like the Indian River corridor is because large areas with low development can subsidize extremely high levels of development in a smaller area. For example, LMU 11 - Goldfields is over 6,000 km² in size, most of which is upland habitat with very low development pressure. Extreme levels of disturbance around the Indian River would be offset by large tracts of mountainous areas dozens of kilometres away remaining undeveloped—places where development would probably never have happened anyway.

¹² Franklin, C.M.A., Filicetti, A.T., Nielsen, S.E. 2021. Seismic line width and orientation influence microclimate forest edge gradients and tree regeneration. *Forest Ecology and Management* 492 (2021) 119216. <https://doi.org/10.1016/j.foreco.2021.119216>

¹³ Environment Yukon. 2021. *Anthropogenic Surface Disturbance Mapping in the Yukon: Standards and Guidelines for Contractors Version 4.0*. Government of Yukon.

One way to apply surface disturbance thresholds in a more even way in the Goldfields would be to designate a specific overlay, or sub-LMU for the Indian River corridor, and then apply the overall surface disturbance threshold to this smaller area. The Draft Plan proposed a similar approach to LMU 23 - Fortymile caribou corridor, with different disturbance thresholds applied at different elevations. Using such an approach for known development hotspots like the Indian River would ensure that developments stay within cumulative effects thresholds at both the river corridor scale, and the LMU scale.

7. Improving measures to protect peatlands is a tangible way the plan can address climate change.

The Yukon is in a state of climate emergency, as declared by the Yukon Legislative Assembly, the Council of Yukon First Nation and the Assembly of First Nations Yukon. Climate change needs to be at the heart of decision making, and this includes decisions made at the land use planning table. As it is currently written, the Recommended Plan would allow significant amounts of new developments within peatlands, at a time when it is critical to safeguard these natural carbon storehouses. The final plan will have a huge bearing on the health of peatlands—and the ability of these ecosystems to remain as carbon stores.

The [Global Peatlands Assessment](#), released by the UN Environment Programme on November 17th of this year, provides clear advice to the Parties: “It is imperative that the 88% of the world’s peatlands that have not been drained and not been heavily degraded be urgently protected to prevent their immense carbon stocks from being mobilized” (pg. 8).

CPAWS Yukon recently released a [report](#) on potential carbon emissions from peatland disturbance, based on the Recommended Plan’s cumulative effects thresholds, overlay areas and policy recommendations. Our results are a ballpark estimate for the amount of carbon that could be released but point to the magnitude of the issue, based on the maximum amount of future developments that the Recommended Plan would allow.

We estimated that future placer development within the part of the Indian River Watershed that falls within LMU 11 - Goldfields could release 508 kilotonnes of CO₂ into the atmosphere over time. Our estimate is this high in part because peatlands are prevalent in the Indian River valley, and in part because the Recommended Plan puts very few limits on development within LMU 11 - Goldfields. The Recommended Plan’s surface disturbance thresholds would permit 246 km² of disturbance across the LMU, and little in the plan prevents these disturbances from being concentrated in the valley bottom habitats that are rich in peatlands.

For comparison, a recently announced [solar project](#) in the Yukon aims to reduce CO₂ emissions by 1 kiltonne per year, at a construction cost of \$19 million. We mention this solar project not to diminish it, as we believe it is important, but to help put the scale of potential emissions from peatland disturbance into environmental and economic perspective.

The Recommended Plan states that “in areas where there is overlapping mineral and wetland interest, the decision to allow some limited development in wetlands is acceptable and the allowable disturbance allocated is measured at the scale of a permit area or claim block.” However, the Recommended Plan does not define what level of disturbance within wetlands would be allowed. The vagueness of this language provides little in the way of guidance to project assessors when determining whether to authorize development in undisturbed wetlands.

We estimated that developments in fens and swamps within LMU 17 - Nän Dhòhdäl - Upper Indian River Wetlands could release over 66 kilotonnes of CO₂. The Draft Plan had designated LMU 17 as a Special Management Area II, which would have allowed some development on existing claims, but importantly would have prevented development within undisturbed fens. Changing the designation from a SMA to an ISA has undone the protections for fens, and could result in dozens of kilotonnes of CO₂ release.

CPAWS Yukon appreciates the intention behind designating LMU 17 as a “Wetland Stewardship Area.” However, the way we interpret the Recommended Plan, the Wetland Stewardship Area would provide little in the way of added protections to LMU 17. As a Wetland Stewardship Area there would be an interim moratorium of new mineral staking. However, there are already 53 km² of placer claims within LMU 17.

Our report looked only at the Indian River Watershed (where publicly available maps are available), but peatlands in other areas are vulnerable to development too. 275 km² of fens and swamps are overlapped by placer claims in other parts of the Dawson Region.¹⁴ That’s three and half times the area of peatlands that are staked for placer mining in the Indian River Watershed. The carbon footprint of exploration, mining, road construction and agriculture in peatlands elsewhere in the Dawson Region could be even greater than what we have reported for the Indian River.

Given the importance of ecological and cultural significance of wetlands, the enormous volume of carbon that many of these wetlands store, and the reality that many wetlands in places like the Indian River Watershed have been lost forever, CPAWS Yukon urges the Parties to provide the strongest protections possible for wetlands. The Recommended Plan already prevents new development in undisturbed bogs and marshes, but these wetlands account for a fraction of overall wetlands in the Dawson Region. The Recommended Plan should expand its policy recommendations to include protections for undisturbed fens in the region. Enacting strong protections for fens would prevent hundreds of kilotonnes of CO₂ from being released to the atmosphere.

While enacting strong protections for wetlands would deny future resource development in these areas, the Yukon has witnessed decades of wetland loss in places like the Indian River, over which time industry has operated in a regulatory environment that provided little in the way of protections for wetlands. As a result there has been widespread wetland loss in the Indian

¹⁴ Kenyon, J. (2022). Peatland statistics shared by Ducks Unlimited Canada. [Email communication].

River, which places greater significance on the protection of the wetlands that remain undisturbed. We urge the Parties to protect peatlands and, if compensation is necessary, it could be justified as a climate change mitigation expenditure, given the importance of wetlands in carbon storage.

At the same time, the swamps, bogs and fens in places like the Indian River are more than carbon reservoirs. These wetlands are home to moose, beavers and waterfowl, and a breadbasket for many First Nations citizens. Safeguarding peatlands is critical for their ecological and cultural importance—let alone for their importance to the climate crisis. We hope decision makers will rise to the urgency of the moment, and take leadership to conserve these peatland ecosystems.

Comments on and Recommendations for Specific Land Management Units

LMU 1: Tthetäwndëk (Tatonduk)

We commend the Commission for designating this area as a Special Management Area, as a way to protect its wilderness character, ecological connectivity, and opportunities for cultural continuity.

All potential protected area landscapes must be vetted against a set of criteria in Canada's [Decision Support Tool](#) document before they can be counted towards the Yukon's 25% by 2025 target. While this process sounds jargony, it's meant to ensure that protected areas will be effective at protecting biodiversity (among their many other goals). We suggest some small tweaks to ensure this SMA can be counted under the Yukon's 25% by 2025 target. This includes language that lands will be withdrawn from all industrial activities, not just mineral staking and oil and gas dispositions. It would also be helpful to clarify that mineral development is restricted to existing mineral tenure and must be conducted in a way that will not impact biodiversity.

LMU 3: Chu Kon Dëk (Yukon River Corridor)

The vision for the Yukon River Corridor speaks to “protecting and enhancing water quality and salmon habitat; protecting the scenic values that attract tourism opportunities; preserving important cultural sites; and managing important industrial access points.” This vision captures the many values attached to the river and strongly resonates with CPAWS Yukon. However, we believe this vision could be more simply achieved by designating the river corridor as a Special Management Area in the plan, with the many values and functions of the river addressed through SMA management planning and zoning. Our understanding is that SMAs can accommodate industrial access points through zoning. This would reduce the extra step of

subregional planning, allowing capacity and resources to be redeployed to other implementation priorities, while still achieving the vision and objectives listed in the Recommended Plan.

We agree that exploration of legal personhood for the river is fitting and something that should be done alongside the other Yukon River First Nations, and believe this could be layered overtop an SMA designation in the Dawson Region.

LMU 4: Tsey Dëk (Fifteenmile)

As we stated in our comments on the draft plan, we believe the Dawson Region plan holds great promise for reconciliation and integrating Indigenous perspectives, values and governance into land management, and that identifying this landscape as an Indigenous Protected and Conserved Area aligns with that promise.

The Recommended Plan's intent statement for this landscape and the Special Management Direction #1 have provided additional clarity from the Draft Plan that Tr'ondëk Hwëch'in will have the primary management role.

If a goal for this landscape is to include it within the 25% by 2025 target, then language tweaks similar to those we suggested for LMU 1: Tthetäwndëk (Tatonduk) would be required.

LMU 5: Ddhäl Ch'ël (Tombstone)

Given that the plan, in accordance with Chapter 11, S.11.2.2 does not apply to Tombstone Territorial Park, some of the Special Management Directions may be unnecessary or potentially in conflict with existing management provisions. We suspect this includes Special Management Direction 2.c:

“Carefully managed surface access should be considered jointly by the Parties to support sustainable tourism activities, forestry, Tr'ondëk Hwëch'in cultural activities, and access to a mineral deposit that has been proven viable by a proponent.” (pg. 188)

LMU 7: Wehtr'e (Antimony)

While we recognize the Commission has included many positive Special Management Directions for this LMU and we are heartened to see a reconfigured border that better protects the Clear Creek caribou herd, we are deeply disappointed that this landscape has shifted from an SMA to an ISA 1.

In 2020 both [Government of Yukon](#) and [Tr'ondëk Hwëch'in Government](#) identified this landscape as a conservation priority. As the Recommended Plan states, it contains some of the highest quality sheep habitat in the region (pg. 85). It hosts critical habitat for the Clear Creek and Hart River caribou herds. The plan notes that it is “an important area for connecting to the land and taking part in Traditional Economic Activities including trapping, fishing, gathering, and

hunting.” Instead of securing enduring protection for these values, an ISA designation creates a situation where the Parties and others may have to raise these values time and time again in the YESAA process to fend off inappropriate development.

We recognize that the presence of large blocks of quartz claims has made this landscape more complex to protect than others, and that a significant number of claims may have to be relinquished for the entirety of this landscape to qualify as a protected area. While mineral claims are a factor to be considered, they cannot be a trump card against protection in such an ecologically and culturally important area, and allowing them to play that role undermines the promise and integrity of the land use planning process.

We suggest the Parties investigate mechanisms for relinquishment of the claims. Recently, conservation foundations stepped in to broker the surrender of mining claims in the Skagit River Doughnut Hole, and a similar arrangement could be explored in this landscape if necessary.

LMU 8: Brewery Creek

As stated above, we appreciate that the Commission has reconfigured the boundary of this LMU so that it includes less critical habitat for caribou.

LMU 9: Clear Creek

We understand that management in this LMU is challenging, given the high density of mineral claims and development that overlaps with the range of the Clear Creek herd. However, it is exceedingly unlikely that the high levels of development permitted in an ISA 4 will support meeting the objective that “habitat and migration pathways are sufficient to support historic population levels of caribou”. As described in the Parties’ cumulative effects report, local knowledge and recent research shows that the Clear Creek herd has already adjusted its range in response to development in this area.¹⁵

The same cumulative report shows that the current linear disturbance in this landscape is 0.6 km/km² and current surface disturbance is 1.67%. Both of these disturbance levels fall below the critical thresholds for an ISA 3 (1.0 km/km² and 2.0%), and we strongly recommend that this landscape be designated as such.

Keeping this LMU as an ISA 4 means that the current disturbance in the landscape will fall well below the cautionary thresholds for linear and surface disturbance (1.5 km/km² and 3.0%), allowing activity to continue at the same pace, “as long as measures are being taken to improve information and awareness” (pg. 57 in the Recommended Plan). Linear disturbance would have to more than double, and surface disturbance would have to almost double, before the cautionary level is reached, at which time action would finally be triggered to “slow the pace and

¹⁵ Hornseth, M.L, A. Pysklywec, S. Skinner, K. Staples, and M. Suitor. (2022). Exploring the Cumulative Effects of Future Land Use in the Dawson Planning Region. Dawson Regional Planning Commission, Yukon, Canada. <https://dawson.planyukon.ca/index.php/publications>

scale of impacts” (pg. 57). By that time it will be far too late to take meaningful action to protect the range of the Clear Creek herd, rendering the cumulative effects framework ineffective for this landscape.

We believe an ISA 3 designation aligns much more strongly with the intent for the Clear Creek LMU and better complements Special Management Directions 1 and 2, which are aimed at mitigating industrial impacts on caribou.

LMU 10: Tintina Trench

CPAWS Yukon is encouraged that the Commission has designated this immensely ecologically and culturally important landscape for protection.

As proposed, this LMU does not currently meet the criteria for protected area status but that can be corrected with a few tweaks. The agricultural corridor and forestry activities are important uses but are incompatible with protected area designation. The North Fork Hydro site is also incompatible. We suggest that these areas be redesignated to ISA status to avoid unintended restrictions on those activities, allowing the remainder of the area to remain an SMA.

The ISA 2 disturbance threshold is also incompatible with the conservation of biodiversity and should be lowered to that of an ISA 1. In reviewing the Parties cumulative effects report, we see that this LMU already falls below the critical thresholds for an ISA 1 (although linear disturbance is close), and removing the working landscape areas from the SMA will likely lower this LMU's linear and surface disturbance levels.

LMU 11: Goldfields

We have already made the majority of our comments relating to the Goldfields in our major recommendations above. However, looking at this LMU one thing that is most striking is actually what is difficult to see - the Stewart River, which bounds the region's southeastern edge and is obscured by the region's mapped border. This river holds immense ecological and cultural values. We recommend introducing Major River Corridors as an overlay designation, to ensure that the values of the region's river ecosystems, like this one, receive adequate protection. This would permit the plan to include special management directions for these areas, as found in the Peel Region Plan, such as “Avoid large-scale industrial and/or infrastructure projects within Major River Corridors.” This designation would also be suitable for other rivers in the region, such as the White River.

LMU 12: Tr'ondëk Tāk'it (Klondike Valley)

CPAWS Yukon agrees that subregional planning is needed for the Klondike Valley, given the high concentration and variety of uses and values in this area.

LMU 15: Khel Dëk (Sixty Mile)

Key summer habitat for the Fortymile caribou herd falls within this landscape, which allows up to 2% surface disturbance as an ISA 3. The part of Khel Dëk (Sixty Mile) that overlaps with the core summer range of the herd is heavily staked for quartz mining, showing high development pressures for this area. The existing disturbance thresholds could allow for a tremendous amount of development within this area, reducing habitat for the herd and posing barriers to their migration.

We suspect this area was not included as part of LMU 21: Wëdzey Tay (Fortymile Caribou Corridor) as it hosts high levels of placer mining, which may have thrown off the surface and linear disturbance thresholds for LMU 21. However, we think a potential solution could lie with the caribou overlay. The benefit of overlay designations is that they can sit overtop multiple LMUs. We ask the Parties to consider extending the caribou overlay across the part of LMU 15 that includes the core range of the Fortymile caribou herd, so that it can be protected from hardrock exploration and mining.

We are pleased to see that the middle of this LMU has become narrower since the Draft Plan, with the land being shifted to Wëdzey Tay (Fortymile Caribou Corridor).

LMU 16: Wëdzey Nāhuzhi (Matson Uplands)

CPAWS Yukon strongly supports the SMA designation for Wëdzey Nāhuzhi (Matson Uplands). The Matson Uplands is the very core of the Fortymile herd's Yukon range, and we commend the Commission for affording these lands a strong conservation designation and increasing the size of the LMU. At the same time, the geometrical edges of the LMU show that it is hemmed in by quartz claims, which have made it difficult to consider the best options for the Fortymile caribou herd.

To our understanding, this LMU as written meets Canadian criteria for designation as a protected area and no language tweaks are needed.

LMU 17: Nān Dhòhdäl (Upper Indian River Wetlands)

There is a stark dissonance between the grief expressed in the text of the Tr'ëhudë section, linked to destruction and change in the Indian River valley, and the continued and advancing destruction permitted in the Special Management Directions. We do not believe that ecological and cultural values in this watershed can be meaningfully protected when development is permitted to consume 50% of fens, ancient peatland ecosystems that cannot be reclaimed, only converted. Fen ecosystems are shaped by the flow of water, and disruption of this flow could lead to the loss of more than half of fens in this landscape through indirect disturbance, as well as impacts to wetland ecosystems downstream of this headwater system.

The shift of this landscape from an SMA to an ISA is particularly disappointing when we think back to the testimonies and evidence presented during the 2020 Water Board Hearing on placer mining in wetlands. Tr'ondëk Hwëch'in and First Nation of Na-Cho Nyäk Dun citizens, staff and leadership, alongside conservation organizations and wetland scientists, called for a pause on mining in undisturbed wetlands in the Indian River valley.

While it's positive that the Commission has recommended this landscape be withdrawn from staking until an Upper Indian River Stewardship Plan is developed, the outline of this plan seems to place hope in unproven "opportunities for innovation" and optimism that new mining techniques will provide a win-win path forward. But there are certain activities that cannot be reconciled, and maintaining the ecological and cultural values of a wetland landscape while allowing widespread placer mining is one of these scenarios.

We urge decision makers to offer meaningful protection to this landscape.

LMU 19: Tädzan Dëk (White River)

As we detailed in our major recommendations above, we recommend that the proposed Wetland of Special Importance label for the Ladue River Wetlands be shifted to an SMA for the Ladue Watershed. This would offer more certainty for the wetlands and better protect the Klondike Plateau. We are encouraged that the Commission has maintained the Special Management Direction that there be no disturbance to field-verified marshes, fens, and bogs.

LMU 20: Łuk Tthe K'ät (Scottie Creek Wetlands)

The Scottie Creek Wetlands is an extensive and incredibly important wetland complex which CPAWS Yukon is glad to see the Commission designate as an SMA. However, ISA 2 disturbance levels are not aligned with conservation outcomes or protected area status. This, combined with allowing commercial forestry and the existing disturbance from Class 3 and 4 mineral exploration in the LMU's northern tip, means the LMU currently would not meet Canada's protected area criteria. We recommend lowering the disturbance threshold to ISA level 1, and shifting the northwest corner of the LMU that has been significantly altered by mineral exploration to an ISA.

LMU 21: Wëdzey Tay (Fortymile Caribou Corridor)

While we recommend this area be upgraded to an SMA to provide enduring and certain protections for the Fortymile caribou herd and the cultural connections that are linked to it, we are heartened to see that the Commission has put in place thoughtful management prescriptions through the caribou overlay and Special Management Directions. We urge decision makers to build on these protections.

Other Comments on the Plan

We applaud the many small but significant changes from the Draft Plan to the Recommended Plan

For example, we note that instead of a geographical description of the region, the introduction to the plan now begins with the section “Walking Together”, describing that the plan “is for all people who live, work and play in the Dawson Region, including Tr’ondëk Hwëch’in, whose connection to the land goes back to time immemorial, multi-generational families who have made the Region their home, newcomers, and visitors to the Region.”

These small shifts in tone and wording add up to a plan that is significantly more imbued with stewardship than before.

Small is perhaps the wrong descriptor but we note that the Recommended Plan now references reconciliation, Indigenous planning, and UNDRIP, which helps with interpreting the standard the plan should be held to.

Inclusion of Tr’ëhudè has greatly strengthened the plan

The inclusion of the concept of Tr’ëhudè throughout the plan and at the top of each LMU has added critical depth and context to the plan. This is invaluable for interpreting the plan now and in the future.

Surface disturbance and fire (pg. 54 and Research Recommendation 7 on pg. 69)

It is positive that the Plan recommends that the Parties undertake further research on incorporating fire disturbances into the cumulative effects framework. While a recovery strategy for Northern Mountain caribou has not been prepared, the recovery strategy for the Southern Mountain population of woodland caribou identifies habitat that is critical for the survival and recovery of the population; this critical habitat includes winter range that is at minimum 65% undisturbed¹⁶. Disturbed habitat includes both human-caused disturbance, plus a 500 m buffer, and fire disturbance from the last 40 years.

In a recent [submission](#) to YESAB on a quartz exploration project in the Clear Creek herd’s range, we mapped the overlap between the herd’s winter Wildlife Key Areas (WKAs) and fires from the 1980 and onwards. We found that fires from the 1980s - 2020s cover 19% of the herd’s winter range WKA. Disturbance of the herd’s critical habitat may be approaching 65% when combined with buffered human disturbance (although we note it is unclear if a recovery strategy for the Mountain caribou population would recommend 65% undisturbed habitat).

¹⁶ Environment Canada. (2014). Recovery Strategy for the Woodland Caribou, Southern Mountain population (*Rangifer tarandus caribou*) in Canada [Proposed]. Species at Risk Act Recovery Strategy Series. Environment Canada, Ottawa.
https://www.registrelep-sararegistry.gc.ca/virtual_sara/files/plans/rs_woodland_caribou_bois_s_mtn_pop_0114_e.pdf

Disturbance and reclamation (pg. 54 and Policy Recommendation 4 on pg. 68)

We support the plan's values-based reclamation approach. While more complex than a one-size fits all definition, it is more meaningful and will better protect the values the cumulative effects framework is aimed at. This approach should also note where restoration of values is not possible, such as disturbed peatlands.

Socio-cultural indicators (Policy recommendation 1 on pg. 68)

The text of the plan recognizes the interconnections between land and people but the cumulative effects framework is weaker in this regard. We strongly support the development of indicators for socio-cultural values identified in the plan and urge the Parties to ensure a few socio-cultural indicators are included in the final plan.

Trails (pg. 122)

Trails, particularly when travelled by non-motorized means, are a low impact way to connect with the land and recharge. We support the Recommended Management Practice to "Maintain access to new and existing recreational trails by delineating their location, identifying any potential land use conflicts and recommending appropriate mitigation measures (e.g., buffers) as part of the application and review process for new land use tenure." However, it would be helpful for the plan to specify appropriate buffers, as there have been recent land use conflicts regarding trails and placer mining, and disagreement over appropriate buffers.

Definition of "viable claims" / "viable mineral deposits" is needed

The Special Management Directions for LMUs 1, 4 and 5 specify that surface access should be considered jointly by the Parties in cases where mineral claims / mineral deposits have been proven viable by a proponent. If these Special Management Directions are retained in the next version of the plan, we highly recommend defining what is meant by "viable," as it is a qualitative descriptor and can mean different things to different people.

Ensure language regarding determination of new surface access determination is consistent

One of the Special Management Directions for LMU 7: Wehtr'e (Antimony) states that, "In the absence of an access management plan, Parties should jointly determine whether new surface access be permitted, with consideration of the above" [sic, underline added]. However, a similar Special Management Direction for LMU 8: Brewery Creek is stated considerably weaker in terms of co-management, saying that "Except for winter access, new surface access infrastructure off the Dempster Highway should be considered jointly by the Parties."

Determine is a stronger and clearer word than consider, and we recommend that a scan of the plan is done to put it in place consistently.

Withdrawal of staking

The Commission took a strong but necessary stance in recommending staking withdrawals for some of the complex landscapes designated as ISAs, where more time is needed for planning.

We are encouraged that the Government of Yukon has followed through on their recommendations. This has provided much needed breathing room in Chu Kon Dëk (Yukon River Corridor), Wehtr'e (Antimony), Năn Dhòhdäl (Upper Indian River Wetlands), and Wëdzey Tay (Fortymile Caribou Corridor). In line with joint implementation, these withdrawals should be kept in place until agreed by both Parties.