

THE CITY OF DAWSON

COMMITTEE OF THE WHOLE MEETING #CW22-07

DATE: WEDNESDAY May 18, 2022

TIME: 7:00 PM

LOCATION: City of Dawson Council Chambers



Join Zoom Meeting

<https://us02web.zoom.us/j/85326470064?pwd=UzN6OEJueTRFWFhOWTJYcytKVHd2QT09>

Meeting ID: 853 2647 0064

Passcode: 651853

Recognition of CAMA Long Service Award for CAO Bellmore

1. **CALL TO ORDER**
2. **ACCEPTANCE OF ADDENDUM & ADOPTION OF AGENDA**
 - a) Committee of the Whole Meeting CW22-07
3. **DELEGATIONS & GUESTS**
 - a) Tanya Cerovic RE: Dedicated Dry Space in New Rec Centre
4. **BUSINESS ARISING FROM DELEGATIONS & GUESTS**
 - a) Tanya Cerovic RE: Dedicated Dry Space in New Rec Centre
5. **PUBLIC HEARINGS**
 - a) Official Community Plan Amendment No. 8-Infill #1 Lots A, B, D at Lot 1192 S. Klondike Hwy
 - b) Official Community Plan Amendment No. 9-Infill #2 Lots 11-20, N. Klondike Hwy
 - c) Official Community Plan Amendment No. 7-Klondike River Bench
 - d) Zoning Bylaw Amendment No. 17-Infill #1 Lots A, B, D at Lot 1192 S. Klondike Hwy
 - e) Zoning Bylaw Amendment No. 18-Infill #2 Lots 1-22, N. Klondike Hwy
6. **MINUTES**
 - a) Committee of the Whole Meeting Minutes CW22-06 of April 27, 2022
7. **BUSINESS ARISING FROM MINUTES**
 - a) Committee of the Whole Meeting Minutes CW22-06 of April 27, 2022
8. **REFERRALS FROM PRIOR MEETINGS**
 - a) Minister Pilai RE: Housing Initiative Fund-Affordable Housing Development in Dawson
9. **SPECIAL MEETING, COMMITTEE, AND DEPARTMENTAL REPORTS**
 - a) Dawson City Community Priorities
 - b) North End Update
10. **BYLAWS & POLICIES**
11. **PUBLIC QUESTIONS**
12. **IN CAMERA**
 - a) Legal and Land Related Matter
13. **ADJOURNMENT**

THE CITY OF DAWSON

Box 308 Dawson City, YT Y0B 1G0
PH: 867-993-7400 FAX: 867-993-7434
www.cityofdawson.ca



NOTICE OF PUBLIC HEARING: OFFICIAL COMMUNITY PLAN AMENDMENT

Bylaw #2022-08 / OCP No. 8 Bylaw

Subject Property: Infill #1 Lots A, B, D, located at Lot 1192, S. Klondike Hwy.

Date: May 18, 2022

Time: 7:00pm

Location: Council Chambers, City Hall

Listen to Public Hearing: Radio CFYT 106.9 FM or cable channel #11

As per the *Municipal Act*, S. 280.1, upon receiving amendments to the Official Community Plan, Council must give public notice of the application. Therefore, the City of Dawson is now requesting input from the public regarding an OCP amendment to provide for the re-designation of Infill #1 Lots A, B, and D from MU: Mixed Use to CR: Country Residential.



Figure. Location context of amended area.

For more information or to provide your input prior to the public meeting, please contact the Planning and Development Manager or Planning and Development Officer using the following contact information:

Stephanie Pawluk
Planning & Development Manager
Box 308, Dawson City YT Y0B 1G0
planningmanager@cityofdawson.ca
867-993-7400 ext. 414

Stephani McPhee
Planning & Development Officer
Box 308, Dawson City YT Y0B 1G0
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THE CITY OF DAWSON

Official Community Plan Amendment No. 8 Bylaw

Bylaw No. 2022-08

WHEREAS section 265 of the Municipal Act, RSY 2002, c. 154, and amendments thereto, provides that a council may pass bylaws for municipal purposes.

WHEREAS section 278 of the Municipal Act, RSY 2002, c. 154, and amendments thereto, provides that a council must, within three years of formation or alteration of municipal boundaries, adopt or amend by bylaw an official community plan.

WHEREAS section 285 of the Municipal Act, RSY 2002, c. 154, and amendments thereto, provides that an official community plan may be amended, so long as the amendment is made in accordance with the same procedure established for adoption of an official community plan.

THEREFORE, pursuant to the provisions of the *Municipal Act* of the Yukon, the council of the City of Dawson, in open meeting assembled, **ENACT AS FOLLOWS:**

PART I - INTERPRETATION

1.00 Short Title

This bylaw may be cited as the ***Official Community Plan Amendment No. 8 Bylaw***

2.00 Purpose

2.01 The purpose of this bylaw is to provide for

- (a) The redesignation of Infill #1 Lots A, B, and D from MU: Mixed Use to CR: Country Residential.



THE CITY OF DAWSON

Official Community Plan Amendment No. 8 Bylaw

Bylaw No. 2022-08

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DRAFT



THE CITY OF DAWSON

Official Community Plan Amendment No. 8 Bylaw

Bylaw No. 2022-08

3.00 Definitions

3.01 In this Bylaw:

- (a) Unless expressly provided for elsewhere within this bylaw the provisions of the *Interpretations Act*, RSY 2002, c. 125, shall apply;
- (b) "Bylaw Enforcement Officer" means a person employed by the City of Dawson to enforce bylaws;
- (c) "CAO" means the Chief Administrative Officer for the City of Dawson;
- (d) "city" means the City of Dawson;
- (e) "council" means the Council of the City of Dawson;

PART II – APPLICATION

4.00 Amendment

4.01 This bylaw re-designates Infill #1 Lots A, B, & D from MU: Mixed Use to CR: Country Residential, as shown in Appendix A.



THE CITY OF DAWSON

Official Community Plan Amendment No. 8 Bylaw

Bylaw No. 2022-08

PART III – FORCE AND EFFECT

5.00 Severability

5.01 If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder unless the court makes an order to the contrary.

6.00 Enactment

6.01 This bylaw shall come into force on the day of the passing by Council of the third and final reading.

7.00 Bylaw Readings

Readings	Date of Reading
FIRST	April 13, 2022
MINISTERIAL NOTICE	
PUBLIC HEARING	
SECOND	
MINISTERIAL APPROVAL	
THIRD and FINAL	

Original signed by

William Kendrick, Mayor

Presiding Officer

Cory Bellmore, CAO

Chief Administrative Officer



THE CITY OF DAWSON

Official Community Plan Amendment No. 8 Bylaw

Bylaw No. 2022-08

8.00 Appendix A

Figure 1. Location context map

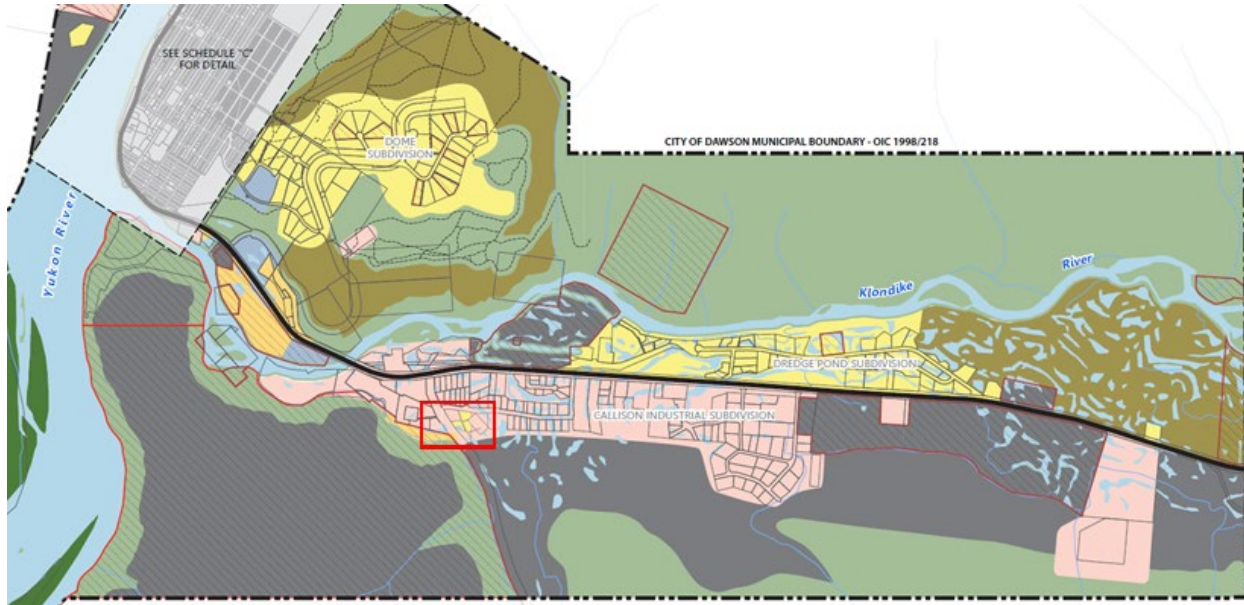
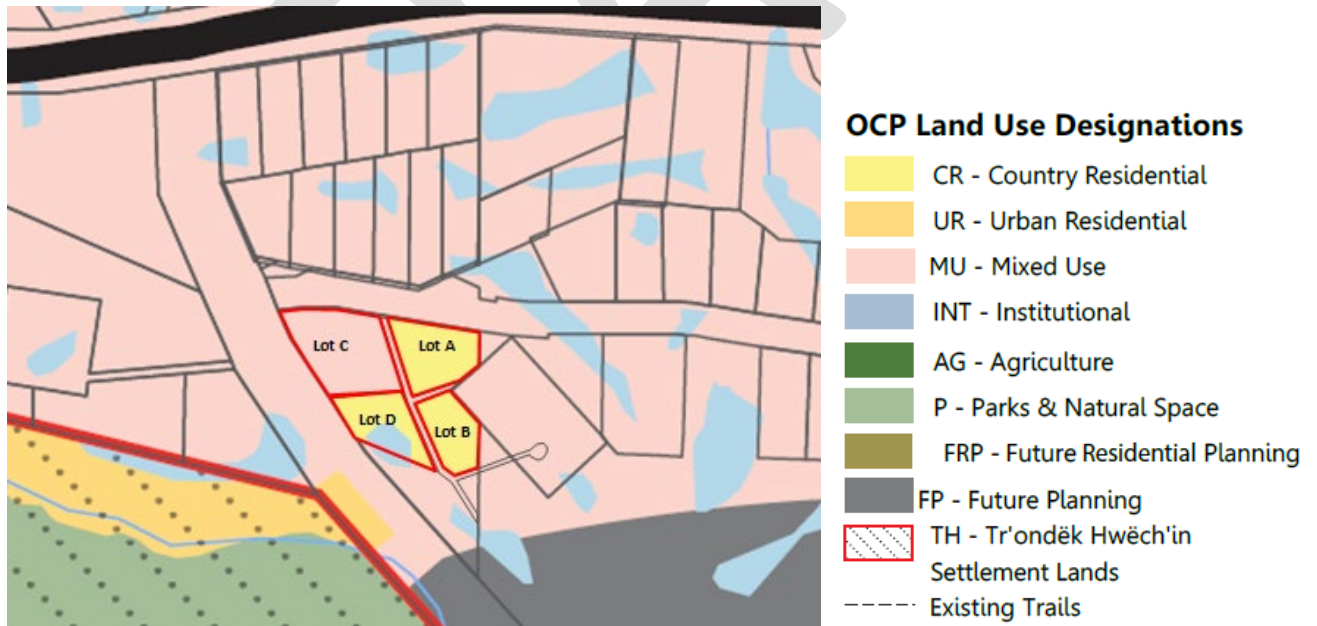


Figure 2. Amendment to Schedule B



THE CITY OF DAWSON

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NOTICE OF PUBLIC HEARING: OFFICIAL COMMUNITY PLAN AMENDMENT

Bylaw #2022-09 / OCP No. 9 Bylaw

Subject Property: Infill #2 Lots 11-20, N. Klondike Hwy

Date: May 18, 2022

Time: 7:00pm

Location: Council Chambers, City Hall

Listen to Public Hearing: Radio CFYT 106.9 FM or cable channel #11

As per the *Municipal Act*, S. 280.1, upon receiving amendments to the Official Community Plan, Council must give public notice of the application. Therefore, the City of Dawson is now requesting input from the public regarding an OCP amendment to provide for the re-designation of Infill #2 Lots 11-20 from MU: Mixed Use to UR: Urban Residential.



Figure. Location context of amended area.

For more information or to provide your input prior to the public meeting, please contact the Planning and Development Manager or Planning and Development Officer using the following contact information:

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THE CITY OF DAWSON

Official Community Plan Amendment No. 9 Bylaw

Bylaw No. 2022-09

WHEREAS section 265 of the Municipal Act, RSY 2002, c. 154, and amendments thereto, provides that a council may pass bylaws for municipal purposes.

WHEREAS section 278 of the Municipal Act, RSY 2002, c. 154, and amendments thereto, provides that a council must, within three years of formation or alteration of municipal boundaries, adopt or amend by bylaw an official community plan.

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This bylaw may be cited as the ***Official Community Plan Amendment No. 9 Bylaw***

2.00 Purpose

2.01 The purpose of this bylaw is to provide for

- (a) The redesignation of Infill #2 Lots 11-20 from MU: Mixed Use to UR: Urban Residential.



THE CITY OF DAWSON

Official Community Plan Amendment No. 9 Bylaw

Bylaw No. 2022-09

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THE CITY OF DAWSON

Official Community Plan Amendment No. 9 Bylaw

Bylaw No. 2022-09

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PART II – APPLICATION

4.00 Amendment

4.01 This bylaw re-designates Infill #2 Lots 11-20 from MU: Mixed Use to UR: Urban Residential, as shown in Appendix 1.



THE CITY OF DAWSON

Official Community Plan Amendment No. 9 Bylaw

Bylaw No. 2022-09

PART III – FORCE AND EFFECT

5.00 Severability

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William Kendrick, Mayor

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Cory Bellmore, CAO

Chief Administrative Officer



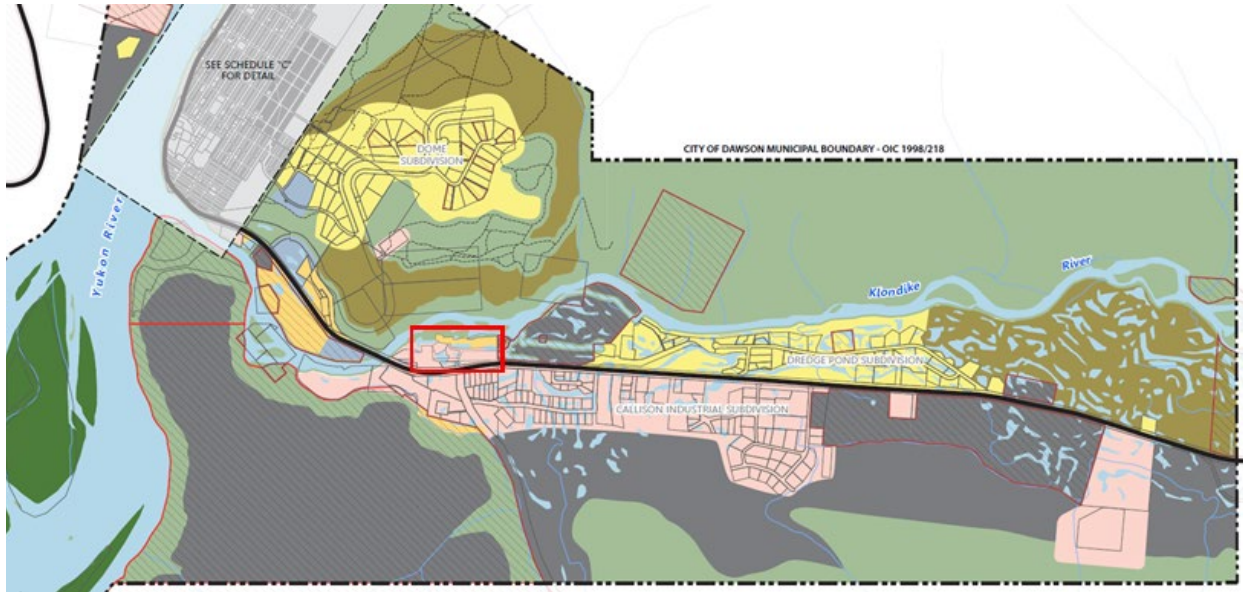
THE CITY OF DAWSON

Official Community Plan Amendment No. 9 Bylaw

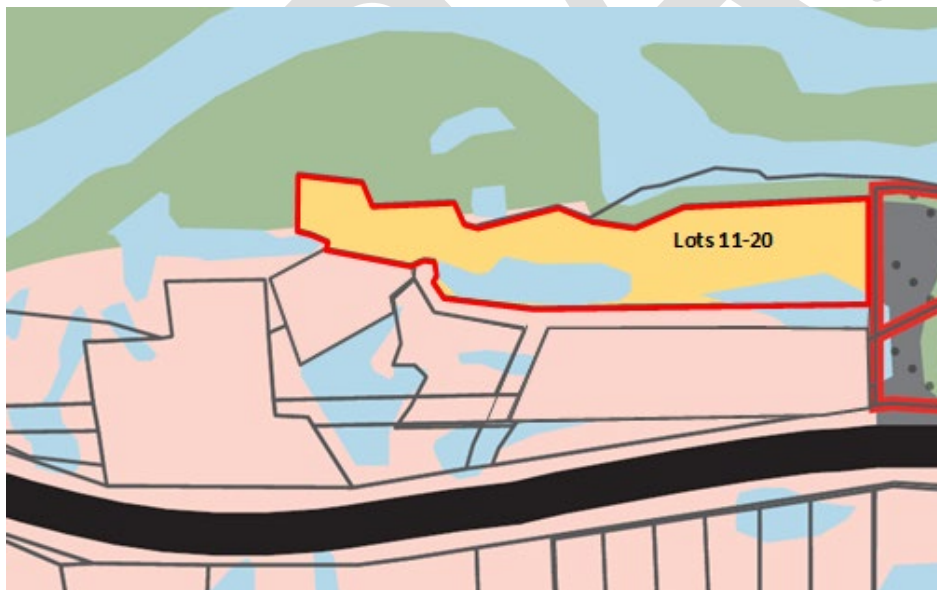
Bylaw No. 2022-09

8.00 Appendices

Appendix 1. Location Context Map



Appendix 2. Amendment to Schedule B



OCP Land Use Designations

- CR - Country Residential
- UR - Urban Residential
- MU - Mixed Use
- INT - Institutional
- AG - Agriculture
- P - Parks & Natural Space
- FRP - Future Residential Planning
- FP - Future Planning
- TH - Tr'ondëk Hwëch'in Settlement Lands
- Existing Trails

Report to Council



For Council Decision
 For Council Direction
 For Council Information

In Camera

AGENDA ITEM:	OCP Bylaw Amendment No. 7 (Bylaw #2022-07) -Designation of Klondike River Bench Direct Control District	
PREPARED BY:	Planning & Development	ATTACHMENTS: - Public Hearing flier - Bylaw #2022-07 - YESAB recommendation YESAB File # 2020-0001 - Decision Document YESAB File # 2020-0001
DATE:	May 12, 2022	
RELEVANT BYLAWS / POLICY / LEGISLATION: Municipal Act Official Community Plan Zoning Bylaw		

RECOMMENDATION

It is respectfully recommended that Council accept this report as information for the Public Hearing for Official Community Plan (OCP) Bylaw Amendment No. 7 (Bylaw #2022-07).

ISSUE / PURPOSE

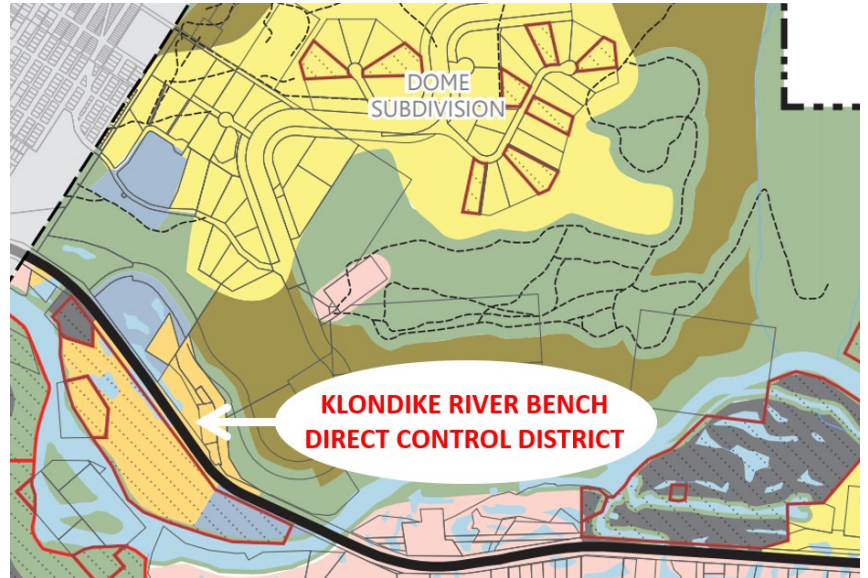
This OCP Bylaw amendment designates the Klondike River Bench Direct Control District (DCD).

The purpose of DCDs generally, is to enable Council to directly regulate areas where “development may require a more specific, sensitive, and flexible means of land use and development control, including, but not limited to, time limited uses.”

The purpose of the designation of the Klondike River Bench DCD “is for Council to directly control land use and development within the area to enable time limited mineral extraction activity and subsequently, the intended future land development.”

Klondike River Bench Mining Area

This OCP amendment does not include a map amendment. The exact area of the DCD is to be depicted in a future associated Zoning Bylaw map amendment that specifically establishes the area of the DCD. This is an approximation of the general area of the Klondike River Bench:



Council Direction

The Klondike River Bench is related to Council's direction on the East Bench (reference development permit #21-025 appeal) as this area is also part of the Dome Road Master Planning work for future lot development.

C21-18-04 Moved by Mayor Potoroka, seconded by Councilor Shore that Council denies Mr. Carey's appeal regarding Development Permit #21-025 and communicates this decision to Mr. Carey and directs administration to provide reasons for the decision.

Motion Carried 3-2

Excerpt from the Council decision letter on the development permit #21-025 appeal:

"YG has been working on the Dome Road Master Plan for future development in the City, which does overlap claims in this section of town. It makes sense for both the landowner and claim holder to line up development so that both parties have the opportunity for maximum benefit for future settlement of this area."

This DCD has been developed in line with this Council direction.

YESAB & Yukon Government

As a brief overview of the approvals process, when a YESAB assessment is complete, the recommendation is sent to the relevant Decision Body(s), which can be federal, territorial and/or First Nation governments. In this case, YG is the Decision Body. The Decision Body(s) will then decide whether to accept, reject or vary the recommendation of YESAB and issue a Decision Document. From there, a separate process under the Water Board occurs for decision-making on a Water License and Mining Land Use Permit.

On July 29, 2020, the Dawson City Designated Office provided a recommendation to the Decision Body that the Project not be allowed to proceed. On March 4, 2022, the Yukon Government Decision Document was issued, rejecting the YESA recommendation, and recommending that the project go forward with terms and conditions. a Water License and Mining Land Use Permit have not been issued for this project at this time.

On April 13, 2022, Council raised two questions regarding the Decision Document.

In regard to the following statement under the project scope: “No transportation of material beyond claims P 36298 and P 34309”, Council questioned why claim P 34307 is not included. Council requested information on whether it is technically possible for the stockpiled material to be moved to P 34307 and then moved off site.

Council requested confirmation that the following term/condition does not specify the need for the work to occur during two *consecutive* years:

“The proponent shall be limited to working during two operating seasons. The temporal scope of the project is limited to a term that shall not extend past December 1, 2027.”

In other words, does this technically enable the work to occur on year one and year five?

Administration also requested information on the anticipated timeline for the Yukon Water Board to issue permits.

YG Energy Mines and Resources provided the following response:

“Yukon Water Board Timelines

The usual timeline for the Yukon Water Board to process permits is around three months, if the proponent responds to any information requests in a timely fashion. Projects with overlapping interests or controversial elements may take longer. The Yukon Water Board has a public intervention process that any party can participate in, in order to provide comment on the project.

Transport of Gravel

There likely will not be a specific term or condition in the permit that speaks to gravel being moved on or off the claim. The statement “No transportation of material beyond claims P 36298 and P 34309” is part of the project scope, and not a Decision Document term and condition. If an activity is not listed in the scope, it cannot be carried out as part of the project. Mr. Carey will be allowed to move gravel from the sluicing areas (P 34307) to the other two claims for the purposes of reclamation. If Mr. Carey wanted to remove gravel from the site he would require a quarry permit in addition to his mining authorizations. I cannot speak for the Lands Branch, but I would assume since the removal of gravel was not scoped in the current mining project proposal, Mr. Carey would need to go through a new YESAB assessment to have activities related to the removal of gravel assessed prior to the issuance of a quarry permit.

Operating Seasons

The Decision Document term related to the duration of the operation allows Mr. Carey’s work to happen over a maximum of two mining seasons that do not need to be consecutive, but must be complete by the end of the mining season, 2027. The term was written this way to allow the operation to continue, even if there were permitting or other delays that prevent consecutive work seasons. This step was taken to make sure that Mr. Carey had enough time to finish his project, and that delays would not lead to unnecessary extension requests or new YESAB assessments, which would potentially extend timelines indefinitely. The end date matches the timeline that Community Services provided for estimated subdivision development.”

It is important for Council to note that a Water License and Mining Land Use Permit have not been issued for this project. As indicated above, YG EMR advised that the issuance of the decisions on these permits is estimated to be a multi-month process. These permits will outline the conditions, and may differ from the terms and conditions on the Decision Document. As such, Administration recommends that Council not pass Third Reading of this Bylaw until these permits have been received.

Recent case law examples show that municipalities have the right to enact an OCP and ZBL, and to plan areas for future development, regardless of subsurface rights that may exist. It also shows that municipalities have the right to require the permitting process for mineral extraction activities, and that this requirement is not considered expropriation.

There is no further direction from YG on the matter of mining within the municipality. As a result, the municipality is doing the best it can with limited resources and antiquated legislation to address mining applications on a one-by-one basis, given the individual complexities, in a fair and equitable way. It is believed that Direct Control Districts provide a path forward in addressing numerous mineral extraction activities in the municipality as this form of development does not fit well within the existing framework of the Zoning Bylaw.

Municipal Act

Following first reading, Ministerial Notice was given, as per S. 280 of the Municipal Act.

S. 291 of the Municipal Act (M.A) under Division 2: 'Zoning Bylaws' provides a zoning tool that enables municipalities to create direct control districts in both the OCP and ZBL to directly regulate land use and development of selected area(s). Direct control districts are intended to provide for development that may be outside of the land uses and regulations of standard zoning. It is a short section with three clauses:

- 1) *The council of a municipality may designate direct control districts in its official community plan if it wants to directly control the use and development of land or buildings in the area individually rather than establish rules common to all buildings and land in the area.*
- 2) *If a direct control district is designated in a zoning bylaw, the council may, subject to the official community plan, regulate the use or development of land or buildings in the district in any manner it considers necessary.*
- 3) *In respect of a direct control district, the council may decide on a development permit application itself, or may delegate the decision to a development authority that may be created under section 191 with directions that it considers appropriate.*

Official Community Plan

OCP Amendment Bylaw no. 5, which has passed Second Reading, provides for the use of Direct Control Districts in the OCP and Zoning Bylaw. The passing of this Bylaw is dependent on the successful passing of OCP Amendment Bylaw no. 5.

APPROVAL	
NAME: Cory Bellmore, CAO	SIGNATURE:
DATE:	

THE CITY OF DAWSON

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NOTICE OF PUBLIC HEARING: OFFICIAL COMMUNITY PLAN AMENDMENT

Bylaw #2022-07 / OCP No. 7 Bylaw

Subject Property: Klondike River Bench

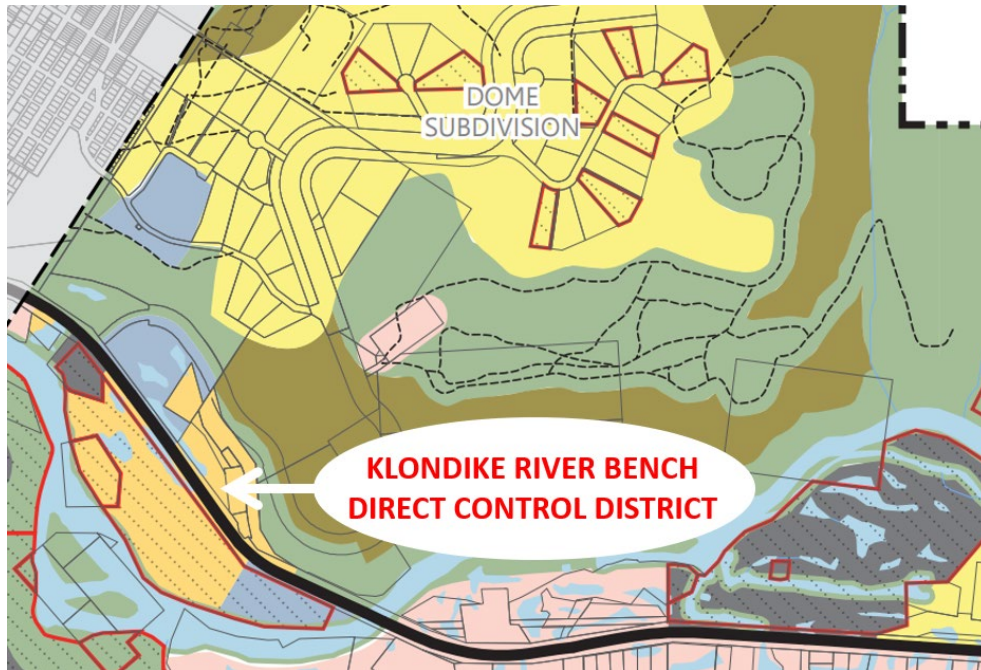
Date: May 18, 2022

Time: 7:00pm

Location: Council Chambers, City Hall

Listen to Public Hearing: Radio CFYT 106.9 FM or cable channel #11

As per the *Municipal Act*, S. 280.1, upon receiving amendments to the Official Community Plan, Council must give public notice of the application. Therefore, the City of Dawson is now requesting input from the public regarding an OCP amendment to provide for the designation of the Klondike River Bench Direct Control District.



Please note that this is not an OCP map amendment; the above map is shown to provide general locational context

For more information or to provide your input prior to the public meeting, please contact the Community Development and Planning Officer or Planning and Development Officer using the following contact information:

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Planning & Development Manager
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THE CITY OF DAWSON

Official Community Plan Amendment No. 7 Bylaw

Bylaw No. 2022-07

WHEREAS section 265 of the Municipal Act, RSY 2002, c. 154, and amendments thereto, provides that a council may pass bylaws for municipal purposes.

WHEREAS section 278 of the Municipal Act, RSY 2002, c. 154, and amendments thereto, provides that a council must, within three years of formation or alteration of municipal boundaries, adopt or amend by bylaw an official community plan.

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THEREFORE, pursuant to the provisions of the *Municipal Act* of the Yukon, the council of the City of Dawson, in open meeting assembled, **ENACT AS FOLLOWS:**

PART I - INTERPRETATION

1.00 Short Title

This bylaw may be cited as the ***Official Community Plan Amendment No. 7 Bylaw***

2.00 Purpose

2.01 The purpose of this bylaw is to provide for

(a) The designation of the Klondike River Bench Direct Control District.



THE CITY OF DAWSON

Official Community Plan Amendment No. 7 Bylaw

Bylaw No. 2022-07

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THE CITY OF DAWSON

Official Community Plan Amendment No. 7 Bylaw

Bylaw No. 2022-07

3.00 Definitions

3.01 In this Bylaw:

- (a) Unless expressly provided for elsewhere within this bylaw the provisions of the *Interpretations Act*, RSY 2002, c. 125, shall apply;
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- (d) "city" means the City of Dawson;
- (e) "council" means the Council of the City of Dawson;

PART II – APPLICATION

4.00 Amendment

4.01 Council Designates the following Direct Control District under subsection 6.3.3 as follows:

Klondike River Bench; the area with mining land use approval for mineral extraction activity on the Klondike River Bench, as designated in the Zoning Bylaw. The purpose of this Direct Control District is for Council to directly control land use and development within the area to enable time limited mineral extraction activity and subsequently, the intended future land development."

PART III – FORCE AND EFFECT

5.00 Severability

5.01 If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder unless the court makes an order to the contrary.



THE CITY OF DAWSON

Official Community Plan Amendment No. 7 Bylaw

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6.00 Enactment

6.01 This bylaw shall come into force on the day of the passing by Council of the third and final reading.

DRAFT



THE CITY OF DAWSON

Official Community Plan Amendment No. 7 Bylaw

Bylaw No. 2022-07

6.02

7.00 Bylaw Readings

Readings	Date of Reading
FIRST	April 13, 2022
MINISTERIAL NOTICE	April 20, 2022
PUBLIC HEARING	
SECOND	
MINISTERIAL APPROVAL	
THIRD and FINAL	

Original signed by

William Kendrick, Mayor

Presiding Officer

Cory Bellmore, CAO

Chief Administrative Officer

Yukon Environmental and Socio-economic Assessment Act

Decision Document

This document meets the decision bodies' requirements as set out in the *Yukon Environmental & Socio-economic Assessment Act*.

Decision Bodies for this Project

Yukon government

Project

Project Name Class 4 Placer Mine - Klondike River Bench (JBM) **YESAB File Number** 2020-0001

Proponent Name Darrell Carey

Project Description

Project Scope - Summary

The Project is the processing of previously stockpiled material and tailings on claims P 36298 and P 34309; material processing and settling facilities will occur on claim P 34307. The Project is located at the beginning of the Dome Road within Dawson City Municipal limits in the Tr'ondëk Hwëch'in Traditional Territory. The Project is across the Klondike Highway from the Tr'ondëk Hwëch'in Subdivision on Settlement Land parcel TH C-4B/D and in close proximity to Settlement Land parcels TH C-85FS/D and TH C-86FD/D. The Project is also adjacent to residences on Boutillier Road. Project activities are proposed to occur from 7:00 am to 7:00 pm, April 1 to December 1, annually, for 10 years.

Project Scope - Activities

- Water use: up to 500 m³/day
 - 100 % water recycling
- Water source: out of stream dredge ponds near Klondike River
- Out of stream settling ponds (dredge ponds)
 - Ponds will be cleaned out weekly
- Out of stream reservoir (dredge ponds)
- Material processing:
 - 5 000 m³ years 1-9
 - 2 000 m³ year 10
- Fuel storage:
 - Gasoline up to 2 L
 - Diesel up to 10 600 L
 - Refuelling will take place at least 30 m from water
 - All fuel tanks will be emptied at season end.
 - Absorbent pads absorb all and empty 45-gallon drums and 5-gallon pails will be stored on site to clean up any spills.
 - Worn seals, and/or valves and couplers will be replaced to prevent leaks.
 - Spill contingency kits will be stored at the main tank and near the tidy tank.
- Waste disposed of at landfill (hazardous and non-hazardous)
- Gold panning
- Heavy equipment use
 - Project activities will take place from 7am to 7pm
- Progressive and Final Reclamation

Yukon Environmental and Socio-economic Assessment Act

Decision Document

- o Settling pond fines will be stored for reclamation
- o Erosion of existing overburden piles will be controlled by maintaining 2:1 slope year to year
- Active mine signs are posted on site
- No transportation of material beyond claims P 36298 and P 34309
- No overburden removal
- No access construction
- No drilling
- No timber cutting
- No camp

Decision Bodies for this Project

Consolidated Decision Document Not Applicable

First Nations Consultation

A. Consultation under YESAA section 74(2) Not Applicable

B. First Nations Consultation - General

Tr'ondëk Hwëch'in (TH): Mineral Resources Branch (MRB) initiated consultation by emailing a consultation letter to TH on March 24, 2020. TH responded by letter requesting deeper consultation on March 24, 2020. Subsequently, TH submitted comments to the YESAB online registry on April 27, 2020. On August 27, 2020, MRB invited TH to begin consultation on the Evaluation Report and Decision Document. Consultation continued by email and at in-person meetings on September 14, 2020 and October 27, 2021. On December 7, 2021, MRB shared a second draft Decision Document with TH. On December 14, 2021, TH noted that they were satisfied with EMR's permitting approach with this application and effectively had no further comments.

YESAB Recommendation

Under s. 56(1)(c) of the *Yukon Environmental and Socio-economic Assessment Act*, the Dawson City Designated Office recommends to the Decision Body that the Project not be allowed to proceed, as it determined that the Project will have significant adverse environmental effects in or outside Yukon that cannot be mitigated.

Decision

Pursuant to section 75 and 80, the Yukon government has considered the assessment of this project and:

- Accepts the recommendation and the terms and conditions as follows:
- Rejects the recommendation and the terms and conditions as follows for the reason(s) specified:
- Varies the recommendation and the terms and conditions as follows for the reason(s) specified:

Rationale for Decision

After giving full and fair consideration to the Evaluation Report and supporting information, including the scientific information, traditional knowledge and other information provided with the recommendation contained in the Evaluation Report, the Decision Body rejects the recommendation of the Designated Office that, pursuant to section 56(1)(c) of the Yukon Environmental and Socio-economic Assessment Act, the proposed project not proceed on the basis of potentially significant effects which cannot be mitigated. The assessment concluded that the project would have socio-economic effects that could not be mitigated specifically in relation to noise disturbance effects to public health.

It is the Decision Body's view that the assessment did not adequately consider the mitigating effect of a reduced temporal scope (ten years down to two), in combination with additional noise mitigation, when

Decision Document

determining if effects related to noise could be mitigated or not. The Decision Body has determined that the project can proceed if additional noise mitigation is implemented in conjunction with a reduced temporal scope.

The Decision Body has imposed terms and conditions as were noted within the Evaluation Report as partially mitigating noise disturbance, most meaningfully, a significantly reduced temporal scope – both in daily timing windows and the duration of the project. Further, the proponent will be required to submit a noise mitigation plan to be approved by the Chief of Placer Land Use. The plan will need to include mitigation that will further reduce impacts.

As the Decision Body recognizes the community's land use objectives for this area, the project will be required to submit a reclamation plan that aligns project activities and project progress with development plans as planned by the Department of Community Services on behalf of the City of Dawson. As reclamation activities and objectives will be designed to facilitate the development plans for the area, a reduction in heavy equipment use during lot and infrastructure development is anticipated further reducing noise disturbance in the area.

Decision Document

Term	Term & condition	Status	Reason
1	NEW Term: The proponent shall be limited to working during two operating seasons. The temporal scope of the project is limited to a term that shall not extend past December 1, 2027.	Add	The term addresses the shorter recommended temporal scope, while still allowing flexibility for permitting timelines.
2	NEW Term: Prior to sluicing activities occurring, the proponent shall develop and submit a reclamation plan, based on guidance from Government of Yukon, Department of Community Services, for review and approval by the Chief of Placer Land Use. The progression and completion of the project shall align with surface development plans for the area as approved by the Chief in the reclamation plan.	Add	As recommended by Community Services.
3	NEW Term: The proponent shall keep all attractants, including but not limited to: food, food wastes, fuel and other garbage, stored in a bear proof container until such a time as the attractants are able to be disposed of at a government approved disposal facility.	Add	Added to address concerns that bears may get into garbage and become a nuisance or habituated.
4	NEW Term: The proponent shall report any incidents to the area's District Conservation Officer at (867-993-5492) that involve nuisance bears exhibiting food conditioning or habituation.	Add	Added to address concerns that bears may get into garbage and become a nuisance or habituated.
5	NEW Term: All waste shall be disposed of at the Dawson City landfill on a weekly basis.	Add	Added to address concerns that bears may get into garbage and become a nuisance or habituated.
6	NEW Term: Prior to sluicing activities occurring, the proponent shall develop a noise mitigation plan for review and approval by the Chief of Placer Land Use that results in noise mitigations suitable to limit effects of the operation on local residents.	Add	As recommended by the Yukon Conservation Society and to address Tr'ondëk Hwëch'in concerns on noise impacts to the Tr'ondëk subdivision located on TH C-4B/D.
7	NEW Term: The proponent shall reduce the hours of operation to 9:00am to 5:00pm on weekdays.	Add	As recommended by Tr'ondëk Hwëch'in and to address Tr'ondëk Hwëch'in concerns on noise impacts to the Tr'ondëk subdivision located on TH C-4B/D.
8	NEW Term: The proponent shall communicate plans and timing of activities to the Chief of Placer Land Use at least thirty (30) days prior to each field season. The Chief shall provide notice of activities, including timing windows to Tr'ondëk Hwëch'in, local residents and the general public.	Add	As requested by Tr'ondëk Hwëch'in to address citizen concerns regarding project activities, timing windows and community impacts.

Date

Project Recommendation Issued 2020-07-29

Yukon Environmental and Socio-economic Assessment Act

Decision Document

Recommendation Received From

Designated Office - Dawson City

Authority

By signing below, the Yukon government has exercised its authority as per YESAA section 75 to issue a decision document on this project.

Name Todd Powell

Position Director, Mineral Resources Branch

Phone 867-667-3126

Email todd.powell@gov.yk.ca

Signature 

Date March 4, 2022

Original signed by EMR-Mineral Resources Branch

Distribution

Project Proponent	Yes
Other Decision Bodies	No
Major Projects Yukon, Executive Council	Yes
YESAB Designated Office	Yes
YESAB Executive Committee	No
Yukon Surface Rights Board	No
Yukon Water Board	Yes
Land Use Planning Commission	
Independent Regulatory Agency	
Other Body/Person as Required	

YESAB

Yukon Environmental and
Socio-economic Assessment Board

Designated Office Evaluation Report

Sluicing Operation – Klondike River Bench

Project Number: 2020-0001

Proponent: Darrell Carey

Assessment Completion Date: July 29, 2020

Dawson City Designated Office

Bag 6050

Dawson City, YT Y0B 1G0

Tel: (867) 993-4040

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Summary

The Project is the processing of previously stockpiled material and tailings on three claims. The Project is located within Dawson City Municipal Limits and Tr'ondëk Hwëch'in Traditional Territory. The Project is across the Klondike Highway from the Tr'ondëk Hwëch'in Subdivision on Settlement Land parcel TH C-4B/D and in close proximity to Settlement Land parcels TH C-85FS/D and TH C-86FD/D. The Project is also adjacent to residences on Boutillier Road. Project activities are proposed to occur from April 1 to December 1, annually, for 10 years.

The Designated Office sought views and information on the Project on from March 23 to April 28 and again from May 25 to June 8, 2020. An extended public consultation period was allotted for the March to April comment period in response to identified capacity inadequacies due to the Covid-19 pandemic. Comment submissions were received from City of Dawson, Fisheries and Oceans Canada, Yukon Conservation Society, members of the public, Klondike Active Transport and Trails Society, Tr'ondëk Hwëch'in, Government of Yukon, Environment and Climate Change Canada.

Based on comments received and other relevant considerations the Designated Office identified four valued environmental and socio-economic components that will be adversely impacted by the Project: community development and well-being, public health, bears, soils and vegetation. The Designated Office determined that the Project is likely to result in significant adverse effects to community development and well-being, public health, and bears. The Designated Office recommended terms and conditions to mitigate effects to community development and well being, and bears. However, the Designated Office determined that effects to public health from noise disturbance cannot be mitigated.

The Decision Body, Government of Yukon, will review the Recommendation and the accompanying reasons described in this Evaluation Report. The Decision Body will issue a Decision Document that will either a) accept the recommendation, b) vary the recommendation, or c) reject the recommendation.

Assessment Outcome

Under s. 56(1)(c) of the Yukon Environmental and Socio-economic Assessment Act, the Dawson City Designated Office recommends to the Decision Body that the Project not be allowed to proceed, as it determined that the Project is likely to have significant adverse socio-economic effects in or outside Yukon that cannot be mitigated.

For more information, please contact:

Dawson City Designated Office

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PART A. BACKGROUND

Part A provides the context and background information required for the assessment of the Sluicing Operation – Klondike River Bench (the Project). Section 1.0 identifies the requirement for an assessment under the Yukon Environmental and Socio-economic Assessment Act, while Sections 2.0, 3.0 and 4.0 provide information and baseline data for relating to the Project and project area. Section 5.0 identifies the scope of the assessment, including matters that were considered in evaluating the significance of potential effects of the Project.

1.0 REQUIREMENT FOR AN ASSESSMENT

The purpose of the proposed project is the processing of previously stockpiled material and tailings. While several activities are likely to be undertaken in conjunction with the Project, under s. 47 of the *Yukon Environmental and Socio-economic Assessment Act*, the Project is subject to an assessment by the Dawson City Designated Office due to the following circumstances:

- The proposed activity is listed in column 1 of Schedule 1 of the *Assessable Activities, Exceptions and Executive Committee Projects Regulations* (Activity Regulations) and not listed in column 2 as excepted. The proponent proposes to undertake activities listed in Part 1, item 2 of the Activity Regulations. The specific activity is listed as:

On other than an Indian reserve, placer mining, or other activity in relation to placer mining on a placer grant

- Is proposed to be undertaken in Yukon; and
- An authorization or the grant of an interest in land by a government agency, independent regulatory agency, municipal government, or First Nation is required for the activity to be undertaken.

Table 1: The Decision Body
Decision Body and the triggering authorizations required for the Project. This information is based on the project proposal and other information submitted to the Designated Office during the assessment.

Decision Body	Authorization Required	Act or Regulation
Government of Yukon	Class 4 Mining Land Use Permit	<i>Placer Mining Act</i>
	Water Licence	<i>Waters Act</i>

2.0 PROJECT DESCRIPTION

2.1 Proponent Information

The Proponent for the Project is Darrell Carey. Contact information for the Proponent is available on the YESAB Online Registry (YOR) (YOR 2020-0002-0001).

2.2 Geographical Context

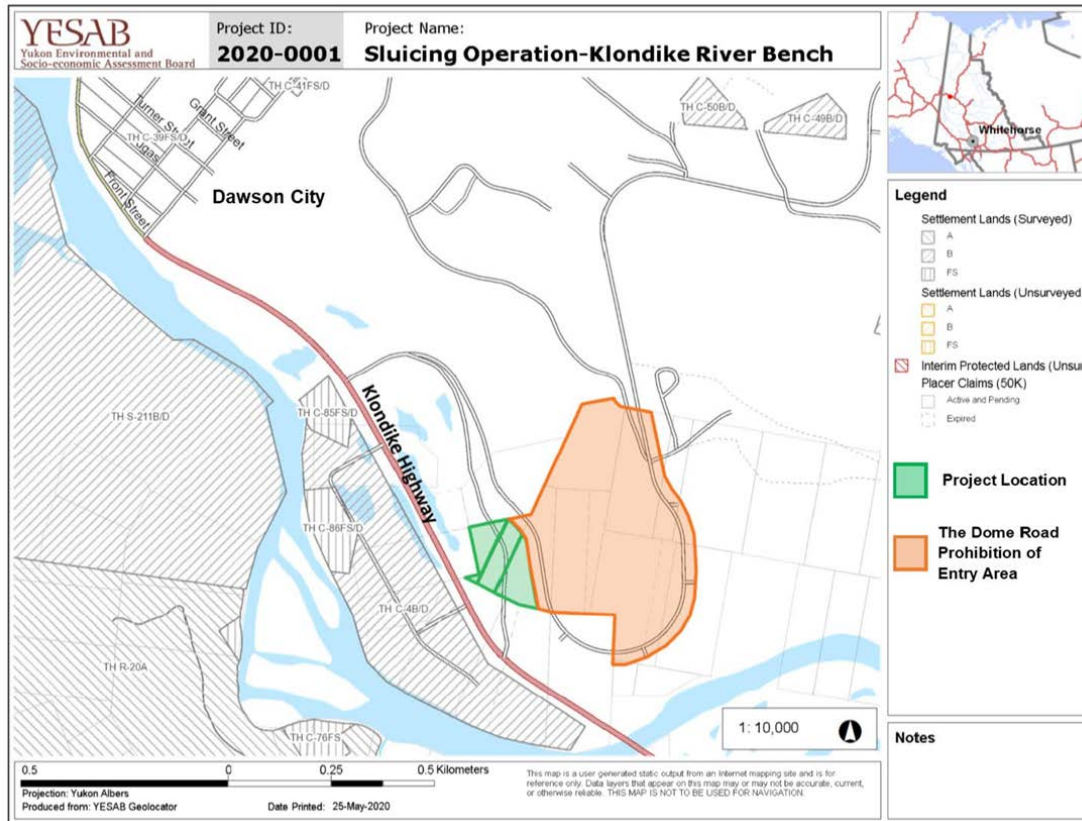


Figure 1: Project location.

Table 2: Project Location, Coordinates and Geographical Parameters

Project Coordinates: Map Sheet: 116-B	Decimal Degrees
	NW 64.04699° N 139.41914° W
	NE 64.04735° N 139.41663° W
	SW 64.04537° N 139.41475° W
	SE 64.04588° N 139.41888° W
First Nation Traditional Territories Involved:	Tr'ondëk Hwëch'in

Drainage Region:	Major Drainage Area: <i>Yukon Drainage</i> Sub Drainage Area: <i>Central Yukon</i> Sub-sub Drainage Area: <i>Klondike</i>
Nearby Watercourses or Waterbodies:	Klondike River

2.3 Project History

The claims within and around the project area were first staked in the late 1980’s. The Proponent acquired the claims in 1998 (YOR 2016-0118-098-1). The Designated Office has assessed four iterations of this project since 2009. A description of past assessments and outcomes is provided in the following sections.

2.3.1 Past Assessments

2009-0125 Slinky Placer Mine – Dome Road

Project 2009-0125 was the continued operation of a placer mine on 19 claims along the Klondike River East Bench, known as the Midnight Dome. Project activities were proposed to occur from April to October, annually, for ten years.

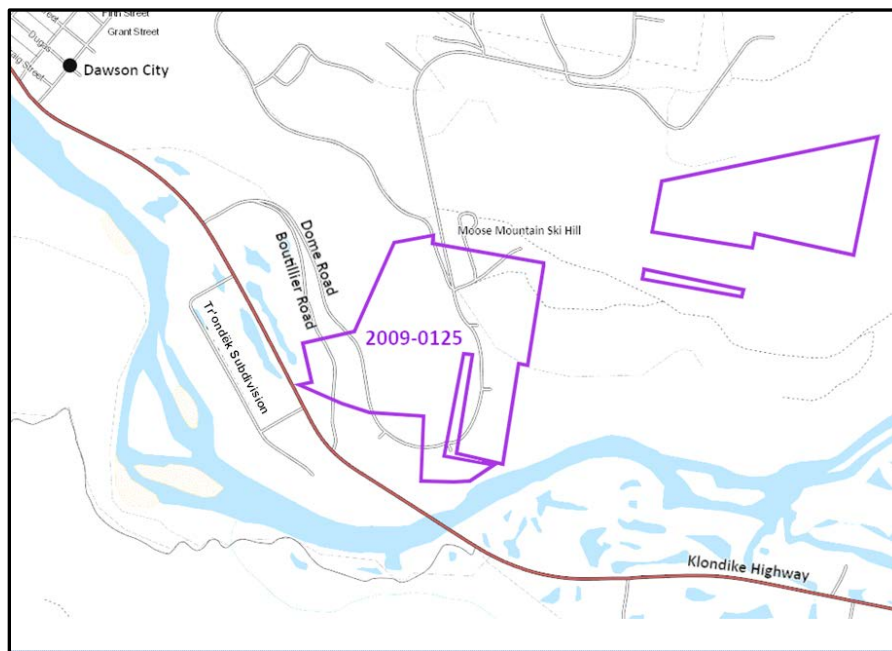


Figure 2: 2009-0125 Project Location Map (GeoYukon)

The Designated Office identified six valued environmental or socio-economic components (VESEC) that would be adversely affected by the Project: environmental quality, aquatic resources, public health & safety, wildlife & wildlife habitat, heritage resources, and community value, interest and quality. The Designated Office concluded that the Project would result in significant adverse effects on community value, interests and quality and that these effects could not be mitigated. As such, the Project was recommended not to proceed. The Decision Body, Government of Yukon rejected the recommendation by the Designated Office and recommended that the Project proceed subject to terms and conditions.

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The project was subsequently issued a mining land use approval and water licence and activities were undertaken at the project location.

2014-0164 Placer Mine – Klondike River Bench

Project 2014-0164 was the continued operation of a placer mine on 13 claims along the Klondike River East Bench, known as the Midnight Dome. Project activities were proposed to occur from April 1 to October 31 for five years.

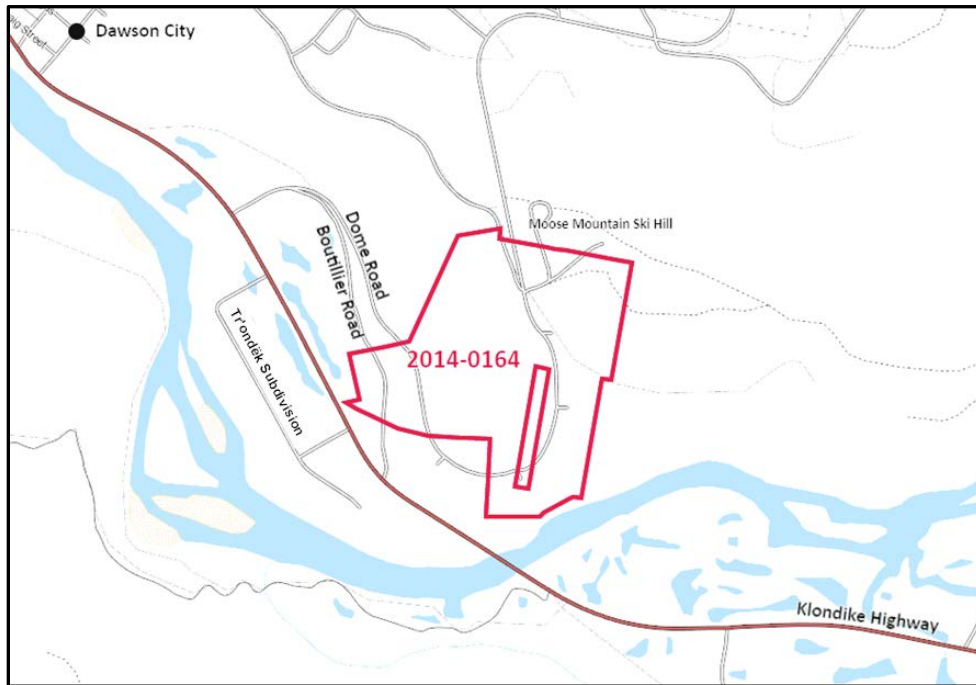


Figure 3: 2014-0164 Project Location Map (GeoYukon)

The Designated Office identified four VESECs that would be adversely affected by the project: environmental quality, health and safety, and community value, interest and quality. The Designated Office determined that the project would result in significant adverse effects to environmental quality, and community value, interest and quality. The Designated Office recommended that the project proceed subject to terms and conditions. The Decision Body, Government of Yukon varied four of the recommended terms and conditions. The project was subsequently issued a mining land use approval and water licence and activities were undertaken at the project location.

2016-0118 Placer Mine – Klondike River East Bench, the Dome

Project 2016-0118 was the operation of a placer mine on 34 claims on the Klondike River East Bench, known as the Midnight Dome. Project activities were proposed to occur from April 1 to October 31 for ten years.

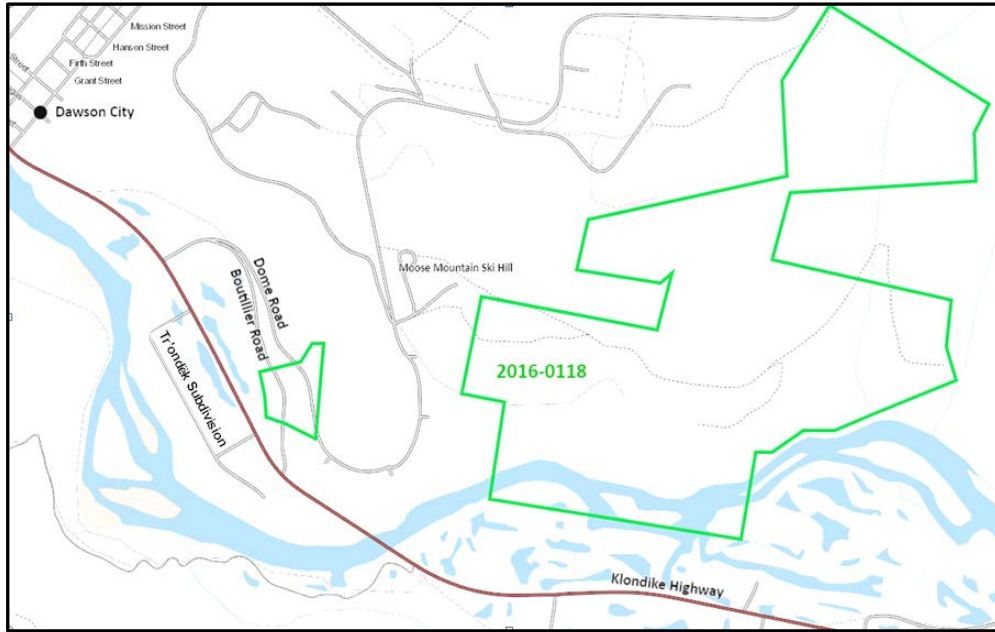


Figure 4: 2016-0118 Project Location Map (GeoYukon)

The Designated Office identified five VESECs that would be adversely affected by the project: community trails, public health and safety, vegetation and soils, wildlife and wildlife habitat, and heritage resources. The Designated Office determined that the project would result in significant adverse effects to all identified VESEC. The Designated Office concluded that effects to all VESEC but community trails could be mitigated. Given that effects to community trails could not be mitigated, the project was recommended not to proceed. Government of Yukon accepted the recommendation issued by the Designated Office stating

it is the Decision Body's view that, the proposed project – as proposed by the proponent – is likely to have significant adverse socioeconomic effects that cannot be mitigated acceptance of the recommendation by the Decision Body does not mean that mining activity cannot occur in the area, provided suitable mitigation can be identified and incorporated in the project design, such that the project would not result in significant adverse effects on community trails (as well as other identified VESEC's). (YOR 2016-0118-099-1)

2017-0206 Klondike East Bench, the Dome

Project 2017-0206 was the operation of a placer mine on 34 claims on the Midnight Dome. Project activities were proposed to occur from April 1 to October 31, for ten years. This project was virtually identical to the 2016-0118 project, save for one critical detail: the Proponent committed to avoiding most of the community trails. This change of scope from the 2016-0118 project was sufficient to warrant a new assessment of the project under the *Yukon Environmental and Socio-economic Assessment Act*.

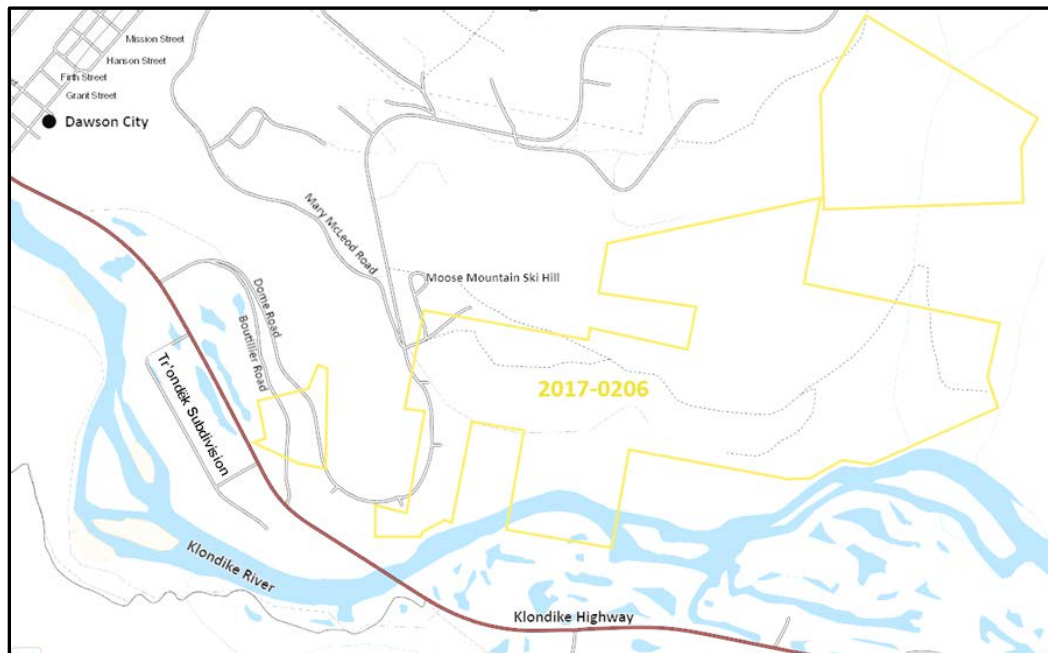


Figure 5: 2017-0206 Project Location Map (GeoYukon)

The Designated Office identified six VESECs that would be adversely affected by the project: community trails, Tr'ondëk Hwëch'in land use, public health and safety, vegetation and soils, wildlife and wildlife habitat and heritage resources. The Designated Office determined that the project would result in significant adverse effects to all VESEC and recommended that the project proceed subject to terms and conditions. In total 21 terms and conditions were recommended. Of those terms and conditions, two are notable for their relevance to the project currently under review:

- The Proponent shall establish a 150 metre buffer from all surveyed land parcels that shall remain undisturbed
- The Project shall be limited to a 5-year term (YOR 2017-0206-077-1)

As the Decision Body for project 2017-0206, Government of Yukon varied the recommendation. However, the above mentioned terms and conditions were both accepted and carried forward into the Proponent's water licence and mining land use approval (YOR 2017-0206-078-2; Yukon Water Board 2019). The operation was issued a mining land use approval and water licence for five years, which will expire June 2024. No activities are authorized to occur at the location for the proposed project because of their proximity to surveyed land parcels.

2.3.2 Past Development Permits

According to the City of Dawson, the two most recent approved development permits issued for the abovementioned projects are DP #18-043 and DP #19-083.

Development Permit #18-043 was approved to facilitate the agreement dated May 17, 2018 between the Proponent and Yukon Government. The City of Dawson was party to previous agreements, but was not party to this final extension because it did not agree with the issuance of a further extension for this project. This permit was issued in good faith in order to not frustrate the efforts of those who were interested in seeing the project culminated in a timely manner. The

permit was issued on May 23, 2018, and expired on August 31, 2018, and it was explicitly stated in the permit conditions that no extensions would be granted on the permit. (YOR 2020-0001-0026)

Development Permit #19-083 was issued based on verbal assurances from the proponent that only one more season of sluicing was needed to complete the project (YOR 2020-0001-0026). The City of Dawson allowed sluicing for a final season as a culmination to the project (YOR 2020-0001-0026).

2.4 Project Details

The details from this section have been taken from the project proposal, specifically documents:

- Water Licence and Mining Land Use Approval Form (YOR 2020-0001-0006)
- DFO Worksheets (2020-0001-0003)
- Emergency Spill Contingency Plan (YOR 2020-0001-0002)
- Environmental Health Services Work Camp Assessment (YOR 2020-0001-0008)
- Information Request Responses (YOR 2020-0001-0009 0013, 0016)

The Dawson DO has described aspects of the proposed mine plan below, and has assessed the Project with the understanding that the mine plan will be carried out accordingly.

2.4.1 Temporal Scope

The Proponent has indicated that the temporal scope for the project is set to ten years because there is enough gold at the project location and material that it could take ten years or more to process.

2.4.2 Overview

The Project involves processing previously stocked piled material and tailings, on claims P 36298 and P 34307 (Figure 6). Project activities will be undertaken from 7:00 am to 7:00 pm from April 1 to December 1, annually, for ten years.



Figure 6: Tailings and Pay Gravels Map provided by Proponent (YOR 2020-0001-0061)

2.4.3 Water Use, Reservoirs, Material Processing, Settling Facilities

The Project involves the use of up to 500 m³/day of water. Water will be withdrawn from an existing dredge pond at the project location. The Project proposes 100% water will be recycling. Water intakes will be screened.

An existing dredge pond will be used as an out-of-stream reservoir for the life of the Project. The reservoir is 100 m long, 10.5 m wide, and 2 m deep with a 1 m freeboard.

An excavator will feed material to the sluice box located on claim P 34307 for processing. A loader will fill a dump truck with water material to be stored for reclamation. A small area will be setup for gold panning. A bulldozer will be used to smooth piles as part of reclamation, once material processing is complete.

Material will be settled in existing dredge ponds at the project location on claim P 34307 (Figure 6). Water from the reservoir will be conducted to the sluice plan by pump and hose/pipeline. Settling ponds will be cleaned out weekly with fines stored in piles for reclamation.

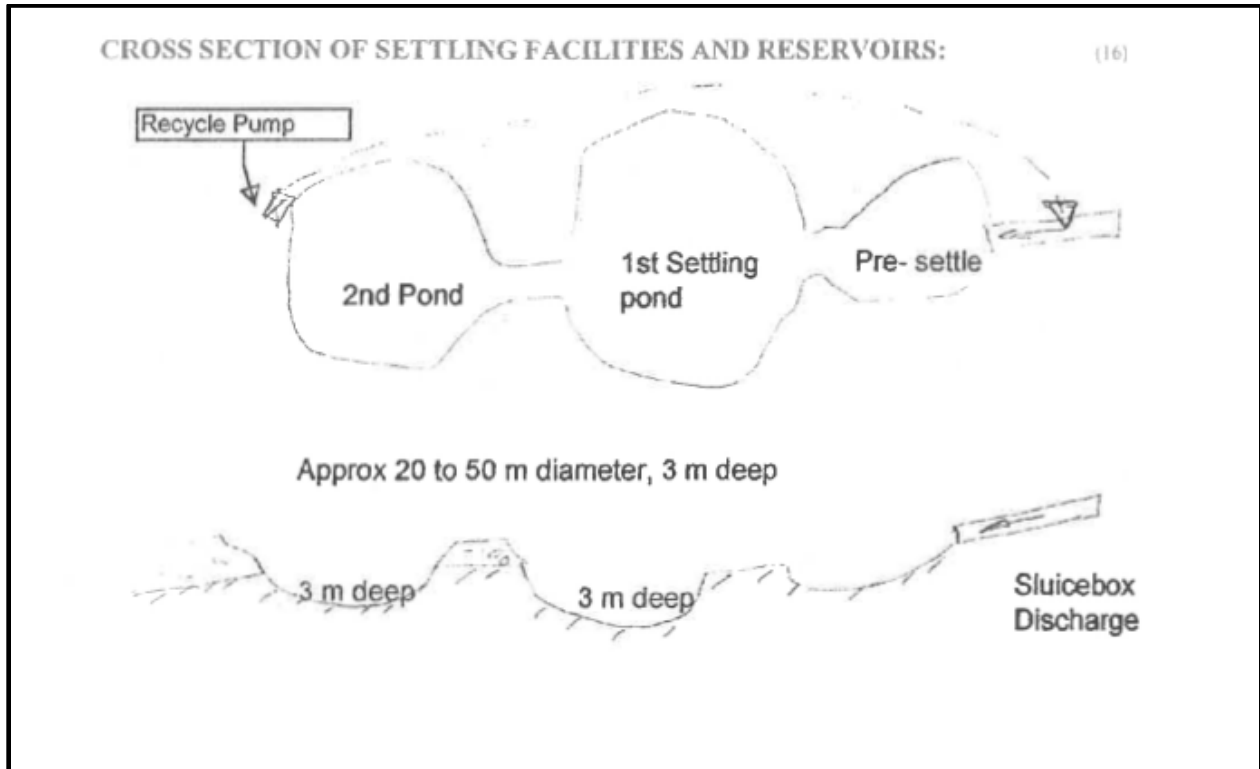


Figure 7: Cross Section of Settling Facilities provided by Proponent (YOR 2020-0001-0006; MLUA)

2.4.4 Fuel Storage

The Project involves the storage of up to 2 L of gasoline and 10 600 L of diesel. Gas will be stored in cans while diesel will be stored in a tidy tank or fuel tanker and truck. All fuel will be stored 200 m from the Klondike River. There is no indication of where fuel will be stored in relation to the dredge ponds on site. All fuel tanks will be emptied at season end. Refueling will take place at least 30 m from any streams and after fuel tanks, valves and hoses are checked for leaks. Absorbent pads absorb all and empty 45 gallon drums and 5 gallon pails will be stored on site to clean up any spills. Worn seals, and/or valves and couplers will be replaced to prevent leaks. Spill contingency kits will be stored at the main tank and near the tidy tank.

2.4.5 Overburden storage

Overburden is currently stockpiled on site in 3 m piles, 200 m from a watercourse, for reclamation. The Proponent is not proposing to remove additional overburden. However, as material is removed from the existing stockpiles and tailing piles the Proponent has indicated that stabilization will occur. Erosion of existing overburden piles will be controlled by maintaining a 2:1 slope from year to year.

2.4.6 Waste Management

Non-hazardous waste will be disposed of at the Dawson City landfill. No waste will be stored within 30 m of a watercourse. No hazardous waste will be stored on site. All hazardous waste will be disposed of at the Dawson City landfill

2.4.7 Reclamation

Reclamation activities will involve backfilling mining cuts, removing equipment, re-contouring tailing piles and overburden piles, removing fuel storage tanks and fuel and removing all waste. The Proponent does not intend to reclaim the existing dredge ponds.

3.0 PROJECT SCOPE

The project scope defines the project to be assessed and includes all activities described in the project proposal and any subsequent information provided by the Proponent. The project scope includes project activities and project design features that prevent, control or reduce adverse project effects (Section 3.2).

The Project is the processing of previously stockpiled material and tailings on claims P 36298 and P 34309; material processing and settling facilities will occur on claim P 34307. The Project is located at the beginning of the Dome Road within Dawson City Municipal limits in the Tr'ondëk Hwëch'in Traditional Territory. The Project is across the Klondike Highway from the Tr'ondëk Hwëch'in Subdivision on Settlement Land parcel TH C-4B/D and in close proximity to Settlement Land parcels TH C-85FS/D and TH C-86FD/D. The Project is also adjacent to residences on Boutillier Road. Project activities are proposed to occur from 7:00 am to 7:00 pm, April 1 to December 1, annually, for 10 years.

3.1 Project Activities

- Water use: up to 500 m³/day
 - 100 % water recycling
- Water source: out of stream dredge ponds near Klondike River
- Out of stream settling ponds (dredge ponds)
 - Ponds will be cleaned out weekly
- Out of stream reservoir (dredge ponds)
- Material processing:
 - 5 000 m³ years 1-9
 - 2 000 m³ year 10
- Fuel storage:
 - Gasoline up to 2 L
 - Diesel up to 10 600 L
 - Refuelling will take place at least 30 m from water
 - All fuel tanks will be emptied at season end.

- Absorbent pads absorb all and empty 45-gallon drums and 5-gallon pails will be stored on site to clean up any spills.
- Worn seals, and/or valves and couplers will be replaced to prevent leaks.
- Spill contingency kits will be stored at the main tank and near the tidy tank.
- Waste disposed of at landfill (hazardous and non-hazardous)
- Gold panning
- Heavy equipment use
 - Project activities will take place from 7am to 7pm
- Progressive and Final Reclamation
 - Settling pond fines will be stored for reclamation
 - Erosion of existing overburden piles will be controlled by maintaining 2:1 slope year to year
- Active mine signs are posted on site
- No transportation of material beyond claims P 36298 and P 34309
- No overburden removal
- No access construction
- No drilling
- No timber cutting
- No camp

4.0 ENVIRONMENTAL AND SOCIO-ECONOMIC SETTING

4.1 Physical Environment

The proposed project is located within the Klondike Valley floor (320m el) at the base of the Midnight Dome (the Dome) between Boutillier Road and the Klondike Highway. The Midnight Dome rises steeply with surface gradient averaging 10-20 % to the bench. The Klondike River flows along the base of the Dome then moves away from the hill as it approaches the bench. The linear travel distance from the edge of the proposed project and the edge of Klondike River itself is located approximately 280m; the Klondike River being downstream of the Project.

The Project location has been previously mined and is composed of tailings with a moderate level of regrowth. There is no overburden or black muck at the site.

4.2 Biological Environment

4.2.1 Wildlife

The project location is fully exposed, and is considered a migratory corridor for a variety of mammals between vegetated areas along the bench between the Dome Road and Crocus Bluff. Moose, mule deer, bears, furbearers and migratory birds have all been noted in the area.

Mule Deer are a specially protected and considered at risk in the Yukon under the Yukon *Wildlife Act*. Preferred habitat is essentially boreal riparian areas during spring and summer months fall time is often the time that moose move to higher, drier ground.

Bears can easily become accustomed to human activities in a populated area, such as neighbourhoods in the Dome subdivision. This can occur as easily as a remote area and once realizing human activities are not a threat, are not deterred due to routine activities and noise. Like the ungulates, bears have been reported and documented by those residing and recreating in the area.

4.2.2 Vegetation

The project area consists of willow, scrub brush as well as disturbed areas, all previously mined. There is an extremely limited amount of vegetation within the project area. Due to the historical and current use of the site, the return growth is willow, young poplar and low-lying shrubs. Invasive species are present in the Dawson area and have been documented in Downtown (Cooley 2008). Disturbed areas are common bases for invasive species to establish themselves.

Surrounding the project site spruce, poplar, birch and willow are predominately along the northern and western limits. Past mining activities deposited tailings over the edge of the bench to the west and south of the project area, leaving a rocky (west) or sandy (south) terrain that cannot support growth. To the south, as the terrain drops, poplar trees, grasses, and low-lying berry shrubs are visible as the project area is entered upon. The project area is vegetated from lower Dome Road, along Boutillier Road then is barren beyond the tailing berm towards the Klondike Highway (YOR 2014-0164-043-1)

4.2.3 Fish and Fish Habitat

The project location contains a dredge pond from which the Proponent intends to withdraw water for material processing and settle process water. The dredge pond has been used for settling over the past 30 years (YOR 2020-0001-0061). According to the Proponent the dredge pond is not fish bearing and is not suitable fish habitat; this was confirmed by Fisheries and Oceans Canada (YOR 2020-0001-0061; 2020-0001-0066). Furthermore, the Proponent notes that the dredge pond “has no surface inflow and likely has never been connected to the Klondike River. At times the pond is almost dry” (YOR 2020-0001-0061). To the Designated Office’s knowledge, no studies to determine connectivity of the pond to the Klondike River have been undertaken.

4.2.3.1 Klondike River Watershed

The dredge pond at the project location “is not classified under the Yukon Placer Fish Habitat Suitability Map and as such the use of this pond for water acquisition and settling is not authorized by the *Fisheries Act Watershed Authorization for Works or Undertakings Affecting Fish Habitat for Specified Streams in the Yukon Territory*” (YOR 2020-0001-0031).

The project area is approximately 311 m from the Klondike River (GeoYukon 2020) and upstream from the Dawson City town water supply. The Klondike River supports Chinook and chum salmon including the River providing salmonid spawning habitat suitability. The Klondike River is classified as “High (Chinook Salmon Production) Suitability Habitat”, with a Category A watershed sensitivity classification. This is an area within the watercourse that is likely suitable for rearing juvenile Chinook salmon. Given its “Category A” status, this watershed contains an ecosystem that is more susceptible to the effects of placer mining activities; this is based on a cumulative ranking of selected biological and physical indicators (Yukon Placer Secretariat 2010).

The area of the claims along the Klondike River is an “Area of Special Consideration - Cultural”, that is, a stream that contains culturally important fisheries or aquatic resources. Watercourses assigned this designation may include habitats for rare or locally significant species and or areas which directly support subsistence, traditional, commercial, or sport fisheries.

4.3 Socio-economic Environment

The City of Dawson is located roughly 535 km northwest of Whitehorse, at the end of the North Klondike Highway. The bulk of the local economic activity in Dawson is comprised of tourism and placer mining. The Federal and Territorial Governments are the largest single employers. According to the Bureau of Statistics, Dawson had a resident population of 2 323 in June 2018 with a median age of 39.5 (Government of Yukon 2018).

Dawson City draws tens of thousands of tourists from around the world each year. Local attractions include, preserved buildings and historic town-site, activities related to the Klondike Gold Rush (e.g. gold panning) and wilderness adventure.

Dawson City is located within the Tr’ondëk Hwëch’in Traditional Territory. There is a citizenship of approximately 1 100 descendants of the Hän-speaking people. The Tr’ondëk Hwëch’in began negotiating their individual land claim in the 1990’s with a final agreement signed in 1998.

4.3.1 Proximal Land Uses

Land parcels surrounding the project areas include those for residential, commercial and placer mining in addition to recreational activities (Figure 8). The Project is adjacent to four residential properties along Boutillier Road. Boutillier intersects all three of the mining claims.



Figure 8: Proximal Land Uses (GeoYukon)

Settlement Land

The Tr'ondëk Subdivision is located directly across the Klondike Highway from project claims P 34309 and P 36294. This subdivision consists of Settlement Land parcels C-4B/D, C-85FS/D, and C-86FS/D (YOR 2020-0001-0047). These parcels currently contain residential and commercial uses. There are 36 occupied units on C-4B/D in both single-family dwellings and duplexes, and there are approximately 106 people living in the subdivision (YOR 2020-0001-0048). “The development of the subdivision represented an important first for TH and a key way to address the housing shortage in our community” (Tr'ondëk Hwëch'in 2020, YOR 2020-0001-0048).

TH has invested extensive resources in preparing additional lots on C-4B/D for an expansion of the Tr'ondëk Subdivision. This lot development is for an innovative Tr'ondëk Subdivision Homeownership Program (TSHP), wherein TH will be leasing lots and providing TH-backed loans for citizens to build their own homes (YOR 2020-0001-0048). The TSHP offers TH citizens the opportunity to build a home on a developed lot. The lot will be leased to TH citizens for 50 years at no cost; houses will belong to the individual awarded the lot lease. In June 2020, a lottery was undertaken for the newly developed lots. There were nine applicants for the 24 lots; all applicants were awarded a lot for residential development through the THSP (YOR 2020-0001-0048).

Highway Use

The Project runs adjacent to the North Klondike Highway. This is the main transportation corridor to and from Dawson and is one of the connecting highways between Yukon and Alaska in the summer. The vehicular traffic increases exponentially with tourism, mining and contractors during the summer months (May-Sept). Walkers, joggers, cyclists and all terrain vehicles also use the Highway on a daily basis.

Recreational Use

Dawson recreational activities are most prominent within the Dome area due to the natural environment, favourable landscape and proximity to the town core. The Project is located in close proximity to a community baseball and soccer field (~700 m) and walking trails coming down from Crocus Bluff. From May to September, the baseball and soccer fields are used by community members of all ages. On Crocus Bluff (overlooking the sports fields), there is a network of walking and hiking trails as well as mountain biking routes that access the Dome Road close to the project. Community members and visitors use these trails year-round. These trails are valued in the community for their wildlife habitat, recreational opportunities and the green space they provide close to town.

The Dome Road and Mary McLeod Road comprise a well used walking and biking loop for Dawson residents. Pedestrians, cyclists and vehicular traffic use the road year-round and simultaneously.

4.3.2 Community Planning

The project location is currently zoned as Single Detached/Duplex Residential and Future Planning by the City of Dawson. Similarly, the area where processing is proposed to occur on Claims P 36298 and P 34309 may overlap with reserves registered by Government of Yukon, Community Services (Dispositions 2019-5700 and 116B03-066) (YOR 2020-0001-0049). The purpose of these reserves are residential, in-line with City of Dawson zoning. If the project is allowed to proceed, the timing of the proposed placer mining operations will likely overlap with land development activities for the subdivision (ibid).

4.3.2.1 Official Community Plan

The City of Dawson's Official Community Plan (OCP) was developed as a result of broad public engagement and adopted to achieve purposes set out in the *Municipal Act* to achieve the safe, healthy, and orderly development and use of land (YOR 2020-0001-0047).

The project location is designated in the OCP as UR: Urban Residential. According to the City of Dawson, mineral development is not a permitted use at the proposed location (YOR 2020-0001-0026). The only land use designation in the Official Community Plan that permits mining is Industrial.

4.3.3 Zoning

Similar to the OCP, the land use zones for the Project align with the Single Detached/Duplex Residential and Future Planning designations. As with the OCP, mineral development is not a permitted use in either of these zones (YOR 2020-0001-0026). City of Dawson explains that mineral development can occur Future Planning zones, however only under very specific circumstances, which have not been met by this Project. Thus, the Project, as currently proposed at the current location is not in accordance with the OCP or Zoning By-Law (ibid).

4.3.4 Residential Development

Dawson City is facing a housing shortage (YOR 2020-0001-0029). The City of Dawson, with support from Government of Yukon, has been leading community planning work for future residential development at the project location. In December 2019, a Visioning Charrette was held with the public with the goal of working and collaborating with the public to develop a neighbourhood vision and broad objectives for the future neighbourhood. The charrette, guided by the City of Dawson Official Community Plan, resulted in a draft vision, guiding principles, and design elements for the future neighbourhood (YOR 2020-0001-

0029). Areas A, C, D and F of figure 7 are identified as the next major residential neighbourhood in Dawson (ibid). Area D overlaps with the Project.

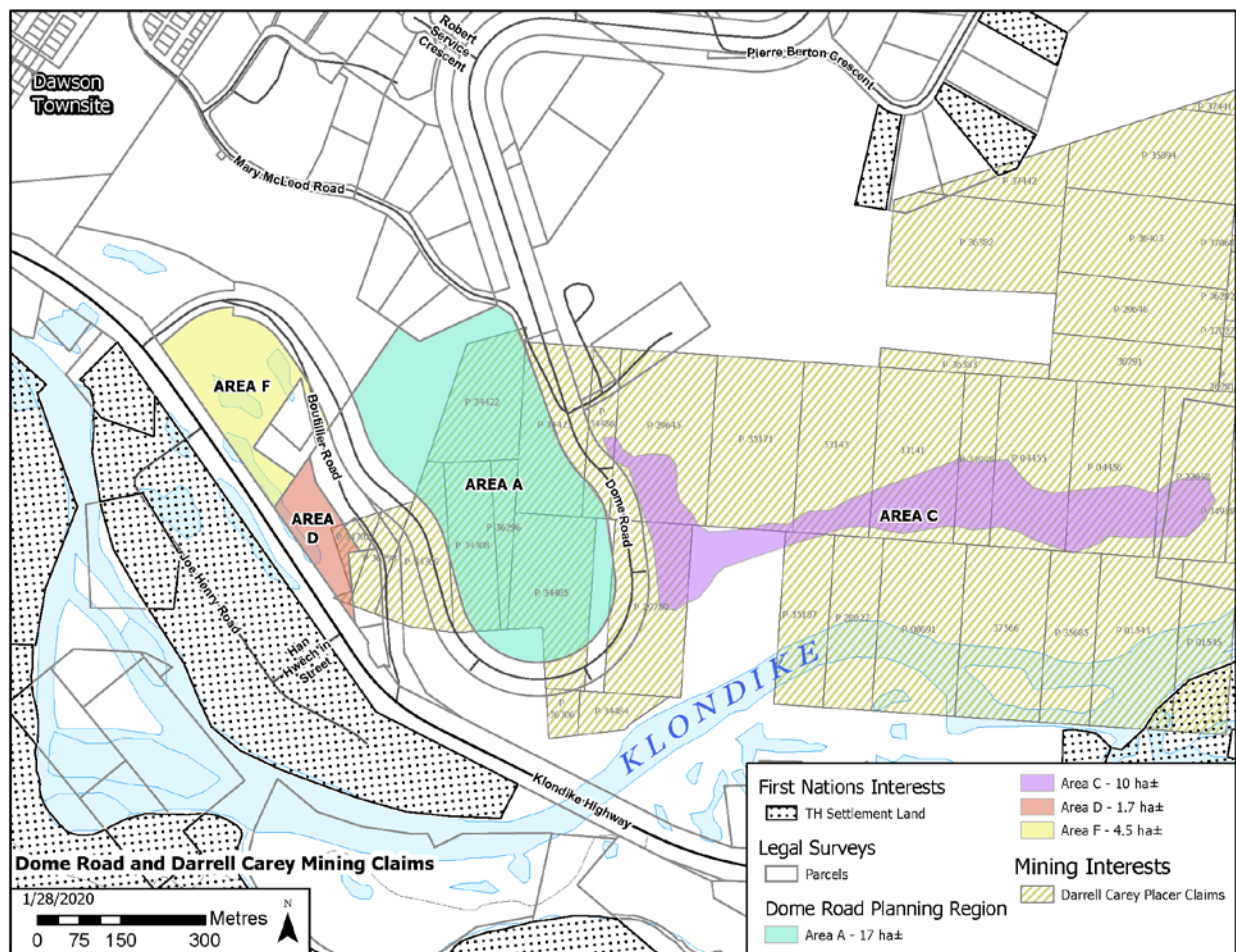


Figure 9: Map of Land Use (YG Community Services YOR 2020-0001-0050)

4.3.5 Dawson Regional Land Use Plan

The Project falls within the Dawson Land Use Planning Region. The Government of Yukon and Tr'ondëk Hwëch'in have formed the new Dawson Regional Land Use Planning Commission. The new Commission will develop a plan for future land use in the region with assistance from the Yukon Land Use Planning Council. More information can be found at dawson.playukon.ca.

5.0 SCOPE OF THE ASSESSMENT

The scope of the assessment identifies the matters considered in an assessment. It is determined by considering the activities described in the scope of the Project (identified in Section 3.0) and, based on consideration of the matters set out in s. 42(1) of YESAA, identifying the valued environmental and socio-economic components (VESECs) that may be affected by project activities. Views and information submitted during the assessment help to identify VESECs and potential effects of the Project to these VESECs.

5.1 Views and Information Submitted

The Dawson Designated Office solicited views and information on the Project, from March 23 to April 28, 2020. The period of soliciting view and information was extended to 35 days in response to identified capacity inadequacies due to the Covid-19 pandemic. The Dawson Designated Office solicited views and information on the Project for a second time from May 25 to June 8, 2020. This second solicitation of views and information was undertaken because the Proponent provided supplementary information that, in the opinion of the Designated Office, the public, interested parties and others should have additional time to consider.

Comment submissions were received from City of Dawson (COD; YOR 2020-001-0026), Government of Yukon (YG; YOR 2020-0001-0029, 0049), Fisheries and Oceans Canada (DFO, YOR 2020-0001-0030, 0065), Yukon Conservation Society (YCS; YOR 2020-0001-0033), members of the public (YOR 2020-0001-0035, 0041, 0043, 0069,0071), Klondike Active Transport and Trails Society (KATTS; YOR 2020-0001-0045), Tr'ondëk Hwëch'in (TH; YOR 2020-0001-0047, 0067), Environment and Climate Change Canada (ECCC; YOR 2020-0001-0051), City of Dawson Council (CDC; YOR 2020-0001-0053). The Designated Office has identified the following relevant concerns, interests and project effects from comments submitted and included key regulator requirements, best management practices or any other information submitted that is relevant to the assessment.

5.1.1 Tri-Partite Agreement: Government of Yukon, City of Dawson, the Proponent

- The Project undermines a 2014 tri-partite agreement signed between Government of Yukon, City of Dawson and the Proponent (CDC)
- The proposal has resulted in questions about the value taxpayers received from the 2017 tri-partite agreement, which included an outlay of taxpayer money (approximately \$1.5 million) to relocate the Dome road, as well as the integrity of agreements signed between government and proponents. (CDC)

5.1.2 Project Proposal

- The proposal is unclear and incomplete (public, KATTS, YCS)
- Persons who desire to utilize public lands should be held to a much higher standard when submitting proposals (KATTS)

5.1.3 Project Timing

- The permit associated with this project should be for a maximum of two years (KATTS, YCS)
- Ten years seems to be a very long time for processing such a modest amount of material (YCS)
- No support for 10 year operation (COD)
- It is against OCP policy (section 8.1) to allow the project to continue for another 10 years, especially given that the extraction portion of the Project is complete (COD)

5.1.4 Public Health and Safety

- Mining-related traffic in Dawson City can adversely affect public health and safety and should be mitigated (CDC)

- Project activities are proposed to occur in proximity to area residents (CDC)
- During the life of the license, dangerous areas must be marked or barricaded for public safety, including in the off season (YG)
- The proponent shall provide notification to users of the Dome Road and Boutillier Road in the event that heavy equipment will be crossing or using the roadway. Notice shall be in the form of public notices and signage visible from the intersection of the Klondike Highway and Dome Road and Boutillier Road.(YG)
- Equipment, camp and fuel storage add an element of danger to the Dome subdivision during forest fire season (public)

5.1.5 Settlement Land/Tr'ondëk Subdivision

- The Project may adversely affect Settlement Land and residential areas through increased noise, dust, industrial traffic and ongoing disturbance to the viewscape (TH)
- Continuing to permit industrial activities within the City of Dawson and adjacent to TH's Settlement Land parcel reduces the value of these lots and compromises TH's efforts to develop novel housing opportunities for citizens. (TH)
- There is a history of placer-related legal activity involving parcel C-4B/D. The continued threat of such actions created instability for TH citizens that can also negatively impact the future economic prospects of TH Settlement Land for lease, and for housing development, purchases and sales. (TH)
- The Project represents another impact to the ability of TH and its citizens to peacefully use and enjoy the Tr'ondëk Subdivision and to invest resources in the development of housing on the parcel. (TH)
- Placer mining is having a cumulative effect on the Tr'ondëk Subdivision as residential area. (TH)
- Operating hours should be reduced from 9am to 5pm (TH)
- Temporal scope should be reduced to two years to minimize the ongoing noise, traffic and dust impacts to local residents (TH)
- Machinery noise (rocks on metal, pumps, heavy equipment and beeping) is a disturbance of peace and quiet and change the tone and atmosphere of the area (public)
- The proposed activities are not conducive to community living or community building (public)

5.1.6 Community Development

- Material processing could be undertaken at another location which does not conflict with future land use development at the proposed location (CDC, COD)
- Proposed camp location is unclear (CDC, KATTS)
- Sluicing at the proposed location does not conform with zoning for that particular area (CDC, TH)

- The Project is proposed to occur in an area zoned Future Planning (CDC)
- The Project fronts City of Dawson piped-and-sewer infrastructure; there are only a few land parcels in Dawson that do so (CDC).
- City of Dawson, with support from YG, has been leading community planning work for future residential development at the project location (YG)
- The project location is identified as one of the next major residential neighbourhoods in Dawson, portions of which have been reserved by YG for residential development (YG)
- The timing of the Project, as proposed, will likely overlap with land development activities for the subdivision at the same location (YG)
- Claim locations are based on the location of claim posts and baseline for each creek or river. The claim maps provided by Government of Yukon are known to contain errors. (YG, COD)
- The Project could be out at a location that doesn't conflict with the OCP and more compatible for a long-term project (COD)
- The project location is easily serviceable (COD)
- Due to the site's close proximity to the town site, developing in this location before requiring service extensions further down the Klondike Highway is an efficient use of existing infrastructure (COD)
- Residential development at the project location is an economically, environmentally, and socially responsible decision due to the various known impacts of sprawling, inefficient land use and development patterns. (COD)
- The best use of existing infrastructure would be to continue with the development plans for residential use at the project location (COD)
- City of Dawson is committed to development patterns that serve the best interests of the community overall (COD)
- The project location is earmarked for residential development in the OCP and Zoning By-law (COD)
- The project location is within a current planning area for a residential development that was initiated based on the expiry of the project (COD)
- The Project would stall the City of Dawson's intentions for residential development, resulting in inefficient use of municipal infrastructure and in development patterns that are not continuous and compact (COD)
- City of Dawson would approve a development permit application for a sluicing operation in a location that was compatible with the OCP and the policies laid out therein (COD)
- Tr'ondëk Hwëch'in citizen and elder has a vested interest in the Project (public)
- The project has \$1.4 million investment with very little return (public)

- The Project can result in dropping of nearby property values (public)

5.1.7 Community Well-Being

- Socio-economic impacts of prioritizing the proposed land use over residential-lot development for a town YG projects will continue growing for the foreseeable future should be understood before this project proceeds. (CDC)
- The Project conflicts with broader public interest (TH)
- Mitigations regarding fuel storage, dust mitigation, camp use, traffic management and future use of the area were recommended (TH)
- The Project could impact development timelines or the final use of the land through mining operations and excavation activities (YG)
- Government of Yukon recognizes there may be issues with respect to mineral staking and development activities within community boundaries (YG)
- Mining is not conducive to active community living (public)
- Noise, destruction and disruption from earlier phases of the project have been experienced for well over a decade (public)
- Mining activities on the dome have changed how residents use the trails and road and has changed the peaceful enjoyment of private property (public)
- Mining and industrial noise travels up hill like a loud speaker and is a disturbance on Mary McLeod Road and on Crocus Bluff side trails (public)
- Noise generated at the project location, such as equipment starting, gravel dumping and sluicing, can be heard on Mary McLeod Road (public)
- There have been many demonstrations of disregard for rules and disrespect for the community by the Proponent. This erodes community trust. (public)
- The project location could better serve as a new sub-division for the growing community of Dawson (public)
- Noise and disruption for even one more year of operations is not acceptable and another ten years cannot be endured (public)
- Evenings and weekends free of noise and disruption is more important than completing mining work as quickly as possible (public)
- The timing and duration of the project cannot be considered socially acceptable, especially in a residential neighbourhood (public)
- It is unreasonable and disrespectful to allow mining operations to continue when residents and their families can reasonably be expected to be home (public)

- If the project is unable to provide affected residents peaceful enjoyment of their homes the operation should be moved elsewhere (KATTS)
- The Project is located in a residential area; there is potential for disturbance of residents during what are ordinarily quiet times. The operation should be limited to 7am to 7pm (YCS)
- The Project has significant economic, environmental and social impact on the community (COD)
- The Project has been a source of major conflict in the community for many years due to the close proximity to established residential and recreational uses (COD)
- The Project is demonstrated to be a high-risk for conflict with adjacent residential and recreational uses and contrary to economic development reduce such conflicts (COD)

5.1.8 Community Cohesion

- The Proponent's mining operation has turned Dawson into a “fence-line community”¹, the social impacts of which are well documented.² (public)
- Social cohesion is important for the community of Dawson City (public)
- The Project has the potential to further divide a community, which for too long has been grappling with the impacts of placer mining within municipal boundaries – not only the environmental and social impacts, but the emotional impacts as well (public)
- The Project forces friends and neighbours to choose between support or dissent, which creates a divisive effects and has the potential to destabilize many community run-institutions that make Dawson City a wonderful place to live (public)

¹ Browne, A. L., Stehlik, D., & Buckley, A. (2011). Social licences to operate: for better not for worse; for richer not for poorer? The impacts of unplanned mining closure for “fence line” residential communities. *Local environment*, 16(7), 707-725.

² Petrova, S., & Marinova, D. (2013). Social impacts of mining: Changes within the local social landscape. *Rural Society*, 22(2), 153-165.

Ivanova, G., Rolfe, J., Lockie, S., & Timmer, V. (2007). Assessing social and economic impacts associated with changes in the coal mining industry in the Bowen Basin, Queensland, Australia. *Management of Environmental Quality: An International Journal*.

Keeling, A., & Sandlos, J. (2015). *Mining and communities in Northern Canada: History, politics, and memory* (Vol. 3). University of Calgary Press.

Kemp, D., Owen, J. R., Gotzmann, N., & Bond, C. J. (2011). Just relations and company–community conflict in mining. *Journal of Business Ethics*, 101(1), 93-109.

Storm, Anna. 2014. *Post-Industrial Landscape Scars*. London: Palgrave Macmillan.

- City of Dawson has rallied the community against the Project (public)

5.1.9 Housing

- YG has not developed water-and-sewer-piped residential lots in Dawson City for nearly 25 years. This has resulted in extreme housing pressures for a growing Dawson City. (CDC)
- The Project will aggravate the current housing problem by limiting future development (CDC, YCS)
- Subdivision development should be prioritized in Dawson and the proposed project location could satisfy that need (CDC)
- The Project will negatively affect broader community interests around access to land and housing (TH)
- This project creates land-use conflict by seeking to locate industrial use activities in a residential area and by encumbering central and easily-serviced land that could be used to meet the considerable need for residential lots in the City of Dawson (TH)

5.1.10 Ski Trails

- The Project poses a threat to recreational ski trails in the area (KATTS)

5.1.11 Environmental Contamination

- The Project is located directly above Dawson City's potable-water well. Spills could threaten the community's water supply (CDC, public)
- Relevant legislation regarding effects from the release of deleterious substances was discussed (ECCC)
- Fuel malfunctions are a danger to nearby and downstream users (public)

5.1.12 Reclamation

- Requirement for increased standards for reclamation, developed in conjunction with the City of Dawson and TH (TH)

5.1.13 Erosion and Sedimentation

- Stripping of vegetation may result in erosion of soils and sedimentation of downstream waters. Activities associated with vegetation removal may cause disturbance to active layer, slope instability, drainage impediment, sedimentation of water bodies, and erosion. (YG)
- The Proponent should ensure effective temporary and permanent erosion and sediment control measures are implemented on disturbed areas during and after activities to prevent erosion and sedimentation. (YG)

5.1.14 Wildlife

- Mining activities on the Dome have changed the shape of the mountain, the way animals travel and access the Klondike River, the amount of nesting and access for birds (public)

Migratory Birds

- The Project is located in Nesting Zone B8 and migratory birds may be found nesting from the beginning of May until late-August (ECCC)
- If nests containing eggs or young of migratory birds are located or discovered during operations, all disruptive activities in the nesting area should be halted until nesting is completed (ECCC)
- Food, domestic wastes and petroleum-based chemicals can attract predators of migratory birds and can have significant negative effects on the local bird population (ECCC)
- Particular care should be taken in selecting erosion prevention and control measures if migratory birds are found nesting in stockpiles of overburden (ECCC)
- During the breeding season it is important that nests not be disturbed by erosion prevention and control measures or by excavation and construction or reclamation activities (ECCC)
- Recommendations for avoiding the creation of nesting habitat for Bank Swallow and Common Nighthawk, listed as Threatened on Schedule 1 of SARA, were provided (ECCC)

Bears

- The project area is frequented by black bears (YG)
- Conservation Officers in Dawson regularly deal with conflict bears in the nearby residential and industrial areas (YG)
- Any food, garbage and fuels at the site will inevitably attract bears leading to potential human-bear conflicts, which could ultimately end in bear mortalities if appropriate mitigation is not in place. (YG)

5.1.15 Aquatic Resources

- The existing pond proposed to be used for water acquisition and settling is not classified on the Yukon Placer Fish Habitat Suitability Map and use of this pond for water acquisition and settling is not authorized by the *Fisheries Act Watershed Authorization for Works or Undertakings Affecting Fish Habitat for Specified Streams in the Yukon Territory* (DFO)
- The Project is not located in or near fish habitat (DFO)

5.1.16 Official Community Plan

- The Project is in conflict with the City of Dawson's Official Community Plan (TH)
- TH supports the community vision in the OCP and does not support non-confirming placer mining activities within municipal boundaries. (TH)

5.1.17 Heritage Resources

- There are no known heritage resources in the project area. However, the project location has not been fully inventoried for sites to dates and undocumented heritage resources may be present within the project area. (YG)
- Portions of the project location have been subject to a heritage resources impact assessment. This assessment and a desktop review of the project area indicates that the project location has low potential for the presence of archaeological or historic sites. (YG)

5.1.18 Regulatory

- A City of Dawson development permit is required to undertake project activities (CDC, TH)
- City of Dawson has not been contacted about the Project (CDC)
- According to the *Municipal Act*, City of Dawson has jurisdiction over zoning within the municipal limits and administers land within the municipality through the Official Community Plan and the Zoning Bylaw. The proponent must submit an application to amend the Official Community Plan and Zoning Bylaw before any activity proceeds. (CDC, TH)
- The Project would only be allowed to proceed, if approved by City of Dawson Development Permit prior to third reading of the Zoning Bylaw (May 13, 2019).
- Quarrying is not a permitted mining activity (CDC)
- A discussion of species at risk in the general area was provided (ECCC)
- It is the responsibility of the proponent to ensure that the boundary to all lots is clearly identified and that no work occurs on titled property. Should this operation result in any loss or damage to legally owned or occupied properties, pursuant to section 19 of the *Placer Mining Act*, the proponent will be responsible for compensation. (YG)
- Government of Yukon, Department of Community Services should be a Decision Body (public)
- The Proponent should be required to post sufficient security to address any environmental and socio-economic effects (KATTS)
- The proposed project would violate the conditions of water licence PM17-086 (YCS)
- City of Dawson will not issue a development permit for the Project to be undertaken (public)
- The process of changing the OCP to bring this project into conformity will take approximately 4 years which limit the ability of the Project to be undertaken (public)
- The Project should be allowed to proceed. The only reason it hasn't been completed to date is because of the red tape the Proponent has had to go through (public)

5.2 Determination of Significance

In order to mitigate a potential adverse effect, the Designated Office must first find significance. In addressing what may constitute a “significant” adverse effect, the Designated Office considered the following factors:

Magnitude: The intensity of an effect or extent of change, where "effect" is defined as the change from baseline conditions resulting from an activity.

Probability: The likelihood that an adverse effect will occur.

Geographic Extent: The geographic extent of project effects (e.g. the distance from the project and/or the area in which effects are detectable). The geographic extent of effects can be local or regional.

Duration and Frequency: The length of time the effect lasts and how often the effect occurs. The duration of an effect can be short term or long term. The frequency of an effect can be frequent or infrequent.

Reversibility: The degree to which the effect is reversible. Effects can be reversible or permanent. Reversible effects may have lower impacts than irreversible or permanent effects.

Context: The particular environmental and/or socio-economic context within which the project occurs. Context is related to the importance of valued environmental and socio-economic components, their resiliency to potential effects and the extent to which those valued components may successfully adapt to change.

5.2.1 Consideration of Cumulative Effects

With regards to cumulative effects, subsection 42(1)(d) of the *Yukon Environmental and Socio-economic Assessment Act* (YESAA) instructs Designated Offices to consider:

42(1)(d) the significance of any adverse cumulative environmental or socio-economic effects that have occurred or might occur in connection with the project or existing project in combination with the effects of other projects for which proposals have been submitted under subsection 50(1) or any activities that have been carried out, are being carried out or are likely to be carried out in or outside Yukon;

(d)(1) any studies or research undertaken under subsection 112(1) that are relevant to the project or existing project;

(d)(2) the need for effects monitoring.

The consideration of cumulative effects is a key contextual factor in determining the significance of potential project effects.

5.3 Other Matters Considered

5.3.1 Global Health Considerations

At the time of issuance of this Evaluation Report, the World Health Organization has declared a pandemic regarding the novel corona virus COVID-19. Various levels of government, including the Government of Yukon, have enacted measures and are likely to enact additional measures to limit the spread of the COVID-19 virus. The situation is fluid and it is impossible to predict outcomes or what the situation may

be like at the time the Project is proposed to be carried out. The determinations and recommendations made in this Evaluation Report are made with the expectation that proponents will follow all recommended measures by Yukon's Chief Medical Officer of Health and/or other relevant regulatory regimes, guidelines and/or advisories in response to COVID-19. Consequently, COVID-19, its possible effects, and responses to it are not addressed further in this Evaluation Report.

5.4 Valued Environmental and Socio-economic Components

The Designated Office has identified the following VESECs as being adversely affected by the Project:

- Community Development and Well-Being (This VESEC will be further discussed in Section 6.0 of this report.)

The Project is proposed to occur in an area that is intended for a future residential development subdivision. The Project in conjunction with past projects will result in delayed residential development, reduced community cohesion, and reduced property values.

- Public Health (This VESEC will be further discussed in Section 7.0 of this report.)

Heavy equipment use and material processing in close proximity to residential properties other users will adversely affect public health by resulting noise disturbance.

- Bears (This VESEC will be further discussed in Section 8.0 of this report.)

Waste and fuel storage can attract bears to the project location and result in human-bear conflict leading to bear mortality.

- Soils and Vegetation (This VESEC will be further discussed in Section 9.0 of this report.)

Heavy equipment use, vegetation clearing and material processing can result in erosion.

5.4.2 Concerns and Interests Considered but not Assessed Further

The Designated Office considered the following concerns and interests, but determined there are no known pathways of effects. The following section(s) further explains how the Designated Office considered identified concerns project design features and relevant legislation that eliminate pathways of adverse effects.

5.4.1.1 Impacts to Investors

The Dawson Designated Office acknowledges that the Project is a collaborative venture with invested interests from parties other than the Proponent, such as a Tr'ondëk Hwëch'in elder and life-long Dawson City resident (YOR 2020-0001-0070). In accordance with the *Yukon Environmental and Socio-economic Assessment Act* (YESAA) this report will evaluate adverse effects of the Project to the VESECs identified in Part B of this report. This assessment will not consider impacts that could occur if the Project were not to proceed. The responsibility of the Dawson Designated Office lies with identifying effects of the Project and does not contemplate effects from the absence of the Project. Such considerations are beyond the scope of the assessment.

5.4.2.1 Camp Location

Comments submissions from City of Dawson Council, KATTS and members of the public identified lack of clarity about proposed camp location and questioned the need for a new camp. In response to these comments, the Designated Office sought clarity on details of the proposed camp (YOR 2020-0001-0058). In their response to the aforementioned information request, the Proponent indicated that no camp would

be proposed for this Project. As such, comments regarding the originally proposed camp are not considered further in this report.

5.4.1.2 Effects to Ski Trails

The comment from KATTS expressed concern over potential effects to ski trails from the Project. As discussed above, the proposed camp, which was originally proposed to occur in proximity to the moose mountain cross-country ski trails, is no longer proposed as part of this project. The Project is located away from all ski trails and does not involve activities that could result in direct or indirect impacts to the ski trails. With no pathway to effects, impacts to ski trails have not been considered further in this report.

5.4.1.3 Quarrying

City of Dawson Council noted in their comment submission concerns about quarrying at the project location. Quarrying is not proposed as part of this project and therefore not considered further in this report. Concerns with quarrying occurring at the project location are regulatory in nature and do not fall within the scope of this assessment.

5.4.1.4 Aquatic Resources and Water Quality

Comments from members of the public, City of Dawson Council and DFO indicated that the Project could adversely affect water quality and aquatic resources from the release of deleterious substances. The *Placer Mining Regulations* require fuel to be stored no less than 30 m from the ordinary high water mark of any waterbody. The *Fisheries Act* also includes provisions to prevent adverse effects to fish and fish habitat. In consideration of the project design and relevant legislation, the pathway of effects to aquatic resources and water quality is limited to an accident or malfunction. In consideration of the project location, which is approximately 300 m away from the Klondike River, and relevant legislation effects to aquatic resources and water quality will not be further considered in this report.

5.4.1.5 Migratory Birds

Comments from Environment and Climate Change Canada suggested that project activities could adversely affect migratory birds. The Project as proposed will not involve clearing, overburden removal or access construction. Activities are limited to material processing of material stored on-site and tailings. In consideration of the project design, migratory birds have not been identified as a valued component and will not be discussed further in this report.

5.4.1.6 Community Services as Decision Body for the Project

Comments from the public suggested that Government of Yukon, Department of Community Services should be the decision body for the Project. The Dawson Designated Office notes that Government of Yukon as been identified as the Decision Body for this Project; the specific department has not been identified. Government of Yukon delegates its decision-making authority to various departments based criteria they have established. This delegation is beyond the scope of the assessment.

5.4.1.7 Human Injury

Comments from Government of Yukon, City of Dawson, and the public indicated that project activities could result in human injury from heavy equipment use and use of the Dome Road. The project location contains signage advising the public of the nature of work occurring on site. Furthermore, “if the public approaches, they are greeted with a smile, their questions are welcomed, answers and they are informed

on any possible adverse effects to their health and safety. They are advised on being safe and alerted to pay attention that this is a work area to prevent and eliminate any adverse effects to their health and safety” (YOR 2020-0001-0012). Regarding safety concerns related to use of the Dome Road, the project is not likely to result in increased mining traffic because all activities are now proposed to occur on three contiguous claims. Traffic will be limited to mobilizing equipment to and from the site. In consideration of the project design, human injury from project activities is unlikely. Human injury from project activities is not considered further in this report.

5.4.1.8 Project Alternatives

Comments from City of Dawson and KATTS spoke to the potential for project effects to be mitigated by undertaking project activities at an alternate location. As part of information request #4 the Designated Office inquired about the potential for the Project to be relocated to an area zoned for industrial activity. The Proponent responded by saying that the infrastructure required to undertake the Project is already in place at the project location (YOR 2020-0001-0033-1). No alternate location was proposed. The Dawson Designated Office is bound to assessing the Project as proposed. Given that alternate locations have not been proposed, project effects from undertaking activities at an alternate location are not considered in this assessment.

PART B. ASSESSMENT AND REASONS FOR RECOMMENDATION

Part B of this evaluation report presents the effects assessment of the Project on VESECs identified in Section 5.0. For each VESEC identified, an overview is provided followed by a discussion on relevant contextual factors, an effects characterization analysis and a determination of significance. Where adverse project effects are determined to be significant, terms and conditions are recommended.

6.0 COMMUNITY DEVELOPMENT AND WELL-BEING

6.1 Overview

The Project is located in an area currently selected for future residential development by City of Dawson, with support from Government of Yukon. This subdivision is intended to address the long-standing housing shortage in the community and foster community development. The Project is also located adjacent to private residences on Boutillier Road and across the Klondike Highway from the Tr'ondëk Subdivision, which houses approximately 106 individuals in a combination of single family dwellings and duplexes (Figure 7).

The Project could adversely affect community development and well-being from delayed development of a subdivision, reduced property values and reduced community cohesion. Project effects will be discussed in more detail in section 6.6.

The title of this VESEC aims to acknowledge the interconnections between community development and well-being. In consideration of the definitions provided below, it is the Dawson Designated Office's view that community development cannot occur, without ensuring its well-being and therefore separating the two concepts in this report would be inappropriate.

The Designated Office has determined that the Project will result in significant adverse effects to community development and well-being. Recommended terms and conditions will mitigate significant adverse effects to community development and well-being.

6.1.1 Definition of Key Terms

Community

Community is not limited to the municipality of Dawson City itself. The definition of community in this report is adapted from Theodori (2005). In this report, community refers to interrelated actions undertaken in a given place through which members of a local population express a shared sense of identity while engaging in the common concerns of life. This definition of community, views social interaction as the substantive element of community (Theodori, 2005). According to Theodori (2005), social interaction:

- delineates an area as shared territory
- contributes to the wholeness of local life
- gives structure and direction to collective actions, and
- is the source of mutual identity

Theodori (2005) suggests that community occurs in places and is place oriented, but the place itself is not the community. The place serves as the setting in which social interaction occurs (Theodori 2005). In other words, Dawson City is not “the community” in this report. Dawson City is the location of the community, which may be adversely affected by the Project. This impacted community consists of residents of the Tr’ondëk subdivision, Boutillier Road and Mary McLeod Road and extends to individuals emotionally impacted by mining at the project location even if they are not experiencing direct impacts from the Project activities.

Community Development

Community development is often defined as improving the social, economic and environmental quality of life for residents of a community (Theodori 2005). This definition fails to acknowledge the emotional component of a community, which the Dawson Designated Office considers to be an integral part of development. Emotion informs the nature and shape of development in an area. Thus, community development in this report is broadened and defined as a process of building and strengthening the community (Theodori 2005). Community development is achieved by working together toward a common goal (Theodori 2005).

Well-Being

Well-being in this report is defined as a general state of wellness influenced by environmental, psychosocial and economic characteristics. Well-being can be influenced by political and social levers of action.

Political levers of action are those that are controlled by local governments or large organizations and include implementation of local policies or programs or promoting change in culture... Social levers of action are characteristics describing the readiness of community members to drive change in their community. (Roy et al. 2018)

6.2 Relevant Legislation

The Designated Office considered the following legislative requirements. This list is not exhaustive; rather, the Designated Office reviewed this specific legislation because of its direct relevance to community development and well-being.

- *Municipal Act*
 - Section 178 each member of a council has a duty to
 - (a) Consider the well-being and interests of the municipality as a whole and to bring to the council’s attention anything that would promote the well-being or interest of the municipality
 - Section 277 The purposes of this Part and the bylaws under this Part are to provide a means whereby official community plans and related matters may be prepared and adopted to
 - (a) achieve the safe, healthy, and orderly development and use of land and patterns of human activities in municipalities;
 - (b) maintain and improve the quality, compatibility, and use of the physical and natural environment in which the patterns of human activities are situated in municipalities; and
 - (c) consider the use and development of land and other resources in adjacent areas

without infringing on the rights of individuals, except to the extent that is necessary for the overall greater public interest.

- Section 283(2) No person shall carry out any development that is contrary to or at variance with an official community plan.
- Section 283(3) Despite subsection (2), council is not empowered to impair the rights and privileges to which an owner of land is otherwise lawfully entitled
- Section 284 If, in an area that has been consolidated into a municipality, any existing zoning bylaw, or regulation under the *Area Development Act*, is at variance with the provisions of an official community plan, the provisions of the official community plan shall supersede the provisions of the bylaw or regulation.
- Section 285 An official community plan may be amended, but any such amendment shall be made in accordance with the procedure and subject to the same approvals as established in this Division [Division 1 Official Community Plan] for the preparation and adoption of an official community plan.
- Section 288 When an official community plan is adopted or amended, the council shall within two years adopt or amend, if necessary, a zoning bylaw applicable to the land affected by the official community plan or amendment
- Section 290(1): Without restricting the generality of section 289, a zoning bylaw may establish districts, areas, or zones in the municipality and regulate any one or more of the following matters in any or all of the districts, areas, or zones
 - (a) the use of land, buildings, or other structures for business, industry, residences, or any other purpose after the passing of the bylaw;
 - (l) the removal from the ground of soil, gravel, sand, silt, aggregate, or other surface materials
- Section 301(1) If the lawful use of land or of a building or other structure existing at the date of the adoption of an official community plan or zoning bylaw or amendments does not conform to the official community plan or bylaw, that use may be continued, but if the non-conforming use is discontinued for a period of 12 months, or any longer period as council may by bylaw allow, any subsequent use of the land or building or other structure must conform with the official community plan and zoning bylaw then in effect.
- Section 307(1) A person may apply to the board of variance for a variance or exemption from an official community plan or zoning bylaw if there are practical difficulties or unnecessary hardships in meeting the requirements of the official community plan or zoning bylaw because of the exceptional narrowness, shortness, shape, topographic features, or any other unusual condition of the property.
 - (2) The board of variance shall not approve an application for a variance if
 - (c) the variance or exemption would be contrary to the purposes and intent of the official community plan or zoning bylaw and would injuriously affect the neighbouring properties; or

(d) the variance or exemption would allow a change to a use that is not similar to a permissible use in the area.

- City of Dawson Official Community Plan Bylaw 2018-18

The City of Dawson's Official Community Plan (OCP) was developed as a result of broad public engagement and adopted to achieve purposes set out in the *Municipal Act* to achieve the safe, healthy, and orderly development and use of land.

- 7.0 Housing

- Housing is a critical issue in Dawson as there is an ongoing need for permanent long-term and short-term accommodations. It is widely understood that there is a small stock of existing housing in the community and a limited amount of developable residential land available. Although there is still a fair amount of privately owned serviced land in the historic town site that is either undeveloped or contains vacant and underutilized buildings, housing needs are not being met.

- 7.1 Long-term goals

- Meet the full spectrum of housing needs in the community.
- Provide sufficient land available for residential development

- 7.2 Implementation approaches

- Investigate the suitability of the Slinky Mine [project location] and Dredge Pond areas for new residential development.

- 8.0 Economic Development

Section 8.0 of the OCP explains “[e]conomic development involves supporting new or existing economic sectors, attracting new businesses, and creating an environment where different economic interests are balanced...Maintaining a liveable and vibrant community is vital to attracting and keeping the labour force required for local businesses to succeed” (p. 24).

- 8.1 Long-term goals

- Conflicts between industrial uses and other uses are avoided or minimized.

- 14.0 Municipal Infrastructure

- 14.1 Long-term goal

- Develop and provide municipal infrastructure that is effective, safe and efficient.

- 14.2 Implementation approaches

- Promote the development of continuous and compact development in order to reduce the infrastructure required and its associated costs.

- Prioritize the development of vacant or underutilized lands in the Historic Town site over extending services into new areas in order to utilize existing infrastructure in a more efficient manner
- City of Dawson Zoning By-law
 - The Project location is zoned for Future Planning (FP). According to the zoning by-law

The purpose of the FP zone is to preserve land as open space until such time as the land is required for development, and to identify potential future growth areas in the community. These areas may be suitable for one or more different land use designations. To determine the suitability of the areas for future development, additional planning must be completed.

City of Dawson explain in their comment submission that mineral development is not a permitted use at the project location. The Industrial zone is the only zone in which an applicant can lawfully engage in mineral development, without needing to meet extra criteria. Mineral developments can occur in Future Planning zones, however only under very specific circumstances.

- 15.2.1.6 permitted M1 Zone (Industrial) uses, if approved by an approved development permit prior to third and final reading of this bylaw

City of Dawson noted in their comment submission that the Project does not meet the criteria for an extension because the Proponent has not engaged with the City on an extension of their operation at the project location and because of the conditions under which the Proponent's past two development permits were issued (YOR 2020-0001-0026).

- Tr'ondëk Hwëch'in Final Agreement
 - Under TH's Self-Government Agreement, Settlement Land parcel C-4B/D is a parcel for which TH has limited its self-governing powers in relation to local bylaw issues. TH made this sacrifice to reduce land use and other conflicts between centrally located settlement land parcels and the broader Dawson community. As such, TH expects that municipal bylaws regarding land use controls are enforced and respected. (YOR 2020-0001-0048, p. 2)

6.3 Spatial and Temporal Scope

The spatial scope for effects to community development and well-being extends to the entirety of the broader Dawson City area, from Henderson Corner to Sunnydale and West Dawson (Figure 9). This area was selected because emotional effects from the Project are not bound to a physical location. However, the Dawson Designated Office recognizes the need to specify a region for characterizing project effects to community development and well-being. Even so, it is understood that impacts to community development and well-being may be experienced beyond the spatial scope identified.

The temporal scope for the assessment of effects to community development and well-being is 10 years because this represents the length of the Project. However, the Dawson Designated Office acknowledges that effects to community development and well-being, particularly psychosocial effects may be experienced beyond the life of the Project.



Figure 10: Spatial Scope for Effects to Community Development and Well-Being

6.4 Context

6.4.1 Project Claim Status and the Dome Prohibition Area of Entry

Several comment submissions referred to agreements between the Proponent, Government of Yukon and City of Dawson regarding use of the project location for mining. The following section clarifies the current status of the project claims. The information below was obtained from the City of Dawson Council comment and a letter provided by Government of Yukon to the Designated Office (YOR 2020-0001-0053, 0057).

In 2014, a Tri-Partite agreement between Government of Yukon, City of Dawson and the Proponent was signed. The agreement states that it was established with the understanding that Government of Yukon “wishes to assist Carey [the Proponent] and [City of] Dawson in their respective efforts of mining the Claims and facilitating safe public access to the Dome Road and any existing and future development in the area of the claims” (YOR 2020-0001-0053). This agreement stated that mining and reclamation would be completed by December 31, 2017 (ibid).

In accordance with the 2014 agreement, the Proponent surrendered a number of placer mining claims in 2018. In the same year, Government of Yukon established Order in Council 2018/160, which prohibits entry to the “Dome Road Prohibition of Entry Area” for the purpose of placer mining, which encompasses the U-shape section identified in Figure 1. Claims P 34309 and 36298 fall partially within the Dome Road Prohibition of Entry Area. As such, while the claims may be valid, the Proponent cannot lawfully carry out mining activity on those parts of the claims within the Dome Road Prohibition of Entry Area. Conversely, there are no restrictions to the Proponent carrying out activities on the portions of the claims outside of the Dome Road Prohibition of Entry Area. Thus, despite suggestions in some comment submissions that the Project cannot occur lawfully at the proposed location, the project location as illustrated in Figure 1 does not contravene the 2014 agreement.

The 2014 agreement was replaced by another agreement executed in 2018 between Government of Yukon and the Proponent. City of Dawson chose not to be a party to the 2018 Agreement. According to Government of Yukon, who is party to both agreements, the 2014 and 2018 agreements “were strictly about mining activity and mineral claims that fall within the boundaries of the U-shaped section of Dome

Road. The current application involves placer claims that extend beyond this U-shape section” (YOR 2020-0001-0057).

6.4.2 Klondike East Bench Project Report

Following the assessment of project 2016-0118: Placer Mine – Klondike River East Bench, the Government of Yukon, Department of Energy, Mines and Resources hired a B. McIntyre (the Consultant) as to gather information and to explore ideas that could resolve divergent land use interests relating to the Klondike East Bench Project (McIntyre, 2017). The Consultant’s report notes that “longer term planning and management of the phased and planned developments can support the access and extraction of valuable resources (gravel, gold), facilitate proper reclamation of disturbed areas for future use, and result in development of trails, recreation areas and residential properties that meet the long term goals of the community” (McIntyre, 2017, p, 23). McIntyre (2017) notes that successful implementation of recommendations requires that a number of criteria are observed. The report suggests that effective and clear communication across all parties is instrumental to the successful implementation of the report’s recommendations (McIntyre, 2017).

As noted in comments from City of Dawson and City of Dawson Council, communication between the Proponent and City of Dawson is limited and has proven ineffective, of late. This is exemplified in the City’s comment submission where they describe the process for future residential planning at the project location and the lack of engagement by the Proponent in the process despite being made aware of the planning process (YOR 2020-0001-0026). Thus, while the report developed for Government of Yukon identifies recommendations to allow for continued mining at the project location in a manner, which could foster community development and well-being, the criteria necessary to implement those recommendations have not been established and the willingness to do so has not been demonstrated by the parties, as a collective, to date. The Dawson Designated Office has no information to suggest that an agreed upon approach to address the concerns of the Proponent, City of Dawson and Government of Yukon while allowing mining to proceed at the project location has been established.

6.4.3 Future Development: City of Dawson Subdivision

Government of Yukon, Department of Community Services has registered land reserves on portions of the project claims. According to Community Services, the purpose of these reserves are residential. “If the project is allowed to proceed, the timing of the proposed placer mining operations will likely overlap with land development activities for the subdivision” (YOR 2020-0001-0050).

As discussed in section 4.3.4, the City of Dawson, with support from Government of Yukon, has been leading community planning work for future residential development at the project location (Figure 8). The planning work that has been undertaken to date is aligned with the goals and policies outlined in the OCP (YOR 2020-0001-0026). City of Dawson expressed that the municipality is in great need of developed land for current and future residents (ibid). According to City of Dawson, from the outset of the planning for future development

all potential stakeholders were informed of the proposed work, were invited to participate in the visioning exercises, were invited to submit comments, questions and concerns, and to place their name on a circulation list for future correspondence and communications of the project. The proponent, as a claim holder in the area, was included in the stakeholder communications. The proponent requested to stay informed through future communications, but did not submit any comments during the visioning process, nor did the City receive any correspondence that the proponent had plans to continue mineral operations at this location. (YOR 2020-0001-0026)

Because of the planning process undertaken to date, the project location is now identified as one of four areas for the next major residential neighbourhood in Dawson City. The project location is identified as optimal for development because it is in close proximity to municipal infrastructure, which would allow for the continued development of a new residential area in line with section 14.1 and 14.2 of the OCP. Specifically, development of a subdivision at the project would promote the development of continuous and compact development to reduce the amount of infrastructure required and associated costs. The other proposed locations are not adjacent to infrastructure in the same way. Development at the project location would also serve to prioritize development of vacant or underutilized land instead of extending services to new areas, thereby utilizing existing infrastructure in a more efficient manner (YOR 2020-0001-0026).

6.5 Consideration of Past, Present, and Likely Activities

The following sections will identify past, present and likely projects that have informed the Designated Office's understanding of project effects to community development and well-being. The activities identified are not meant to be an exhaustive list of all activities that have, are or will occur at or within the project location.

6.5.1 Previous Assessments for the Project Location

As discussed in section 2.3, the Designated Office has assessed four iterations of the Proponent's placer mining operation, all of which included some, or all, of the Project claims (YESAB Project 2009-0125, 2014-0164, 2016-0118, 2017-0206). Comments submitted for these previous projects identified emotional effects from the projects, specifically as they related to the peaceful enjoyment of land and effects to recreational ski trails. Comments from the public also indicate that past placer mining projects at the project location and associated claims have changed how residents use the recreational trails and Dome Road (YOR 2020-0001-0043). Further, these projects have changed the peaceful enjoyment of private property (YOR 2020-0001-0043).

The Proponent's previous authorization to undertake activities at the project location expired in March 2020. While the Proponent is currently authorized to undertake activities on some of their claims further up the Dome Road, as per their most recent mining land use approval, the Proponent is not currently authorized to undertake activities at the project location (Yukon Water Board 2019).

6.5.2 Findings from 2017-0206 Assessment: Adverse Effects to Community Relations

The Designated Office's 2017 assessment of this project determined that the operation to that point had had an impact on community relations and, at that time, the addition of the 2017 project would result in cumulative effects to community relations. Effects were evidenced through the multiple assessments undertaken by the Designated Office for this project.

The past community meeting held by YESAB was a key demonstration of the controversial nature of this proposed project (and the work of the project proponent in the past), as there were many people upset, frustrated, and some who were rather belligerent. Media coverage and personal communication further demonstrates the stress caused by this proposal. If this project were allowed to proceed, such stress and ill feelings would only intensify...These emotional and social impacts of this project must be taken into account, as such development frequently creates rifts within small, tightly-knit communities, which are never properly healed and for decades continue to aggravate relationships between neighbours, co-workers, and community members, forever

marring the delicate social fabric of a small community, where members need to work together in order for it to thrive (YOR 2017-0206-052-1).

The Project currently under review is the Proponent's fifth proposal for a placer mining operation in the area. The complex socio-economic impacts incurred through these proposals have led to a road realignment, a report by Government of Yukon, extensive media coverage and active community debate. The comments submitted for the past projects provide a compelling narrative of the socio-economic effects incurred by the community. The Project is contributing to an adverse cumulative effect on community development and well-being through the ever-present prospect of placer mining in this area. The 2017 assessment recommended that the temporal scope of the project be reduced from ten years to five years.

By reducing the timeline of the Project, the cumulative effects to public health are moderately reduced. While this will not prevent the Proponent from subsequent applications, it will provide the opportunity for stakeholders to further input the manner in which those activities are proposed. Conversely, allowing the Project to remain operational for 10 years without further assessment will compound the effects to the community described herein. (YOR 2017-0206-077-1).

The Designated Office's assessment of project 2017-0206 recommended a reduced temporal scope so the Proponent and stakeholders could work together to address the impacts to community relations and allow a recovery from the emotional impacts of the previous projects in order to mitigate adverse effects of that project. Comment submissions submitted for the current project suggest that this objective was not achieved. Comments for the Project reiterate concerns related to community well-being and the adverse effect the Project, in combination with past projects at the same location, are having on community cohesion.

6.5.3 Tr'ondëk Subdivision and Expansion

As discussed in section 4.3, across the Klondike Highway from the Project is the Tr'ondëk Subdivision on, which is located on multiple Settlement Land parcels. The subdivision currently houses approximately 106 individuals in single-family dwellings and duplexes. The development of the Tr'ondëk Subdivision was an effort by TH to address the housing shortage in Dawson City for their community. In recent years, TH has invested in the development of 24 additional lots to expand the subdivision and provide homeownership opportunities for TH citizens. TH commented that the Project will reduce the value of the new lots and compromise their efforts to develop new housing opportunities for citizens (YOR 2020-0001-048).

While not related to the Project, TH noted that a history of placer-related legal activity involving Settlement Land C-4B/D creates instability for TH citizens that can also negatively impact the future economic prospects of TH Settlement Land for lease, and for housing development, purchases and sales (YOR 2020-0001-048). The Project, in conjunction with historical legal activity relating to the Tr'ondëk Subdivision is likely to contribute to emotional impacts for subdivision residents.

6.6 Characterization of Project Effects

6.6.1 Project Effect: Delayed Residential Development

As discussed in section 6.4.3 the Project is proposed to occur in a location identified for future residential development by City of Dawson and Government of Yukon. Project activities are proposed to occur from

April 1 to December 1 for ten years. The Project is likely to impact development timelines and the final use of land as a residential subdivision (YOR 2020-0001-0029).

While the timing of future residential development at the project location has not been communicated. However, the Designated Office notes that the Project will limit City of Dawson and Government of Yukon's ability to develop a subdivision at the project location. According to the City of Dawson, the Project will stall intentions for residential development, resulting in efficient use of municipal infrastructure and in development patterns that are not continuous and compact, as intended by the OCP (YOR 2020-0001-0026).

development in community without development of community and task accomplishment without structure building are likely to produce, at best, transitory results in a community. In many rural resource-based localities, pressing needs exist for job creation, increased incomes, economic growth, modernization, improved service delivery, business retention, expansion, and recruitment, and other developments in community. However, solely focusing on such developments and engaging merely in task accomplishment activities ignores the essential contribution that development of community and structure-building activities make to local social, economic, and ecological well-being. (Theodori 2005, 667)

Development of a new subdivision at the project location will conflict with the activities proposed to occur at the same location. Furthermore, the Project could negatively affect community interests and aggravate the current housing shortage by limiting future development (YOR 2020-0001-0034, 0048, 0054). In order for the Project to go ahead, development of a subdivision at the project location would need to be placed on hold until activities are complete, thereby delaying the development of new housing opportunities for the community. By limiting the development of a subdivision at the project location, the Project is likely to give rise to feelings of uncertainty over when the project location will become available for development and result in feelings of frustration and resentment among the community of individuals seeking housing opportunities within the municipality. Feelings of uncertainty and frustration among the community is likely to adversely affect community development and well-being.

The Proponent notes, "Active mining activity makes any consideration of a new residential subdivision at the same location unreasonable. It is my intent to fully restore the site when I am finished with my mining activities. It would then be available for other uses such as a residential subdivision" (YOR 2020-0001-0061). The Proponent's commitment to restoring the site could, if coordinated with City of Dawson and Government of Yukon, support the initial ground preparation for development of a subdivision at the site. In contrast, if reclamation is not undertaken in a manner conducive to future development, the location may become more expensive to develop into a subdivision.

While the temporal scope of the Project is 10 years, there is nothing to preclude the Proponent from applying for a new authorization once the 10-year period is complete. The potential for the Proponent to continue to apply for authorizations at the project location will further delay residential development and perpetuates feelings of uncertainty regarding when development at the project location could in fact occur. Feelings of uncertainty can be reversed only when it is clear that placer mining activities at the project location will under no circumstances be authorized by Government of Yukon.

6.6.2 Project Effect: Reduced Community Cohesion

Land use conflict can result in divisions within the community and lead to reduced community cohesion. The Project will result in land use conflict by undertaking industrial activities in a residential area and by

encumbering central and easily-serviced land that could be used to meet the considerable need for residential lots in the City of Dawson (YOR 2020-0001-0026).

According to City of Dawson, the Project has been a source of conflict in the community for many years due its close proximity to established residential and recreational uses (YOR 2020-0001-0026). Comments from TH, City of Dawson, City of Dawson Council and the public indicate that the Project is in conflict with broader public interest as it relates to community living or community building. Community living and building appears as a trend in the comment submissions. In contrast, comments from the public also suggest that City of Dawson has rallied the community against the Project and indicate that the Proponent should be allowed to proceed instead of navigating the “red tape” the Proponent has been subject to (YOR 2020-0001-0041, 0069). The polarizing views in these comments demonstrate the division of perspectives regarding the Project, which continue to this day.

Public comment indicates that the Project, in conjunction with its earlier iterations have turned Dawson City into a “fence-line” community, one which lives on the edge of a mine and is subject to the ebbs and flows of the placer mining operation (YOR 2020-0001-0071). The legacy of the Project has resulted in impacts to community cohesion, which are likely to be perpetuated by the Project. “For a small, diverse community such as Dawson City, which relies on folks from all walks of life working together to thrive, social cohesion is incredibly important” (YOR 2020-0001-0071).

Effects to community cohesion can result in adverse emotional impacts to individuals as well as community. The long-standing nature of the land use conflict this Project represents is having a high magnitude effect, as evidenced by people continuing to comment on every iteration of this project in a rather forceful way. Reversibility of effects to community cohesion is difficult in the short-term but can likely be achieved in the long-term, if acknowledged and addressed by regulator’s and land managers. Effects to community cohesion will be experienced for the duration of the Project.

6.6.3 Project Effect: Reduced Property Values

The Project is in close proximity to residential properties. Noise disturbance from heavy equipment use and material processing will adversely affect property values of nearby residences. Effects from noise disturbance are discussed in section 6.0 as it relates to public health. This section considers the impacts of noise disturbance on residential property values within proximity to the Project.

Comments submitted by TH and the public express concern about reduced property values due to the industrial nature of activities in proximity to residential properties. Furthermore, TH expressed that continuation of the Project is compromising TH’s efforts to develop novel housing opportunities for citizens (YOR 2020-0001-0048). In essence, the lots TH developed for their housing initiative are considered less desirable when located in close proximity to heavy equipment use and material processing proposed for the Project (YOR 2020-0001-0048).

A study of the effects of rock mining on local residential property values found statistically and economically significant property-value-suppressing effects of being located near an operational rock mine (Malikov et al. 2018). Malikov et al. (2018) found that, other things equal, a house located a mile closer to a rock mine is priced, on average, at about 2.3-5.1% discount, with more expensive properties being subject to larger markdowns. While the Project proposes activities related to placer mining and not hard-rock mining, the study does demonstrate property values decreasing in proximity to noise disturbances caused by mining activity. As such, the Project is considered likely to result in reduced property values for nearby residences. Reduced property values limit the potential for economic

prosperity from property sales, which can adversely affect community development and well-being. Reduced desirability of residential land within the project area is reversible once project activities cease.

6.7 Significance Determination

The Dawson City Designated Office has determined that the Project is likely to have significant adverse socio-economic effects on community development and well-being. These effects can be eliminated, reduced or controlled by the application of the following terms and conditions:

1. Government of Yukon, Chief of Placer Land Use, in consultation with City of Dawson and Government of Yukon, Department of Community Services, shall reduce the temporal scope of the Project to a period that shall not delay the development of a subdivision at the project location.
2. Government of Yukon shall engage the Proponent in an agreement, which extinguish rights to undertake placer mining activities at the proposed location upon completion of the Project, as per the reduced temporal scope established from term 1.
3. Government of Yukon, Chief of Placer Land Use, in consultation with City of Dawson and Government of Yukon, Department of Community Services, shall establish a reclamation plan with the Proponent, which facilitates development of the project location into a subdivision upon completion of the Project, as per the reduced temporal scope established from term 1.

6.7.1 Delayed Residential Development

The OCP identifies housing as a critical issue in Dawson City, where there is an ongoing need for permanent long-term and short-term accommodations. The project location is specifically identified in the OCP as a potential for residential development, this is affirmed by Government of Yukon land reserves at the project location for residential development. City of Dawson and Government of Yukon have undertaken visioning events to inform development of a residential subdivision at the project location. The Proponent was informed of the planning process. The Proponent did not participate actively in the public process, nor did they communicate their intentions to continue placer mining at the proposed location. Ineffective communication leads to uncertainty about when the operation will in fact cease and when City of Dawson and Government of Yukon will gain access to the project location to offer new residential opportunities to the community in order to foster community development and enhance community well-being.

The Designated Office acknowledges that reducing the temporal scope of the Project would allow the Proponent to extract gold from the site while planning for a residential subdivision is underway. However, the continuation of the Project and the continued possibility of a licence renewal presents considerable uncertainty for developers and stakeholders and does not mitigate adverse effects to community well-being from the Project. This could be addressed by assuring stakeholders that placer mining activities will no longer be permissible at the project location upon completion of the Project.

Failure to address the potential for mining activities to occur at the project location into the future will perpetuate the socio-economic effects of the Project and further delay the development of a residential subdivision at the project location for years to come. Delayed residential development because of uncertainty caused by the regulatory process and/or Proponent's intentions could lead to the development of a residential subdivision at a sub-optimal location and at a greater expense to taxpayers.

In consideration of the project design, contextual factors, relevant legislation, the Official Community Plan, Zoning By-law, housing shortage in Dawson City, and the proximity of the Project to existing infrastructure, delayed residential development at the project location is considered a significant adverse effect to community development and well-being. Recommended terms and conditions will mitigate adverse effects to community development and well-being from delayed residential development at the project location.

6.7.2 Reduced Property Values

Reduced property values will be experienced as long as project activities are being undertaken in proximity to residential properties such that noise disturbance is experienced. The proposed ten-year length of the Project will thus adversely affect for ten years. In consideration of the length of time placer mining activities have taken place in close proximity to residences, property value for affected properties will have been impacted for over 20 years and more if another authorizing is sought for the project location in the future. Impacts to community development and well-being from reduced property values are considered significant. Recommended terms and conditions will mitigate adverse effects to property values from the Project in the long-term.

6.7.3 Reduced Community Cohesion

Placer mining previously undertaken by the Proponent at the same location have resulted in land use conflict, which has reduced community cohesion for the past 10 years. Reduced community cohesion is demonstrated by:

- the establishment of the Dome Prohibition Area of Entry
- the Klondike East Bench report and recommendations
- the assessment and outcomes of YESAB projects 2017-0206, 2016-0118, 2014-0164, 2009-0125
- comments for past projects, and comments submitted for the current assessment.

The Project, in conjunction with past projects at the same location, is likely to result in reduced community cohesion, which will adversely community development and well-being by affecting the community's ability to move beyond the land use conflicts that have arisen from the Project. These adverse effects are considered significant because of the division they create within the community and the emotional impacts such a division can have on community well-being. In consideration of the project design and relevant legislation, the Designated Office has determined that effects to community cohesion can be mitigated by the recommended terms and conditions.

7.0 PUBLIC HEALTH

7.1 Overview

The Project involves activities that can adversely affect public health from noise disturbance. Specifically, heavy equipment use and material processing can result in noise levels above natural ambient levels and the generation of dust at and beyond the project location. The Project is adjacent to residences on Boutillier Road, and in close proximity to the Tr'ondëk Subdivision, outdoor recreational facilities, and recreational trails.

The Designated Office has determined that the Project is likely to result in significant adverse effects to public health. Effects from noise disturbance to public health cannot be mitigated.

7.2 Relevant Legislation

The Designated Office considered the following legislative requirements. This list is not exhaustive; rather, the Designated Office reviewed this specific legislation because of its direct relevance to Public Health.

- City of Dawson Property Maintenance & Nuisance Abatement By-Law 07-03
 - 11(2) Construction equipment, light work equipment including tractors, lawnmowers, shall not be operated between the hours of eleven o'clock at night and seven o'clock in the morning (11:00 p.m. to 7:00 a.m.) in residential areas except with the permission of the Bylaw Officer.
- *Municipal Act*
 - Section 178 each member of a council has a duty to
 - (a) Consider the well-being and interests of the municipality as a whole and to bring to the council's attention anything that would promote the well-being or interest of the municipality
 - Section 277 The purposes of this Part and the bylaws under this Part are to provide a means whereby official community plans and related matters may be prepared and adopted to
 - (a) achieve the safe, healthy, and orderly development and use of land and patterns of human activities in municipalities;
 - (b) maintain and improve the quality, compatibility, and use of the physical and natural environment in which the patterns of human activities are situated in municipalities; and
 - (c) consider the use and development of land and other resources in adjacent areaswithout infringing on the rights of individuals, except to the extent that is necessary for the overall greater public interest.
 - Section 283(2) No person shall carry out any development that is contrary to or at variance with an official community plan.
- Tr'ondëk Hwëch'in Final Agreement
 - Under TH's Self-Government Agreement, Settlement Land parcel C-4B/D is a parcel for which TH has limited its self-governing powers in relation to local bylaw issues. TH made this sacrifice to reduce land use and other conflicts between centrally located settlement land parcels and the broader Dawson community. As such, TH expects that municipal bylaws regarding land use controls are enforced and respected. (YOR 2020-0001-0048, p. 2)
- City of Dawson Official Community Plan Bylaw 2018-18

7.3 Consideration of Past, Present, and Likely Activities

The spatial scope for effects from noise disturbance is identified in Figure 11 and includes: Boutillier Road residences, Tr'ondëk Subdivision, Mary McLeod Road, and Crocus Bluff recreation facilities. The temporal scope of project effects to public safety is 10 years, which is the proposed length of the Project and therefore the length of time the Project can interact with the Project.



Figure 11: Spatial Scope for Effects from Noise Disturbance

The Project is located at the base of the Dome Road adjacent to residential properties on Boutillier Road and across the Klondike Highway from Tr'ondëk Subdivision, there are approximately 140 residents within the zone of influence. Furthermore, Twenty-four additional lots have been prepared for development at the Tr'ondëk Subdivision, with nine of those lots likely to be developed within the proposed lifespan of the Project (YOR 2020-0001-0068).

As discussed in section 6.4.2, placer mining has previously occurred at the project location. Past iterations of this project have resulted in noise disturbance to residents within the identified spatial scope. Comment submissions from the public suggest a cumulative effect from noise disturbance has occurred over time (YOR 2020-0001-0039, 0043). The Project is likely to contribute to additional noise disturbance

to an already exacerbated group of impacted residents. One comment in particular stated that noise and disruption for even one more year of operation is not acceptable and another ten years cannot be endured (YOR 2020-0001-0043). Comments such as this demonstrate impacts to public health from past projects, which will be amplified by the Project.

7.3.1 Findings from 2017-0206 Assessment: Noise Disturbance

In the assessment for project 2017-0206, the Dawson Designated Office concluded that the project would result in significant adverse effects to public health and safety from noise due to the proximity of the Project to residences (YOR 2017-0206-077-1). To mitigate significant adverse effects to public health and safety, the Designated Office recommended that the Proponent establish a 150 m buffer from all surveyed land parcels and that that area remain undisturbed. This term was accepted by Government of Yukon and carried forward into the mining land use approval (Yukon Water Board 2019). Government of Yukon's acceptance of the term demonstrates a lack of social acceptability for noise disturbance to affected residents from project activities. However, the Designated Office notes that acceptance of the aforementioned term does not preclude a rejection of the same term in the future.

7.4 Characterization of Project Effects

7.4.1 Project Effect: Noise Disturbance

The Project will result in increased noise in close proximity to private residences. The Project involves processing material and heavy equipment use from 7:00 am to 7:00 pm, April 1 to December 1, for ten years. Material processing and heavy equipment use will generate noise above natural ambient levels. Noise generated at the project location, such as equipment starting, gravel dumping and sluicing can be heard on Mary McLeod Road as well as Crocus Bluff trails (2020-0001-0043). This noise represents a disturbance to peace and quiet on residential properties, which can change the tone and atmosphere of the surrounding area (2020-0001-0043).

Effects from noise disturbance can result in the following acute or chronic impacts to public health:

- annoyance
- sleep disturbance
- disruption of normal functions (e.g. communication and interaction, activities)
- distraction and reduced task performance
- anxiety and stress
- startle reflex (e.g. reactions ranging from mild surprise to severe shock)
- physiological changes (e.g. blood pressure, heart beat, constriction of blood vessels); and
- physiological effects (e.g. nausea, headache, insomnia, loss of appetite, hypertension, heart disease, tinnitus, hearing damage, noise-induced hearing loss). (Singal 2000).

As noted above, continued noise disturbance can result in chronic health conditions, which could adversely affect the health of nearby residents; the probability of which is high considering the frequency and duration of project activities. While effects such as annoyance and sleep disturbance can be reversed

when project activities cease, anxiety, stress, physiological changes and physiological effects may not be reversible depending on the extent of their impact. In consideration of comment submissions, effects to public health from noise are likely to be experienced by residents on Boutillier Road, Tr'ondëk Subdivision and Mary McLeod Road.

As noted in section 4.3, the project location is zoned as Future Planning under City of Dawson's Zoning By-law and Urban Residential in the City of Dawson Official Community Plan (OCP). In consideration of the noise abatement by-law, zoning and land designation under the OCP, it is reasonable for residents in the area to expect noise from residential uses from 7:00 am to 11:00 pm. However, noise from heavy equipment use and material processing in a residential area for the proposed duration of the Project is above what would likely be expected in an area zoned for residential use.

According to the Proponent, "noise is protected by naturally occurring windrows of gravel from previous mining and old, existing dredge piles so there is minimal to no disturbance to other users in the area" (YOR 2020-0001-0010). Furthermore, the Proponent explains that the water pump "is down low and completely surrounded by old, historic, dredge tailings that make a sound buffering windrow and hills of gravel to buffer any noise" (YOR 2020-0001-0010). While it appears that the project design could mitigate adverse effects to other users from noise disturbance, comment submissions suggest that despite the natural windrows, noise disturbance has been experienced from the project location to date and therefore can be expected from the Project (YOR 2020-0001-0043-1). Given there have been no changes to the project site since previous projects at the same location, the probability of noise disturbance to nearby residents is considered high.

7.5 Significance Determination

The Dawson City Designated Office has determined that the Project is likely to have significant adverse socio-economic project effects on public health. It was further determined that these effects cannot be adequately mitigated.

The Project, which involves material processing and heavy equipment use, will subject nearby residents to noise disturbance from 7:00 am to 7:00 pm, April 1 to December 1 for ten years. The Designated Office acknowledges that the project design is more stringent than the City of Dawson by-law, which states that heavy equipment shall not occur from 11:00 pm to 7:00 am. Even with the proposed hours, project activities are still likely to overlap with sleeping hours for nearby residents for a considerably portion of the year and for up to 10 years.

Noise disturbance can result in chronic or acute health effects as well as reduced enjoyment of private property, all of which can adversely effect public health. Adverse effects will be experienced on a daily basis for the length of the operating year for 10 years. While some effects may be reversible, the physiological effects that may develop from noise disturbance are considered high magnitude. Effects from noise disturbance to public health are considered significant.

KATTS and YCS suggested that a reduction of the project's temporal scope could mitigate potential project effects. However, comments submitted for the Project indicate that nearby residents have been experiencing noise disturbance from mining related activity for the past decade and that tolerance for such disturbances are low (YOR 2020-0001-0039, 0043). The Project in conjunction with past operations is likely to result in cumulative effects to public health from noise disturbance. A reduction in temporal scope is not likely to mitigate the adverse health effects caused by noise disturbance related to mining activities in proximity to residential properties.

Yukon Conservation Society commented that effects from noise disturbance could be mitigated with the construction of a 4-metre high noise buffer, composed of overburden and organic materials between nearby residences (YOR 2020-0001-0033). The effectiveness of such a mitigation has not been demonstrated and is unlikely to mitigate adverse effects to all impacted residents. For this reason, a buffer is not considered effective for mitigating effects from noise.

Other comments suggested that effects from noise disturbance could be mitigated by reducing the hours of operation to 9:00 am to 5:00 pm and limiting activities to weekdays (YOR 2020-0001-0039, 0067). Modifying the project design to include a break in activities after the regular business day would reduce impacts to those nearby residents following the regular business week. However, limiting activities to the business week does not mitigate effects to shift and part-time workers from noise disturbance. In consideration of the 10-year duration of the Project, reducing the working hours is still likely to result in significant adverse effects to nearby residents.

In consideration of the project design, frequency and duration of noise exposure to nearby residents, as well as the severity of effects to public health from noise disturbance, the Designated Office has determined that effects from noise disturbance cannot be mitigated.

8.0 BEARS

8.1 Overview

Grizzly and black bears inhabit the project area and have intrinsic environmental and social value, playing important roles in maintaining healthy ecosystem functions and generally providing opportunities for wildlife viewing and hunting. While black bear populations in Yukon are stable, grizzly bears are listed as a species of conservation concern under COSEWIC.

The Project involves the storage of fuel and generation of waste, which can attract bears to the project location and lead to human-bear conflicts. The Dawson Designated Office has determined that the Project will result in significant adverse effects to bears such that further mitigation is recommended. The following sections provide a rationale for this determination

8.2 Relevant Legislation

The Designated Office considered the following legislative requirements. This list is not exhaustive; rather, the Designated Office reviewed this specific legislation because of its direct relevance to bears.

- *Yukon Wildlife Act*
 - s. 93 (2) No person shall encourage any wildlife to become a public nuisances.
 - s. 93 (3) Subject to subsection (4), a person shall be deemed to have encouraged dangerous wildlife to become a public nuisance if the person feeds it or leaves food or garbage in a place where dangerous wildlife may have access to it and he or she does not take reasonable precautions to prevent dangerous wildlife from having access to it or being attracted to the area by it.
 - s. 88 (1) Report of emergency killing
- *Environment Act*

- *Solid Waste Regulations*
- *Special Waste Regulations*
- *Spills Regulations*

8.3 Consideration of Past, Present, and Likely Activities

The spatial scope for effects to bears is the 224 Game Management Area in which the Project is located. The temporal scope for effects to bears is 10 years, which is the length of the Project. However, the Dawson Designated Office acknowledges that effects to bears could extend beyond the life of the Project if effects are experienced on a population level.

Department of Environment's data on wildlife incidents in the broader Dawson region for 2018 include the following bear incidents: 4 mortalities, 15 moved (bear moved out of an area where there is potential for conflict with humans), and 2 re-located (Conservation Officers physically relocated the bears to a new location). Ten of the 2018 bear incidents were associated with mining activities. There is potential that many bear incidents have not been reported. Evidently, many of the conflicts have been related to mining activities. According to YG, Department of Environment's comments, any food, garbage and fuels at the site will inevitably attract bears leading to human-bear conflicts (YOR 2020-0001-0029). Human-bear conflicts are difficult to manage once bears have been accustomed to accessing rewards from non-natural sources.

8.4 Characterization of Project Effects

8.4.1 Project Effect: Human-Bear Conflict leading to Bear Mortality

According to Government of Yukon, Department of Environment, the project location is frequented by bears and Conservation Officers in Dawson regularly deal with conflict bears in the nearby residential and industrial areas (YOR 2020-0001-0050).

The Project will result in the generation of hazardous and non-hazardous waste and the storage of fuel 10 600 L of diesel and 2 L of gasoline. Waste and fuel, if improperly managed on site, can attract bears to the project location. Bear visitation to the site can result in human-bear interactions leading to bear mortality. The Proponent has indicated that waste will be disposed of at the Dawson City landfill; the frequency of disposal has not been provided. Furthermore, waste storage methods on-site have not been specified.

A rise in human-bear conflicts imposes safety risks onto nearby residents and recreational users, and increases the likelihood that such conflicts will lead to direct mortality to bears. If a bear regularly visits a claim block, it will likely be shot and killed. While black bear populations in Yukon are stable, grizzly bears have a low reproduction rate. Given their status as a species of special concern, adverse effects to bears, grizzlies in particular, are not only irreversible, but can represent an important change from baseline if population numbers are affected. Because bears can have far-reaching ranges, project effects are predicted to occur beyond the project claim block. T

Adverse effects to bears from improper attractant management is considered a preventable and high magnitude effect. The frequency of effects to bears is dependent on waste storage methods and regular disposal, neither of which have been identified in the project proposal.

8.5 Significance Determination

The Dawson City Designated Office has determined that the Project is likely to have significant adverse environmental effects on bears. These effects can be eliminated, reduced or controlled by the application of the following terms and conditions:

4. All waste shall be stored in bear-proof containers until final disposal.
5. The Proponent shall contact Dawson Conservation Officers immediately if a bear approaches or investigates the project location. The Conservation Officers can then help to deter the bear before it comes a nuisance.
6. All waste shall be disposed of at the Dawson City landfill on a weekly basis.

The Project is located in close proximity to residential and recreational areas within the municipal limits of Dawson City. Proposed waste storage methods on site have not been specified in the proposal, nor has the frequency of final disposal at the Dawson City landfill been identified. Human-bear conflicts can result in bear mortality, which is considered to be a significant adverse effect. In consideration of the project design, the high use of the area and the regular presence of bears in the area, the likelihood of human-bear conflicts is high. Proper attractant management is recommended to mitigate significant adverse effects to bears from the Project.

9.0 SOILS AND VEGETATION

9.1 Overview

Project activities such as vegetation clearing, heavy equipment use and fuel use may result in contamination or erosion. Vegetation removal and heavy equipment use can result in erosion if the stability of existing stockpiles is not maintained and from the removal of tailings for processing. Contamination can occur through an accident or malfunction.

The Designated Office has determined that the Project will not result in significant adverse effects to soils and vegetation.

8.1.1 Contamination

The Designated Office considered contamination to soils and vegetation from fuel spills due to an accident or malfunction. The Proponent has committed to ensure all fuel tanks are emptied at season's end and that spill kits and absorbent pads will be stored on-site. Given the project design, specifically the fuel spill contingency plan, and the application of relevant legislation the Designated Office has determined that the pathway of effects to an accident or malfunction is limited. Relevant legislation, including the *Placer Mining Act*, *Placer Mining Land Use Regulation*, *Environment Act*, and *Spills Regulations* preclude the Proponent from intentionally releasing deleterious substances to the receiving environment. The Designated Office considers the effects of the Project to soils and vegetation by way of contamination to be of low likelihood and magnitude. Environmental contamination is not further considered in this report.

9.2 Relevant Legislation

The Designated Office considered the following legislative requirements. This list is not exhaustive; rather, the Designated Office reviewed this specific legislation because of its direct relevance to soils and vegetation.

- *Placer Mining Act*
- *Placer Mining Land Use Regulation*, Schedule 1 Operating Conditions as these apply to the Project state:
 - A.1. If the vegetative mat must be removed to carry out an operation, it must be removed so as to protect the seed and root stock contained within the mat and be stored separately from any overburden or bedrock removed for use in re-establishing the vegetative mat when the operation ceases.
 - B.2. (1) All vegetated areas disturbed by operation activities, including fuel and waste storage areas, clearings, corridors, camps and supporting infrastructure, and trenches and drill sites, must be left in a condition conducive to re-vegetation by native plant species or other species adaptable to the local environment to encourage re-vegetation comparable to similar, naturally occurring, environments in the area.
 - B.2. (2) Conditions conducive to re-vegetation include provision of an adequate soil layer with moisture retaining ability, no soil contamination by hydrocarbons or other hazardous substances, provision of adequate seed or root stock and contoured or otherwise stable slopes
 - B.3. If adequate seed stock or root stock is not naturally available, re-seeding or transplanting of vegetation is required. Only non-invasive species may be used for reseeded or transplanting.
 - C.4. All areas disturbed during an operation must be re-sloped, contoured or otherwise stabilized to prevent long-term soil erosion, slumping and subsidence
 - C. 5. All operations must be carried out to avoid or minimize damage to and loss of permafrost.
- *Environment Act (Yukon)*
- *Solid Waste Regulations*
- *Special Waste Regulations*
- *Spills Regulations*

9.3 Consideration of Past, Present, and Likely Activities

The Designated Office has considered whether the potential effects of the Project may interact with effects from past, present and/or future projects or activities to form a significant cumulative effect on soils and vegetation. The spatial scope for effects to soils and vegetation is the project location, Klondike

Highway, Boutillier Road and surrounding area. The temporal scope of effects to soils and vegetation is 10 years, as this is the length of time erosion will be experienced until re-vegetation begins to take hold.

Ground disturbing activities have the potential to cause significant adverse effects to soils and vegetation. Activities in the area include placer mining, highway use and maintenance, infrastructure maintenance and residential lot development. These activities involve vary in size and scale and can involve stripping and clearing soils and vegetation, excavation, and material processing.

9.4 Characterization of Project Effects

Project activities such as vegetation removal and earthworks can result in soil erosion. The Proponent indicated in their proposal that no clearing is proposed, however they also note that vegetation existing on-site will be removed. Given the discrepancy in the proposal, the Designated Office assumes that vegetation will be removed, however it is understood that no timber exists on site and as such timber removal is not assessed (YOR 2020-0001-0010). In their comment, Government of Yukon, Department of Environment shared concerns about stripping of vegetation leading to erosion and sedimentation of downstream waters (YOR 2020-0001-0050). “Activities associated with vegetation removal may cause disturbance to active layer, slope instability, drainage impediment, sedimentation of water bodies, and erosion” (YOR 2020-0001-0050).

While soil disturbance is inevitable, the likelihood of adverse effects occurring from erosion is considered low when considering the small size of the project, the low volume of material and the Proponent’s commitment to maintain a 2:1 slope of stockpiled material. Additionally, there is relevant legislation pertaining to reclamation and the requirement for disturbed areas to be left in a state conducive to re-vegetation, along with provisions for an adequate soil layer, seed and rootstock, and re-contouring (Schedule 1 of the *Placer Mining Land Use Regulation*).

9.5 Significance Determination

The Dawson Designated Office has determined that the Project will not have significant adverse environmental effects to soils and vegetation.

The Dawson City Designated Office has determined that the Project will not have significant adverse environmental effects to soils and vegetation. The Project is of small size and produces a low volume of material. Additionally, the project design involves maintaining a 2:1 slope of stockpiled material. The project design in combination with relevant legislation will effectively mitigate effects to soils and vegetation from erosion and sedimentation.

10.0 CONCLUSION OF THE ASSESSMENT

Under s. 56(1)(c) of the Yukon Environmental and Socio-economic Assessment Act, the Dawson City Designated Office recommends to the Decision Body that the Project not be allowed to proceed, as it determined that the Project is likely to have significant adverse socio-economic effects in or outside Yukon that cannot be mitigated.

10.1 Authorization of Recommendation / Referral

The undersigned is authorized pursuant to s. 23(2) of YESAA to make this Recommendation:

Amélie Morin

July 29, 2020

Manager, Dawson City DO

Name & Position

Date

Appendix A REFERENCES

All references to documents on the YESAB Online Registry (YOR) can be found by searching for the Project and document number on the YOR at <https://www.yesabregistry.ca>.

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THE CITY OF DAWSON

Box 308 Dawson City, YT Y0B 1G0
PH: 867-993-7400 FAX: 867-993-7434
www.cityofdawson.ca



NOTICE OF PUBLIC HEARING: ZONING BYLAW AMENDMENT

Bylaw #2022-10 / ZBL No. 17 Bylaw

Subject Property: Infill #1 Lots A, B, C, D, located at Lot 1192, S. Klondike Hwy.

Date: May 18, 2022

Time: 7:00pm

Location: Council Chambers, City Hall

Listen to Public Hearing: Radio CFYT 106.9 FM or cable channel #11

As per the *Municipal Act*, S. 294.1, upon receiving an application for a Zoning Bylaw amendment, Council must give public notice of the application. Therefore, the City of Dawson is now requesting input from the public regarding a Zoning Bylaw amendment to re-zone Infill #1 Lots A, B, and D from M1: Industrial to R3: Country Residential and Lot C from M1: Industrial to C2: Commercial Mixed Use.

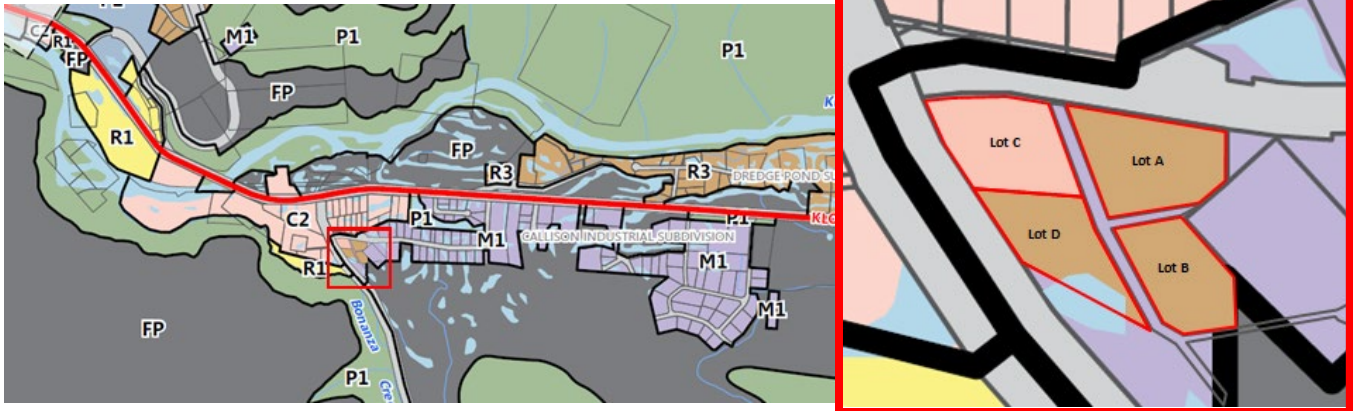


Figure. Proposed lots to be re-zoned.

For more information or to provide your input prior to the public meeting, please contact the Planning and Development Manager or Planning and Development Officer using the following contact information:

Stephanie Pawluk
Planning & Development Manager
Box 308, Dawson City YT Y0B 1G0
planningmanager@cityofdawson.ca
867-993-7400 ext. 414

Stephani McPhee
Planning & Development Officer
Box 308, Dawson City YT Y0B 1G0
planningofficer@cityofdawson.ca
867-993-7400 ext. 438



THE CITY OF DAWSON

Zoning Bylaw Amendment No. 17 Bylaw

Bylaw No. 2022-10

WHEREAS section 265 of the Municipal Act, RSY 2002, c. 154, and amendments thereto, provides that a council may pass bylaws for municipal purposes, and

WHEREAS section 289 of the Municipal Act provides that a zoning bylaw may prohibit, regulate and control the use and development of land and buildings in a municipality; and

WHEREAS section 294 of the Municipal Act provides for amendment of the Zoning Bylaw;

THEREFORE, pursuant to the provisions of the *Municipal Act* of the Yukon, the council of the City of Dawson, in open meeting assembled, **ENACT AS FOLLOWS:**

PART I - INTERPRETATION

1.00 Short Title

1.01 This bylaw may be cited as the **Zoning Bylaw Amendment No. 17 Bylaw**.

2.00 Purpose

2.01 The purpose of this bylaw is to provide for

- (a) An amendment to Infill #1 Lots A, B, and D from M1: Industrial to R3: Country Residential and Lot C from M1: Industrial to C2: Commercial Mixed Use.



THE CITY OF DAWSON

Zoning Bylaw Amendment No. 17 Bylaw

Bylaw No. 2022-10

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DRAFT



THE CITY OF DAWSON

Zoning Bylaw Amendment No. 17 Bylaw

Bylaw No. 2022-10

3.00 Definitions

3.01 In this Bylaw:

- (a) Unless expressly provided for elsewhere within this bylaw the provisions of the *Interpretations Act*, RSY 2002, c. 125, shall apply;
- (b) “city” means the City of Dawson;
- (c) “council” means the Council of the City of Dawson;

PART II – APPLICATION

4.00 Amendment

- 4.01 This bylaw amends Infill #1 Lots A, B, and D from M1: Industrial to R3: Country Residential and Lot C from M1: Industrial to C2: Commercial Mixed Use in the Zoning Bylaw Schedule B, as shown in Appendix A of this bylaw.



THE CITY OF DAWSON

Zoning Bylaw Amendment No. 17 Bylaw

Bylaw No. 2022-10

PART III – FORCE AND EFFECT

5.00 Severability

5.01 If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder unless the court makes an order to the contrary.

6.00 Enactment

6.01 This bylaw shall come into force on the day of the passing by Council of the third and final reading.

7.00 Bylaw Readings

Readings	Date of Reading
FIRST	April 13, 2022
PUBLIC HEARING	
SECOND	
THIRD and FINAL	

William Kendrick, Mayor
Presiding Officer

Cory Bellmore, CAO
Chief Administrative Officer



THE CITY OF DAWSON

Zoning Bylaw Amendment No. 17 Bylaw

Bylaw No. 2022-10

PART IV – APPENDIX A

Figure 1. Location Map

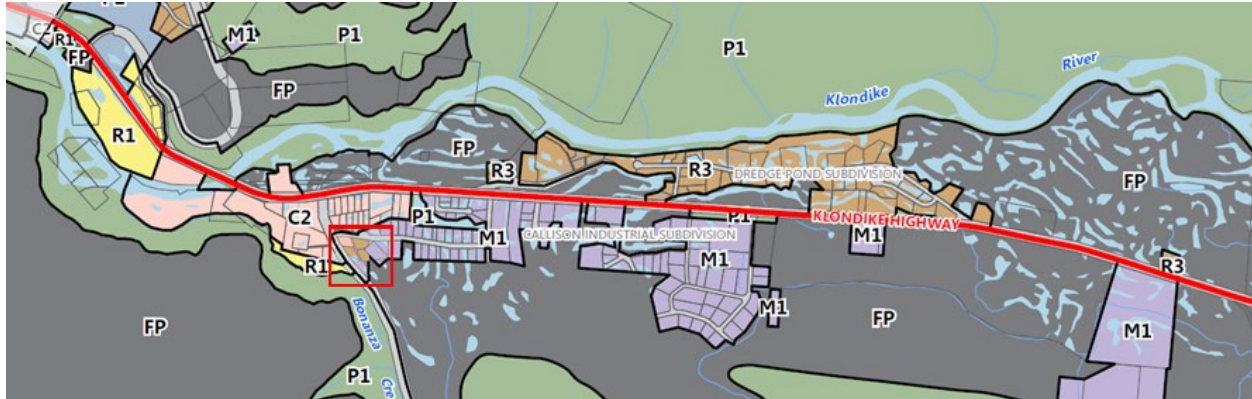
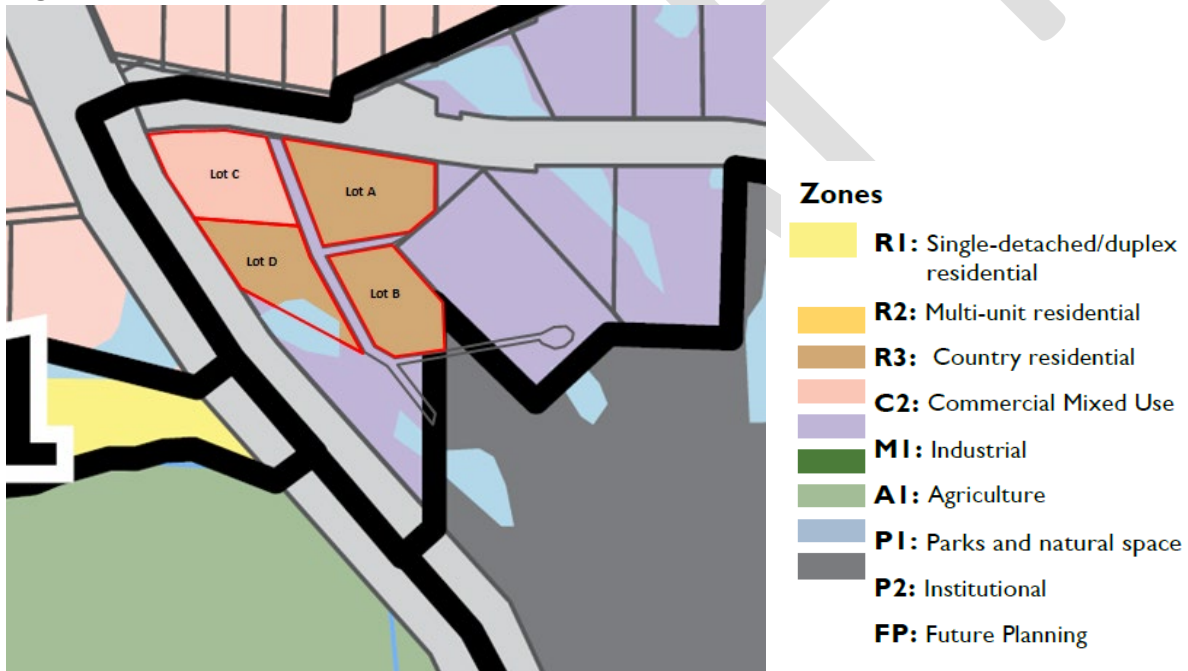


Figure 2. Amended area



THE CITY OF DAWSON

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NOTICE OF PUBLIC HEARING: ZONING BYLAW AMENDMENT

Bylaw #2022-11 / ZBL No. 18 Bylaw

Subject Property: Infill #2 Lots 1-22, N. Klondike Hwy.

Date: May 18, 2022

Time: 7:00pm

Location: Council Chambers, City Hall

Listen to Public Hearing: Radio CFYT 106.9 FM or cable channel #11

As per the *Municipal Act*, S. 294.1, upon receiving an application for a Zoning Bylaw amendment, Council must give public notice of the application. Therefore, the City of Dawson is now requesting input from the public regarding a Zoning Bylaw amendment to re-zone Infill #2 Lots 11-20 from FP: Future Planning to R1: Single-Detached/Duplex Residential and Lots 1-10, 21, and 22 from FP: Future Planning to C2: Commercial Mixed Use.

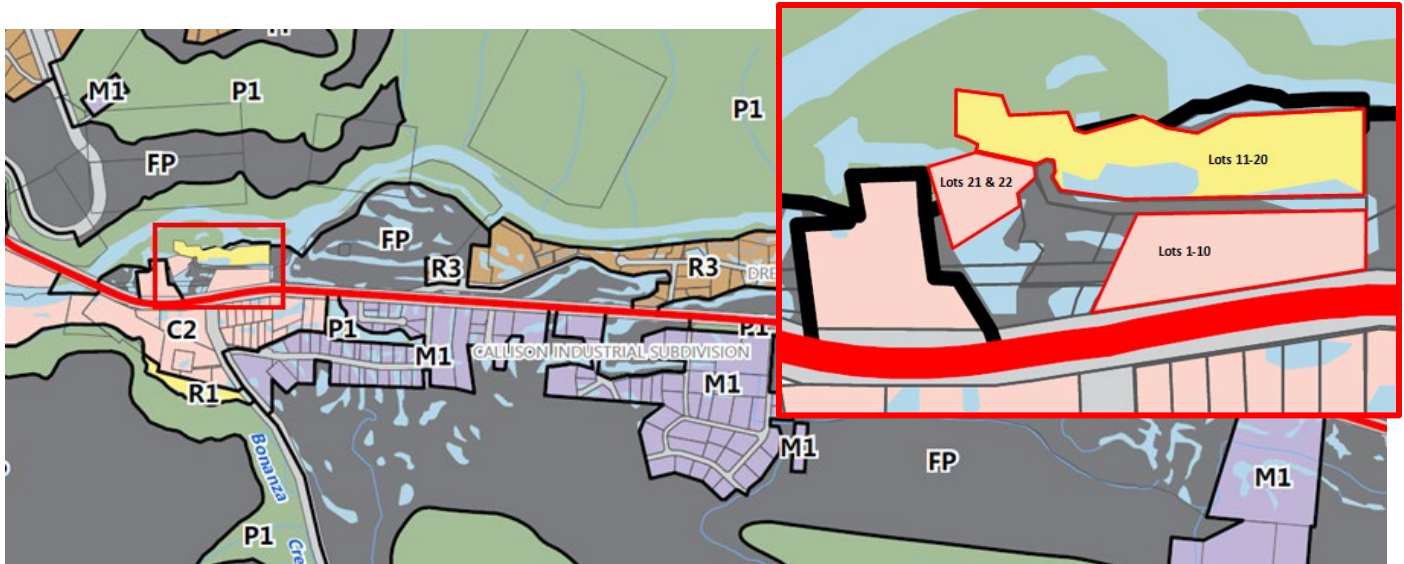


Figure. Proposed lots to be re-zoned.

For more information or to provide your input prior to the public meeting, please contact the Planning and Development Manager or Planning and Development Officer using the following contact information:

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THE CITY OF DAWSON

Zoning Bylaw Amendment No. 18 Bylaw

Bylaw No. 2022-11

WHEREAS section 265 of the Municipal Act, RSY 2002, c. 154, and amendments thereto, provides that a council may pass bylaws for municipal purposes, and

WHEREAS section 289 of the Municipal Act provides that a zoning bylaw may prohibit, regulate and control the use and development of land and buildings in a municipality; and

WHEREAS section 294 of the Municipal Act provides for amendment of the Zoning Bylaw;

THEREFORE, pursuant to the provisions of the *Municipal Act* of the Yukon, the council of the City of Dawson, in open meeting assembled, **ENACT AS FOLLOWS:**

PART I - INTERPRETATION

1.00 Short Title

1.01 This bylaw may be cited as the **Zoning Bylaw Amendment No. 18 Bylaw**.

2.00 Purpose

2.01 The purpose of this bylaw is to provide for

- (a) An amendment to Infill #2 Lots 11-20 from FP: Future Planning to R1: Single-Detached/Duplex Residential and Lots 1-10, 21, and 22 from FP: Future Planning to C2: Commercial Mixed Use.



THE CITY OF DAWSON

Zoning Bylaw Amendment No. 18 Bylaw

Bylaw No. 2022-11

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DRAFT



THE CITY OF DAWSON

Zoning Bylaw Amendment No. 18 Bylaw

Bylaw No. 2022-11

3.00 Definitions

3.01 In this Bylaw:

- (a) Unless expressly provided for elsewhere within this bylaw the provisions of the *Interpretations Act*, RSY 2002, c. 125, shall apply;
- (b) “city” means the City of Dawson;
- (c) “council” means the Council of the City of Dawson;

PART II – APPLICATION

4.00 Amendment

- 4.01 This bylaw amends Infill #2 Lots 11-20 from FP: Future Planning to R1: Single-Detached/Duplex Residential and Lots 1-10, 21, and 22 from FP: Future Planning to C2: Commercial Mixed Use in the Zoning Bylaw Schedule B, as shown in Appendix A of this bylaw.



THE CITY OF DAWSON

Zoning Bylaw Amendment No. 18 Bylaw

Bylaw No. 2022-11

PART III – FORCE AND EFFECT

5.00 Severability

5.01 If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder unless the court makes an order to the contrary.

6.00 Enactment

6.01 This bylaw shall come into force on the day of the passing by Council of the third and final reading.

7.00 Bylaw Readings

Readings	Date of Reading
FIRST	April 13, 2022
PUBLIC HEARING	
SECOND	
THIRD and FINAL	

William Kendrick, Mayor
Presiding Officer

Cory Bellmore, CAO
Chief Administrative Officer



THE CITY OF DAWSON

Zoning Bylaw Amendment No. 18 Bylaw

Bylaw No. 2022-11

PART IV – APPENDIX A

Figure 1. Location Map

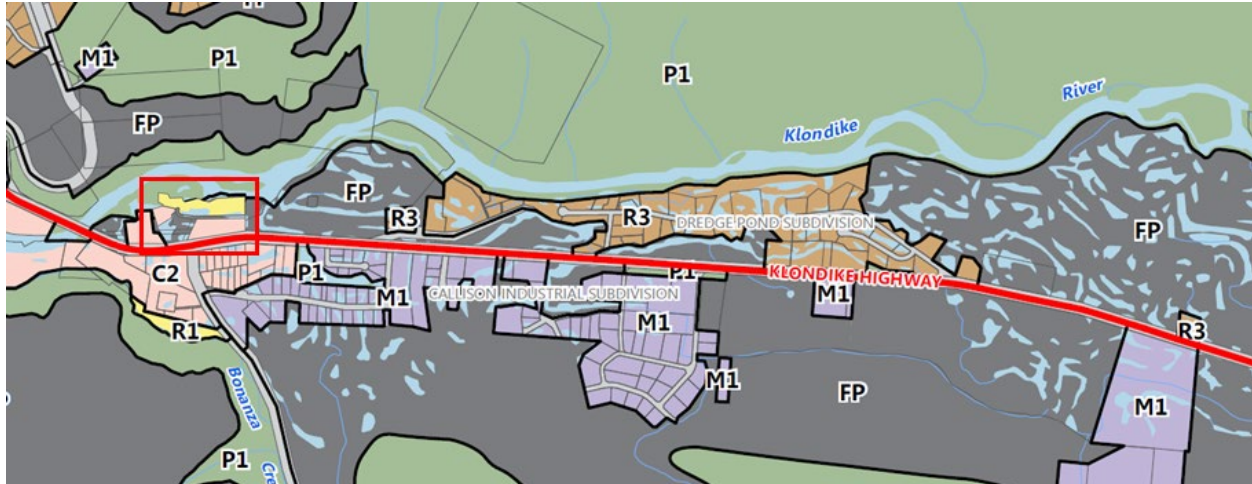
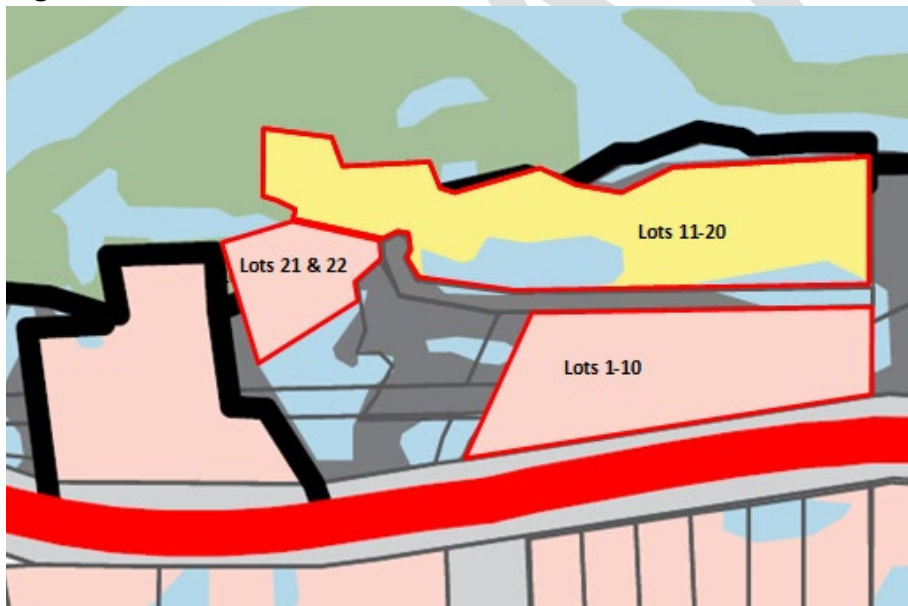











Figure 2. Amended area



Zones

-  **R1:** Single-detached/duplex residential
-  **R2:** Multi-unit residential
-  **R3:** Country residential
-  **C2:** Commercial Mixed Use
-  **M1:** Industrial
-  **AI:** Agriculture
-  **P1:** Parks and natural space
-  **P2:** Institutional
-  **FP:** Future Planning

MINUTES OF COMMITTEE OF THE WHOLE MEETING CW22-06 of the Council of the City of Dawson called for 7:00 PM on Wednesday, April 27, 2022, City of Dawson Council Chambers

PRESENT:	Mayor	William Kendrick
	Councillor	Elizabeth Archbold
	Councillor	Alexander Somerville
	Councillor	Patrik Pikálek
	Councillor	Brennan Lister

REGRETS:

ALSO PRESENT:	CAO	Cory Bellmore
	A/EA	Kim McMynn
	PWM	Jonathan Howe
	PD Manager	Stephanie Pawluk
	PW Manager	Jonathan Howe

Agenda Item: Call to Order

The Chair, Mayor Kendrick called the meeting to order at 7:00 p.m.

Agenda Item: Agenda

CW22-06-01 Moved by Councillor Pikálek, seconded by Mayor Kendrick that the agenda for Committee of the Whole meeting CW22-06 of April 27, 2022 be accepted as presented.
Carried 5-0

Agenda Item: Delegations & Guests

a) Yukon Government: Lagoon Project Update

Annika Palm gave an update on the Lagoon Project. She reviewed the following:

- Challenges with the Wastewater Treatment Plant
 - Cost of operating the Wastewater Treatment Plant
 - The case for a lagoon
 - Where will the lagoon go?
 - Recommendation to build lagoon in Callison
 - Project status
 - Next steps
-

Agenda Item: Minutes

Poem Reading:

- Dan Davidson read the following poems
 - o Decaying Memories
 - o First Blades of Spring

a) Committee of the Whole Meeting Minutes CW22-05 of March 16, 2022

CW22-06-02 Moved by Councillor Somerville, seconded by Councillor Pikálek that the minutes of Committee of the Whole meeting CW22-05 of March 16, 2022 be accepted as amended.
Carried 5-0

- Change page headings from CW22-03 to CW22-05
- Change 150ft to 105ft

Agenda Item: Business Arising From Minutes

Vacant Land Tax Status:

- It is still being worked on

Meeting Room IT:

- CAO has emailed a contact who specializes in this area and is waiting for a reply

Agenda Item: Special Meeting, Committee, and Departmental Reports

a) CBC Building: Updated Options/Drawings

CW22-06-03 Moved by Councillor Somerville, seconded by Mayor Kendrick that Committee of the Whole direct administration to pursue the options that include a fire suppression system and one staircase as presented in NsqArchitecture report to council dated April 21, 2022. Carried 5-0

b) Investments-Reserve Accounts

CW22-06-04 Moved by Councillor Somerville, seconded by Councillor Pikálek that Committee of the Whole direct administration to issue an RFP to obtain quotes for investing the City Reserve account balances. Carried 5-0

c) New Recreation Centre: Next Steps

CW22-06-05 Moved by Councillor Somerville, seconded by Mayor Kendrick that Committee of the Whole accept the Report for Information and direct administration to move to next steps in the planning process for New Recreation Centre outlined in the Dawson City Recreation Centre Project Plan, with additional presentations and opportunity for input from Council. Carried 5-0

d) AYC Auction Item

Council discussed AYC auction items.

e) Minister Mostyn RE: Dawson Lagoon Project

CW22-06-06 Moved by Councillor Somerville, seconded by Councillor Pikálek that Committee of the Whole forward to Council the option presented by Minister Mostyn in the letter of March 31, 2022, that Community Services manages the project on behalf of the City of Dawson. Carried 5-0

Agenda Item: Bylaws & Policies

a) Official Community Plan Amendment No. 5 Bylaw (2021-14)-Second Reading (Housekeeping)

Council held discussion regarding the Official Community Plan and Zoning Bylaw Amendments.

CW22-06-07 Moved by Councillor Pikálek, seconded by Mayor Kendrick that Committee of the Whole forward to Council Amendment Bylaws 2021-14 and 2021-15 for second reading. Carried 5-0

b) Zoning Bylaw Amendment No. 14 (2021-15)-Second Reading (Housekeeping)

- CW22-06-08** Moved by Councillor Pikálek, seconded by Mayor Kendrick that Committee of the Whole forward to the Heritage Advisory Committee the definition of Registered Historic Structure for a recommendation.
Carried 5-0
- CW22-06-09** Moved by Mayor Kendrick, seconded by Councillor Somerville that Committee of the Whole directs administration to add that Development Officer confirmation of the completion of a development permit is required before releasing a security deposit.
Carried 5-0
- CW22-06-10** Moved by Councillor Pikálek, seconded by Councillor Somerville that Committee of the Whole directs administration to add that written notification letters be mailed to contiguous properties to the proposed Section 5.1.4.
Carried 5-0
- CW22-06-11** Moved by Mayor Kendrick, seconded by Councillor Somerville that Committee of the Whole direct administration to change Section 17.5.5.2 from 1km to 500m.
Carried 5-0
- i) Reserve Fund Bylaw
- CW22-06-12** Moved by Mayor Kendrick, seconded by Councillor Somerville that Committee of the Whole forward Bylaw 2022-13, being the Reserves Fund Bylaw, to Council for First Reading.
Carried 5-0
- j) Art Procurement Policy
- Council held discussion regarding the Art Procurement Policy and requested administration to forward it to the next Council meeting.

Agenda Item: Adjournment

- CW22-06-13** Moved by Councillor Pikálek, seconded by Councillor Somerville that Committee of the Whole meeting CW22-06 be adjourned at 10:51 p.m. with the next regular meeting of Committee of the Whole being May 18, 2022.
Carried 5-0

THE MINUTES OF COMMITTEE OF THE WHOLE MEETING CW22-06 WERE APPROVED BY COMMITTEE OF THE WHOLE RESOLUTION #CW22-07-02 AT COMMITTEE OF THE WHOLE MEETING CW22-07 OF MAY 18, 2022.

Mayor Kendrick, Chair

Cory Bellmore, CAO



April 27, 2022

Bill Kendrick
Mayor, City of Dawson
1226 Front Street
Dawson City, YT Y0B 1G0

Dear Mayor Kendrick:

Re: Housing Initiatives Fund – Affordable Housing Development in Dawson

Thank you for your email dated April 8, 2022 requesting an update on how developers in Dawson City can be successful in future Housing Initiative Fund intakes.

I am pleased to see the level of interest Dawson City builders and homeowners have expressed in the Housing Initiative Fund fifth intake. With the Housing Initiative Fund being a capital construction grant, there was a considerable amount of uptake, which resulted in many excellent housing development project proposals.

Applications are assessed by an evaluation committee that scores proposals based on criteria that focuses on the project plan, project size and long-term financial viability. Additional considerations were provided for project readiness, target population and First Nations.

I am unable to speak to specifics for Dawson City project proposals. I would encourage that those who were unsuccessful in their application to follow up with Kim Ho, Senior Partnership Advisor at (867) 332-0486 or Kim.Ho@yukon.ca for feedback to support a future application. The sixth intake for the Housing Initiatives Fund will open in November 2022 and we would be pleased to see their project proposals.

The Yukon Housing Corporation (YHC) and its Board of Directors regularly review the program to ensure that the Housing Initiatives Fund is accessible and relevant to the Yukon's housing market with considerations geared to the changing market conditions. I welcome your feedback on the established criteria for consideration for our next intake in the Fall of 2022. YHC is committed to equitable distribution of funding and will continue to support long-term affordable housing development in Dawson City and across the Yukon.

I appreciate your commitment to addressing long-standing housing challenges in Dawson City.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ranj Pillai". The signature is fluid and cursive, with a large initial "R" and a distinct "P" for "Pillai".

Ranj Pillai

Minister responsible for the Yukon Housing Corporation

Infrastructure projects underway in Dawson

TEC

Funding source	Project	Federal Approval Date	Est. Total costs
ICIP	Turner Street Infrastructure	03/13/2019	\$ 2,500,000.00
ICIP	Dawson City North End Development	2017-04-17	\$ 3,400,000.00
ICIP	Dawson Reservoir Replacement/ Front St Aprons,PH Demo	2021-05-28	\$ 9,800,640.00
ICIP	Robert Service School Modular Classroom Expansion	2021-07-20	\$ 6,400,000.00
ICIP	Dome Road Solar Independent Power Plant	2021-07-08	\$ 740,000.00
ICIP	Electrical U/G to 3 Solid Waste Facilities	2020-06-12	\$ 750,000.00
SCF	Dawson Water Treatment Upgrades and Pumphouse Replacement	2017-09-22	\$ 15,000,000.00
SCF	Dawson Water & Wastewater Downtown Upgrades 5th, 3rd and Craig. Dawson Storm outfalls to be completed with remaining budget. SCF scope was generalized so this work could be completed.	2018-02-26	\$ 11,775,000.00
CWWF	Various projects (Dawson 5th Ave King Water & Sewer upgrades, Dawson Craig St Tower, Dawson York St Lift Station, Dawson Front Infrastructure Upgrades)	2016-06-22	\$ 12,270,000.00
			\$ 56,235,640.00

IDB notes
Substantially Complete
Lands ----> City of Dawson
YG Project. Front St. Aprons and PH demo are complete. Reservoir substantial for 2023.
YG Project - HPW
Complete
Dawson project complete
Substantially Complete
Ph 1 Construction ongoing & Outfall upgrades scoping complete.
Substantially Complete

Identified Community Infrastructure Priorities

Last Updated: **2021-09-20**

		Initial Estimated Project Cost
ICIP	Dawson Lagoon	\$ 45,200,000.00
ICIP	Dawson Rec Center	\$ 54,000,000.00
		\$ 99,200,000.00

IDB notes
scoping & data gap
ICIP allocation is 27m

No identified funding

		Initial Estimated Project Cost
	King Street Forcemain	\$ 3,640,000.00
	Water Metering Program	\$ 1,300,000.00
	Water Main Loop 4	\$ 5,200,000.00
	Dawson Drainage Basin 2 Upgrades (sanitary sewer)	\$ 23,000,000.00
	Sewage Pit upgrades	\$ 2,800,000.00

IDB notes
Trigger for this work is linked to North End development
Dawson City funded
Project scoping complete. Estimate is from 2019.
Gas tax funding to keep it operational until lagoon is complete