

<b>PEEL WATERSHED APPROVED LAND USE PLAN CONSISTENCY OPINION</b>	
<b>YESAB Project #</b>	2022-0090
<b>Project Title:</b>	Southern Dempster Highway Shoreline Stabilization Works
<b>Date:</b>	December 9 <sup>th</sup> , 2022
<b>Submitted to:</b>	YESAB Dawson Designated Office Bag 6050, Dawson City, Y0B 1G0
<b>Completed by:</b>	<div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <p>Sam Skinner Yukon Land Use Planning Council 201-307 Jarvis St Whitehorse, Yukon Y1A 2H3 1-867-667-7397 sam@planyukon.ca</p> </div> <div style="width: 35%; text-align: center;">  </div> </div>
<b>More information on PW consistency opinions:</b>	<a href="https://planyukon.ca/index.php/resources/planning-regions/peel/391-peel-watershed-conformity-checks">https://planyukon.ca/index.php/resources/planning-regions/peel/391-peel-watershed-conformity-checks</a>
<b>Project is consistent to the Approved Peel Watershed Regional Land Use Plan: (select one)</b>	<b>Yes</b>

**Note: This Consistency opinion complements our earlier one, and was done after additional information following two information requests.**

## Background Information and Consistency Opinion Analysis

<b>Affected Landscape Management Unit (LMU)(s):</b> Map 2 and Section 5							
LM Unit #	4	LMU Name:	West Hart River				
Zoning:	Wilderness Area	Land Owner:	YG & THFN				
LM Unit #	5	LMU Name:	Blackstone River				
Zoning:	Integrated Management Area, Zone III	Land Owner:	YG & THFN				
<b>Landscape Disturbance Indicators*:</b> Surface Disturbance (ha):							
LMU	Cautionary Level	Critical Level	Current est. Level	Project Estimate	Total Estimate	Notification Rqr'd**	Parties Notified
4	N/A***	N/A***	Not yet provided	~5.98 ha	Not determined	No	No
5			Not yet provided		Not determined	No	No
Linear Disturbance (km):							
LMU	Cautionary Level	Critical Level	*Current est. Level	Project Estimate	Total Estimate	Notification Rqr'd**	Parties Notified
4	N/A***	N/A***	Not yet provided	~0 km (widens existing linear disturbance )	Not determined	No	No
5			Not yet provided		Not determined	No	No
<p>*Current <u>estimated</u> cumulative effects levels are to be provided by the Plan Parties.</p> <p>**The YLUPC shall notify the Parties prior to submitting the conformity check to YESAB if they are concerned cautionary or critical levels may be reached.</p> <p>***New disturbances are typically not allowed in Special Management Area and Wilderness Area zones.</p>							

<b>Designation Considerations:</b> (Section 3, Plan Concepts) – these are typically high-level directions applied to all LMUs of the same designation		
LMU	Designation	Consideration
4	Wilderness Area	<ul style="list-style-type: none"> <li>• the management directions for this LMU:               <ul style="list-style-type: none"> <li>○ Managed for conservation or protection of ecological and cultural resources</li> <li>○ Long-term wilderness character is to be maintained</li> <li>○ No new industrial land use or surface access is allowed</li> <li>○ Existing mineral claims or leases may be respected</li> <li>○ Pre-existing non-industrial land uses are respected (for example, a land tenure for big game outfitting base camps or facilities for wilderness tourism).</li> </ul> </li> </ul>
5	Integrated Management Area, Zone III	<ul style="list-style-type: none"> <li>• the management directions for this LMU:               <ul style="list-style-type: none"> <li>○ Allows for new oil and gas, mining, and other industrial land uses, including surface access such as roads subject to Plan recommendations and regulatory processes.</li> </ul> </li> </ul>
N/A	Dempster Highway Corridor	<ul style="list-style-type: none"> <li>• The Plan shows the Dempster Highway Corridor as a two-km-wide corridor for purposes of illustration only [regarding future sub-regional planning].</li> </ul>
N/A	Major River Corridor	<ul style="list-style-type: none"> <li>• Avoid large-scale industrial and/or infrastructure projects within Major River Corridors.</li> </ul>

<b>Special Management Considerations:</b> (Section 5, LMUs) – these are typically LMU specific	
LMU	Special Management Consideration
4	<ul style="list-style-type: none"> <li>• Extensive regionally rare overlap of winter core areas of two caribou herds.</li> <li>• Major River Corridor management directions apply along the Blackstone River (e.g., no new permanent infrastructure).</li> <li>• Dempster Corridor management directions apply near the Dempster Highway.</li> </ul>
5	<ul style="list-style-type: none"> <li>• Major River Corridor management directions apply along the Ogilvie and Blackstone Rivers (e.g., no new permanent infrastructure).</li> <li>• Dempster Corridor management directions apply near the Dempster Highway.</li> </ul>

**Affected Values and General Management Directions (GMD):** (Section 4)

Only include values identified in LMU. If no GMDs exist or are relevant, do not include in this table.

Ecological Resources:	Corresponding GMD:
<b>WILDLIFE and TERRESTRIAL HABITATS</b>	<ul style="list-style-type: none"><li>• Reduce other human land use-related disturbances such as noise, smell and light.</li></ul>
<b>HYDROLOGY and AQUATIC HABITATS</b>	<ul style="list-style-type: none"><li>• Minimize surface and vegetation disturbance in riparian areas.</li><li>• Avoid large-scale industrial and/or infrastructure projects within Major River Corridors.</li><li>• Avoid in-stream aggregate (gravel) extraction.</li><li>• Prohibit direct disturbance to sensitive over-wintering and spawning habitats.</li><li>• Minimize stream crossings; if stream crossings are required ensure proper bridge and crossing structures are used, and are designed for ease of removal (i.e. temporary structures).</li><li>• Avoid direct or indirect blocking of identified fish migration routes.</li></ul>
Heritage, Social, Cultural Resources:	Corresponding GMD:
	<ul style="list-style-type: none"><li>• Avoid or minimize land use conflicts by avoiding or reducing the level of land use activities in important subsistence harvesting and current community use areas.</li><li>• Avoid or reduce activities in significant heritage and current community use areas during important seasonal use periods (e.g., utilize timing windows).</li><li>• Work camps associated with resource exploration and development activity should be sited near areas of resource production, and away from identified heritage routes, historic sites, and current community use areas.</li><li>• Implement immediate stop work orders if evidence of heritage or cultural values is detected, to assess significance.</li></ul>
Economic Development:	Corresponding GMD:
Aggregate Resources	At this time, specific policy recommendations regarding aggregate resources are not required.

### Plan Recommended Best Management Practices:

Water

Best Management Practices for Works Affecting Water in Yukon. Water Resources Branch, Yukon Environment. May 2011.

Available online:

[http://www.env.gov.yk.ca/publications-maps/documents/bestpractes\\_water.pdf](http://www.env.gov.yk.ca/publications-maps/documents/bestpractes_water.pdf)

This document has a number of recommendations on culverts.

### Additional Analysis or Comments:

- The Plan states:

*The [Dempster] highway is a multiple-use corridor. It must be maintained to support land use activity, now and in the future, without undermining the heritage, social and ecological resource values around the highway.*

- thus, it can be implied that maintenance of the highway is supported by the Plan.
- The project occurs in an important community use area for the Tr'ondëk Hwëch'in; therefore, this project may need to be timed as early as possible to avoid fall harvesting. Consult with the regional biologist the Tr'ondëk Hwëch'in to help find the least disruptive timing window and preferred location of work camp.
- This project will largely be on or adjacent to previously disturbed areas and is the continuation and maintenance of a pre-existing land-use and therefore:
  - this project shouldn't result in significant additional linear or surface disturbances;
  - shouldn't greatly affect the ecological and visual integrity of the Blackstone and Oglivie River Corridors.
- However, new disturbances (e.g. vegetation clearing, excavations) should be the minimum necessary for adequate highway maintenance.
- It is good that alternate options were discussed. Given the potential number of project locations, alternate options (e.g. groynes) could be explored to prevent the need for vegetation stripping at sites where a sizable vegetation buffer currently exists (e.g., kms 115.5, 131.4, 172.9, 175.2, 221.1, ). This could be seen as an experiment to attempt help maintain visual esthetics and fish habitat. It is in ways counter-intuitive to remove vegetation to stabilize a riverbank.
- The Plan calls for sub-regional planning for the Dempster Corridor:
  - Since this project is not a new land use and is of limited extent, it has limited implications and requirements for sub-regional planning.
  - Policy Recommendation #8 (regarding a sub-regional plan) suggests "limits on aggregate extraction" in LMU #4. The aggregates for this project are to be sourced from an existing permitted granular reserve and therefor shouldn't impact the values important to those LMUs.
- The project also falls on or near potential fish over-wintering habitat.

