

NORTH YUKON REGIONAL LAND USE PLAN CONSISTENCY OPINION		
YESAB Project #	2026-0049	
Project Title:	Rusty Springs	
Date:	September 29 th , 2026	
Submitted to:	YESAB Online Registry (yesabregistry.ca)	
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More information on NYLUP consistency opinions:	https://planyukon.ca/north-yukon-consistency-opinions/	
Project conforms to Regional Land Use Plan: Yes, subject to mitigations		

Background Information and Conformity Check Analysis

Affected Landscape Management Unit (LMU)(s): (insert rows as needed for additional LMUs)
Map 1 and Section 6

LM Unit #	12A	LMU Name:	Ni'iinlii'njik (Fishing Branch) Protected Area
Zoning:	Protected Area	Land Owner:	YG, near VGFN S-37A1
LM Unit #	12B	LMU Name:	Ni'iinlii'njik (Fishing Branch) HPA
Zoning:	Habitat Protection Area	Land Owner:	YG
LM Unit #	13	LMU Name:	Kandik River
Zoning:	IMA – Zone IV	Land Owner:	YG

Landscape Disturbance Indicators: Table 3.2, sections 3.3.1.1, 5.1.1

Surface Disturbance (ha):

LMU	Cautionary Level	Critical Level	Current est. Level*	Project Estimate	Total Estimate	Notification Rqr'd**	Parties Notified
12A	NA***	NA***	371	0	371	No	No
12B	NA***	NA***	9	0	9	No	No
13	1702	2269	47	11.3	58	No	No

Linear Disturbance (km):

LMU	Cautionary Level	Critical Level	Current est. Level*	Project Estimate	Total Estimate	Notification Rqr'd**	Parties Notified
12A	NA***	NA***	503	0	503	No	No
12B	NA***	NA***	10.6	0	10.6	No	No
13	1702	2269	28.4	21.2	49.6	No	No

*current cumulative effects levels based disturbance data produced by Yukon Government based on 2020 1.5m imagery. It does not consider recovery of legacy disturbances. YLUPC analyzed these data and published the disturbance amounts per LMU in their [interactive mapping application](#).

** 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. Though the cautionary level for linear disturbance for LMU 9 and the **critical level for both** indicators for LMU 8B have been **surpassed**, this project will not contribute additional disturbance.

*** The plan did not provide disturbance levels for SMAs/Protected Areas, assuming no new disturbance.

Designations:

(Section 3, Plan Concepts) – these are typically high-level directions applied to all LMUs of the same designation. Ones especially relevant for this opinion are **bolded**.

LMU	Designation	Description
12A	Protected Area	Legally designated land areas withdrawn from surface and subsurface rights issuance. Oil and gas, mining and other industrial land uses are not allowed. Designated as a Wilderness Preserve. The Ni'inlii'njik Protected Area is managed under the Ni'inlii'njik (Fishing Branch) SMA Management Plans.
12B	Habitat Protection Area	The Fishing Branch HPA encompasses many ecological and heritage resources, and is intended to act as a buffer for the core Protected Area. The HPA is managed to maintain ecological integrity and protect heritage resources, but is not withdrawn from land disposition and resource exploration and development. The current management plan should be referenced for guidelines regarding any land use activity within the HPA. The Ni'inlii'njik HPA is also managed under the Ni'inlii'njik (Fishing Branch) SMA Management Plans.
13	Integrated Management Zone IV	The working landscape – areas where oil and gas, mining, and other land uses are allowed, subject to the Plan recommendations and regulatory processes. Highest Development – Lower ecological and heritage/cultural values within a moderately sensitive biophysical setting. Higher levels of land use are consistent with Zone IV objectives.

Special Management Considerations: (Section 6, LMUs)

LMU	Special Management Consideration (only relevant SMCs are listed)
12A	See Ni'iinlii'njik (Fishing Branch) SMA Management Plans (Yukon Department of Environment and Vuntut Gwitchin Government, 2004a,b). [superseded by 2018 update]
12B	See Fishing Branch HPA Management Plan (Yukon Department of Environment and Vuntut Gwitchin Government, 2004a, 2018). [superseded by 2018 update]
13	- This unit has substantial knowledge gaps with respect to ecological, heritage and economic resources. - Southern boundary is adjacent to Tr'ondëk Hwëch'in Traditional Territory (south of 66°N latitude). - Western boundary is adjacent to Yukon – Alaska border.

Affected Values and General Management Directions (GMD): (Section 5)

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

Ecological Resources:	Corresponding GMD:
Terrestrial habitat	2.1.1 Reduce size, intensity and duration of human-caused physical surface disturbances (e.g., utilize low impact seismic, winter roads and enhanced reclamation). 2.1.2 Reduce other human land use impacts such as noise, smell and light. 2.3.1 Avoid or reduce activities in significant wildlife habitats during important biological periods (e.g., utilize timing windows).
Aquatic habitat	3.1.1 Minimize surface and vegetation disturbance in riparian areas. 3.3.1 Avoid direct disturbance to sensitive over-wintering habitats. 3.3.3 Avoid or reduce activities in fish habitat during important biological periods or seasons (e.g., utilize timing windows). 3.3.4 Avoid or reduce winter in-stream water withdrawals in sensitive over-wintering fish habitat.
Wetlands, lakes, rivers, and sensitive permafrost areas	4.1.1/4.3.1 Avoid or minimize industrial land use activities in wetlands and riparian areas. 4.1.3/4.2.3/4.3.3 Reduce surface and vegetation impacts in riparian and sensitive permafrost areas. 4.2.1 Avoid or minimize industrial land use activities in wetlands and riparian areas. 4.5.1 Avoid or reduce water withdrawals in sensitive wetland areas.

Heritage, Social, Cultural Resources:	Corresponding GMD:
Heritage and cultural resources/Subsistence lifestyle	5.1.1 Minimize land use impacts in the vicinity of identified heritage and historic resources. 5.1.2 Minimize land use conflicts by avoiding or reducing the level of land use activities in important subsistence harvesting 5.1.3 Avoid or reduce activities in significant heritage and current community use areas during important seasonal use periods (e.g., utilize timing windows). 5.1.4 Where impacts to identified heritage and cultural sites and resources are unavoidable, implement appropriate mitigation practices.
Economic Objectives	Corresponding GMD:
Maintain opportunities to access lands and resources for a variety of land users and uses...	6.1.1 Minimize land use conflicts by avoiding or reducing the level of land use activities in important subsistence harvesting areas and current community use areas.

Plan Recommended Best Management Practices: (Section 5 following each value)	
Wildlife	• Avoid or minimize the creation of new access roads and trails; utilize existing routes unless their use will cause additional long term environmental impacts (e.g., permafrost degradation). • Avoid or minimize the size, extent, duration and level of activities in concentrated seasonal use areas. • Use appropriate operational timing-windows in significant wildlife habitats to minimize activities, whenever possible, during periods of wildlife use
Porcupine Caribou	• Define and implement safe operating distances from the herd. • Consider the following seasons when determining appropriate operational timing-windows (seasons when Porcupine caribou occupy the region as reported by McNeil et al., 2005): ○ Winter: December 1 to March 31 ○ Spring migration: April 1 to May 31

Wetlands & lakes	• If land use activities are required in wetlands, hydrology, water flow, and natural drainage patterns should be maintained. • If required, surface disturbance within and adjacent to wetlands and lakes should not result in diminished water quality or quantity.
Major Rivers and Valleys	• Where new all-season or winter access roads and/or trails are required to cross Major River and other riparian corridors, these should be designed, constructed, and used in a manner that minimizes direct and indirect impacts to fish, wildlife and their habitats. • Surface disturbance and land use activities within and adjacent to Major River and other riparian corridors should not result in diminished water quality, quantity or flow.
Heritage and cultural resources	• In identified current community use areas (see Map 3, Appendix 1) exploration and construction activities should be minimized or mitigated during subsistence harvesting periods.
Transportation & Access	• Avoid or minimize the creation of new access roads and trails; utilize existing routes unless their use will cause additional long-term environmental impacts (e.g., permafrost degradation). • Where new all-season or winter access roads and/or trails are required, these should be designed, constructed and used in a manner that minimizes direct and indirect impacts to fish and wildlife, their habitats and human viewsapes (i.e., minimize size and extent of features). • Limit and/or control use of new industrial access routes to authorized users only.

Additional Analysis or Comments:

The following analyses are for separate parts of the Plan. A wholistic analysis follows these.

LMU 14:

This LMU (Chuu Tl'it Gwa'an also known as “the Annex”) was not part of the North Yukon Region when it was approved, and therefor is not considered in the Plan nor in this Consistency Opinion. However, both the North Yukon and Dawson commissions collected information about this unit in their Resource Assessment Reports. Some of the most relevant of this information is summarized in the Appendix A of this document.

LMU 13:

This LMU is zoned for the highest level of development. The proposed new disturbances are well withing the cautionary levels for that LMU. **No issue.**

LMU 12A & 12B

These LMUs were zoned to reflect the existing Ni'iinlii'njik (Fishing Branch) SMAs, each with their own management plans. The North Yukon Regional Plan essentially defers to these management plans which were updated in 2018. This update *“recognizes the historical use of the winter cat trail for the Rusty Springs property” subject to the claims not lapsing and the route not being improved.*

Though industrial access through these LMUs are counter to their stated objectives, the Management plan included a clear and specific exception for this activity. **No issue.**

General Management Directions

The Plan supports the use of existing routes, especially for winter access. However, it does requests that **“Gate or otherwise restrict hunting along new access routes”.**

The winter road activity coincides with the typical winter residency of Porcupine Caribou, thus possibly making activity timing windows impractical. The proponent should discuss timing window options with the regional biologist, as it may be beneficial to delay winter road construction and use as late as possible in the winter. Without a defined timing window, the Plan's recommendation to “Define and implement safe operating distances from the herd” **becomes a key mitigation.** The draft document *“Assessing caribou vulnerability to oil and gas exploration and development in Eagle Plains, Yukon”* (Russel & Gunn, 2017) did recommend a mitigation flowchart for activities in the Porcupine Caribou range. This (or an approved/final version) should be used.

Likewise, **winter-drilling should be avoided, and if not the mitigation process recommended by Russel and Gunn, 2017, should be implemented.** This requires active monitoring.

The key area database does not show any sheep, moose or caribou key areas in the project area. The NYPC did not note any potential fish over-wintering areas within or near the project area in LMUs 12 and 13. However, they did identify a potential fish over-wintering area

downstream in the Fish Creek drainage. **Water withdrawals should be avoided in this area.**

The NYPC did not identify potential Chinook spawning habitat near the winter route in LMUs 12 and 13. However, they did note spawning downstream, particularly in the Fish Creek drainage.

Many of concepts in the plan center on reducing effects on aquatic systems. In particular, GMDs 4.1.1 and 4.1.3 are especially pertinent:

4.1.1 Avoid or minimize industrial land use activities in wetlands and riparian areas.

Activities like staging, refueling etc. should not happen in wetlands and riparian areas.

4.1.3 Reduce surface and vegetation impacts in riparian and sensitive permafrost areas.

Minimize the clearing of regenerating vegetation and do not disturb the soil and root mat.

The NYPC did not identify any heritage resources or use areas coinciding with the project. Nonetheless, the **proponent should discuss with VGFN** where and when heritage resources of on-the-land activities should be avoided.

Conclusion for the North Yukon Plan:

The proposal conforms to the Approved North Yukon Plan, subject to the mitigations in the discussion above.

Appendix A: Summary information for LMU 14: Chuu TI'it Gwa'an

Proposed activities:

- winter road follows previous route from the headwaters of the Miner River, then up a tributary: March & April
- Heli and fixed-wing flight paths

Statements/Discussion from Plan for this LMU:

This LMU is a future planning area in the modified North Yukon Planning Region, and was out of scope when the North Yukon Plan was approved. As such, the Plan does not have any statements specifically for this LMU.

However, the [Resource Assessment Report for the Plan](#) (NYRAR) did include much of this area, as did the [Resource Assessment Report for the Dawson Plan](#) (DRRAR). Finally, Yukon Government's Wildlife Key Areas database provides more information – these can be viewed on our [interactive map for this project](#) (YGWKA).

Wildlife (terrestrial)

- The entire LMU 14 is within the Porcupine Caribou herd range (DRRAR).
- Much of the proposed route passes through Porcupine Caribou winter general use areas (this is between ~no/rare/little use and “concentrated use”).
- The proposed route passes through a Thinhorn Sheep migration corridor near TH S-129B (YGWKA).
- The proposed route passes through a moose range (YGWKA).
- The proposed route passes along the eastern edge of a sheep range (YGWKA).
- The proposed fixed wing flight path may pass over the key areas listed above, as well as a sheep nursery and salt lick (YGWKA).

Aquatic

- The proposed route approaches the upper limit of Chinook spawning habitat (DRRAR) or potential spawning habitat (NYRAR).
- The proposed route parallels the potential over-wintering fish habitat in the upper Miner River (NYRAR).

Culture/Heritage

- The proposed route briefly parallels a TH traditional trail (DRRAR).
- The proposed route passes by a location called Ts'i Zhù dēk (Welfare Place – near or at TH S-129B) (DRRAR).
- The proposed route passes through an area of low level of TH land use in the upper Tsey glik dēk (Miner River) drainage (DRRAR).
- The proposed route passes by a and archeological site (DRRAR).
- The proposed route passes through an area of “high recreation feature significance” (NYRAR) or “high recreation value/potential” (DRRAR).