

PEEL WATERSHED APPROVED LAND USE PLAN CONSISTENCY OPINION		
YESAB Project #	2026-0049	
Project Title:	Quartz Exploration – Rusty Springs	
Date:	October 1, 2026	
Submitted to:	YESAB Online Registry (yesabregistry.ca)	
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More information on Peel consistency opinions:	https://planyukon.ca/peel-watershed-consistency-opinions/	
Consistency with the Peel Watershed Regional Land Use Plan:		<i>More information is required to determine plan consistency</i>

Background Information and Consistency Opinion Analysis

Affected Landscape Management Unit (LMU)(s): Map 2 and Section 5							
LM Unit #	1	LMU Name:	Ogilvie River Headwaters				
Zoning:	Wilderness Area	Land Owner:	YG				
Traditional Territories:		Tr'ondëk Hwëch'in					
LM Unit #	3	LMU Name:	Central Ogilvie				
Zoning:	Integrated Management Area – Zone III	Land Owner:	YG, near TH S-185B, TH S-147B, TH S-148B, VGFN S-44A				
Traditional Territories:		Tr'ondëk Hwëch'in					
Landscape Disturbance Indicators*:							
Surface Disturbance (ha):							
LMU	Cautionary Level	Critical Level	Current est. Level	Project Estimate	Total Estimate	Notification Rqr'd*	Parties Notified
1	N/A**	N/A**	106	Nil***	106	Yes	Yes
3	1382	1842	506	1.3****	507	No	No
Linear Disturbance (km):							
LMU	Cautionary Level	Critical Level	Current est. Level	Project Estimate	Total Estimate	Notification Rqr'd*	Parties Notified
1	N/A**	N/A**	115.2	Nil***	115.2	Yes	Yes
3	1382	1842	306.3	2.7****	309.0	No	No
* YLUPC shall notify the Parties prior to submitting the consistency opinion to YESAB if they are concerned cautionary or critical levels may be reached. ** The plan did not provide disturbance levels for SMAs/Protected Areas, assuming no new disturbance. *** winter work that uses existing disturbances and linear features does not count as new disturbance. See final comments below. **** This is an estimate of new disturbance not already counted in the GeoYukon disturbance database (gaps).							

Designation Considerations:		
(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
1	Conservation Area: Wilderness Area	- Interim withdrawal from any new industrial land use and surface access. - Withdrawal status reviewed as part of formal, longer-term public Plan review conducted jointly by the Parties.
3	Integrated Management Area – Zone III	Moderate development: - Moderate ecological and heritage/cultural values within a moderately sensitive biophysical setting. - Conservative levels of land use.
Overlay Zones	Dempster Highway Corridor	Land adjacent to the Dempster Highway requires special management. See Section 4: GMDs below.
	Major River Corridors	Land adjacent to the Major River Corridors requires special management. See Section 4: GMDs below.
LMU Objectives:		
(Section 5, LMUs). Objectives especially relevant for this consistency opinion are bolded .		
LMU	Objectives	
1	- Wilderness character is maintained. - Culturally important sites intact. Winter habitat of the Porcupine caribou herd without recent disturbances. Water quality and flow from the Ogilvie headwaters not affected by human activities. - Community cultural activities practiced without significant disturbance.	
3	- Ecological integrity is maintained. - Sustainable economic development that supports the local economies. Land use activity does not significantly impact movement and habitats of caribou.	
Special Management Considerations:		
(Section 5, LMUs) – these are typically LMU specific		
LMU	Special Management Consideration	
1	None.	
3	Major River Corridor management directions apply along the Ogilvie River.	

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

Only GMDs that are relevant to the project and/or values identified in the LMUs are included here.

Ecological Resources:	Corresponding Management Strategies:
WILDLIFE and TERRESTRIAL HABITATS	• Reduce size, intensity and duration of human-caused physical surface disturbances (e.g., utilize low impact seismic, winter roads and principle of full reclamation). • Coordinate, manage and minimize new road and trail access. ○ To the extent possible, avoid routing new roads and trails through concentrated seasonal use areas and significant habitats (see figure 2.21 and Map 3, Appendix A for locations). ○ Avoid using or crossing seasonal migration corridors with new access routes. • Avoid or reduce activities in significant wildlife habitats during important biological periods (e.g., utilize timing windows). ○ Avoid concentrated woodland caribou use areas (see Map 3, Appendix A for locations) • Reduce other human land use-related disturbances such as noise, odours and light.
HYDROLOGY and AQUATIC HABITATS	• Minimize surface and vegetation disturbance in riparian areas. • Avoid or minimize industrial land use activities in wetlands and riparian areas. ○ Activities in the vicinity of wetlands and wetland complexes should be carried out during the winter period. • Prohibit significant levels of winter in-stream water withdrawals in sensitive over-wintering fish habitat. • Prohibit direct disturbance to sensitive over-wintering and spawning habitats. • 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). • Avoid direct or indirect blocking of identified fish migration routes.
Heritage, Social, Cultural Resources:	Corresponding Management Strategies:
	• Avoid or minimize land use impacts in the vicinity of identified heritage and historic resources. • 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. • Avoid or reduce activities in significant heritage and current community use areas during important seasonal use periods (e.g., utilize timing windows). • Where impacts to identified heritage and cultural sites and

	resources may occur, implement the following appropriate mitigation practices. ○ Establish work camps associated with resource exploration and development activity near areas of resource production, and away from identified heritage routes, historic sites, and current community use areas. ○ Implement immediate stop work orders if evidence of heritage or cultural values is detected, to assess significance.
Dempster Highway Corridor	Corresponding Management Strategies:
	• No management specific strategies were identified. • Dempster Highway Corridor identified as a sub-regional planning area.
Major River Corridors	Corresponding Management Strategies:
Research Recommendations	• Confirm overwintering and spawning locations of important fish species, with an initial priority on the IMA, prior to any new major developments occurring. • Support and, if possible, expand current water quality and flow monitoring programs to the Major River Corridors of the IMA. This will provide benchmarks for the monitoring of potential cumulative effects indicators. Monitoring should include benthic invertebrate communities and water chemistry.

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 This document has a number of recommendations on culverts.
Wildlife and fish	• Flying in Caribou Country. How to minimize disturbance from aircraft. MPERG Report 2008-1. Available online: https://yukon.ca/sites/yukon.ca/files/env/env-flying-caribou-country.pdf • Flying in Sheep Country. How to minimize disturbance from aircraft. MPERG Report 2002-6. Available online: https://yukon.ca/sites/yukon.ca/files/env/env-flying-sheep-country.pdf • Guidelines for Industrial Activity in Bear Country. For the mineral exploration, placer mining and oil and gas industries. MPERG Report 2008-2. Available online: https://yukon.ca/sites/yukon.ca/files/env/env-guidelines-industrial-activity-bear-country.pdf

Relevant Recommendations from the Plan:

With comments

- Policy Recommendations #3, 4 and 6 requested that adequate baseline data collection is

completed prior to any development activities occurring in the Peel Watershed Planning Region. These data are for wildlife and habitat (#3), fish, waterbird, aquatic habitat and water quality (#4), and heritage and historic resources (#6). While the Peel Plan is not clear what “adequate” means, the project proposal neglects to address this requirement regardless.

- Policy Recommendation #15 states: “In the Conservation Area, outside of existing dispositions, new surface access should not be allowed. The construction of new roads and surface transportation features are incompatible with Conservation Area management objectives.” This project follows a surface access route likely last used in 1978. It is currently mapped as disturbed. The extent of recovery in LMU 1 (a Conservation Area) is unknown, though satellite imagery suggests that it has not recovered as defined by the Plan (e.g., there is little woody regeneration and/or a change in hydrology). As such, it could be considered an existing “transportation feature”. However, a constructed winter road surface is also a *new* transportation feature.
- Policy Recommendation #17 states: “The use of all new surface transportation features should be carefully managed and controlled. Public access on all new roads and surface transportation features should not be allowed. This action will decrease the potential for over-harvesting and un-regulated ORV use”. A newly constructed winter road surface requires traffic management and control.
- Research Recommendation #4 states: “Confirm overwintering and spawning locations of important fish species, with an initial priority on the Integrated Management Area, prior to any new major developments occurring.” To our knowledge this has not happened. See Policy Recommendation #4.
- Research Recommendation #5 states: “Support and, if possible, expand current water quality and flow monitoring programs to the Major River Corridors of the Integrated Management Area. This will provide benchmarks for the monitoring of potential cumulative effects indicators. Monitoring should include benthic invertebrate communities and water chemistry.” There appears to be good water flow and chemistry data for the Ogilvie River near the start of the proposed winter road ([Water Data Explorer](#) & [DataStream](#)). In addition, a benthic invertebrate reference site was established in the same location in 1998 (<https://cmnmaps.ca/yukonfiss/>). There is concern that the water chemistry baseline is shifting (<https://www.rustingivers.ca>).
- Research Recommendation #11 states: “Land use patterns of trappers, including but not limited to the location of cabins and trails, should be documented, in order to facilitate improved project assessment and future resource planning.” To our knowledge, this has not happened. However, information gathered during the writing of the plan shows Tr’ondëk Hwëch’in “general land use” along 100% of the route (see Map 4, Appendix A).

Additional Analysis or Comments:

This project proposal triggers conflicting directions from the Plan. In the absence of an active planning commission for this region that could provide clarification, this consistency opinion considers plan objectives, plan directions, and the regional context. Furthermore, lack of project detail and general absence of consideration of the Peel Plan make it difficult to determine project consistency.

LMU 1

Though the zoning for LMU 1 prohibits **new** industrial land use and **surface access** (and thus new disturbance), the proposed access route re-uses an old winter road that was considered disturbed in recent YG disturbance mapping (imagery from 2020). The Plan exempts “winter work that utilizes existing un-reclaimed disturbances and linear features from previous activities” from being considered new disturbance. Further, Policy Recommendation #15 prohibited **new** surface access features from Conservation Areas. Supporting this, satellite imagery of the route in LMU 1 suggests that there is little woody regeneration and/or a persistent change in hydrology. By the Plan’s definition of recovery, there is an existing “surface transportation feature”. Considering the Plan’s focus on minimizing surface disturbance, a narrow interpretation of the Plan may find that a winter road in LMU 1 could be permissible. A broader interpretation of the Plan would also consider another focus of the Plan: limiting new access. A newly constructed winter road surface would indeed be a new “surface transportation feature” and could lead to new surface access where there was none the preceding years and decades.

LMU 3

The situation in LMU 3 is different. The Plan designates this LMU as Integrated Management Area – Zone III: “where new oil and gas, mining, and other industrial land uses are allowed, including surface access, subject to Plan recommendations and regulatory processes.” As in LMU 1, the project follows an existing surface access route, mostly mapped as “disturbed” in 2020. However, there are gaps in lines mapped as “disturbed”. Closer inspection of these gaps using satellite imagery suggest that the original cutline had either revegetated to the point where it was indistinguishable from surround vegetation or it had washed away by the Oglivie River. Furthermore, inspection of the cutlines mapped as “disturbed” using satellite imagery suggests significant recovery of the woody vegetation in many places. These areas likely have recovered according to the Plan’s definition of recovery. If true, the proposal is incorrect in saying that no off-claim access will need to be developed. Nonetheless, the amount of new disturbance in LMU 3 would result in disturbance levels well below the management levels prescribed by the plan (see page 2 above). This new access would trigger recommendation #16 (“Proponents of new surface access routes should provide adequate bonding to ensure that full-reclamation is achieved”) and #17 (“The use of all new surface transportation features should be carefully managed and controlled...”).

Wildlife and Habitat

A focus of the Plan is to minimize impact on wildlife and their habitats, and it offers many strategies to do so. However, wildlife and their habitats were not addressed in the proposal’s winter road discussion.

The Plan does suggest that both reusing previous disturbance and using winter roads (as proposed) are ways to reduce impact. The Plan also suggests minimizing winter activity because “Porcupine Caribou are typically in the region during winter period (December – March)”. We note that this may be counter to the Plan’s own advice to use winter roads whenever surface access is needed. In some years, there may be a brief period after the caribou have left the area when winter roads would not overlap with caribou presence.

The Plan suggests routing new surface access to minimize passing through significant habitats. Meanwhile, the Plan advocates re-using existing disturbances, but does not speak about what to do when those existing routes pass through or by key habitats. The proposed route does pass through a Porcupine Caribou general use area, a moose winter key area, through or near a winter sheep salt lick and near another sheep key area. We suggest dialogue with knowledge holders at Yukon Government, TH or VGFN. This may inform guidance on how to mitigate these intersecting features (e.g. with timing windows, wildlife monitoring + operating distances, and/or re-routing).

No relevant recommendations relating to air access are provided in the Peel Plan; however, the Plan does refer to these Best Management Practices:

- *Flying in Sheep Country. How to minimize disturbance from aircraft. MPERG Report 2002-6.*

Available online: <https://yukon.ca/sites/yukon.ca/files/env/env-flying-sheep-country.pdf>

The proposed fixed-wing path passes over numerous sheep lambing and winter range key areas.

- *Flying in Caribou Country. How to minimize disturbance from aircraft. MPERG Report 2008-1.*

Available online: <https://yukon.ca/sites/yukon.ca/files/env/env-flying-caribou-country.pdf>

Given the narrow timing window or the proposed winter road, we feel that adequate winter range data likely exists for key species (e.g., Porcupine Caribou).

Fish, waterbird, aquatic habitat and water quality

Another focus of the Plan is to minimize impact on fish, waterbird, aquatic habitat and water quality, and it offers many strategies to do so. However, these values were not adequately addressed in the proposal’s winter road discussion. We appreciate that the proponent has committed to “zero ground disturbance” (not withstanding the cutting of trees and shrubs discussed above) and refueling away from water features.

However, the Plan states “Prohibit significant levels of winter in-stream water withdrawals in sensitive over-wintering fish habitat”. The proposal does address this in the mineral claim blocks (not in the Peel Watershed Region), but not for the many proposed river crossings. The proposal has no description of how these crossings are to be constructed, whether or not they cross (or are upstream of) sensitive over-wintering fish habitat, nor whether or not there is sufficient water to build ice bridges (if built).

Similarly, the Plan states “Prohibit direct disturbance to sensitive over-wintering and spawning habitats” yet the proposal doesn’t address this. There appears to be a gap in knowledge in the presence of over-wintering and spawning habitats in the Ogilvie River. Indeed, the “DFO

Aquatic Species at Risk Distribution” mapping indicates the presence of a population of Dolly Varden with a species at risk status of “Special Concern” along the entire main stem of the Ogilvie River. Some discussion or understanding of the disturbance pathway between ice bridges and those sensitive habitats (if present) is also needed.

Finally, the Plan asks proponents to “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).” We appreciate that if the proponent is to re-use existing disturbances, it will have little say on the number of stream crossings required. However, the proponent should 1) evaluate a new route that does minimize stream crossings (and wildlife key areas) (possibly at the expense of new disturbance), and 2) provide a description of how these crossings are to be constructed (and “removed”) in order to address the above concerns and to “Avoid direct or indirect blocking of identified fish migration routes”.

The proposal did not provide adequate detail regarding fish and aquatic habitat. Further, there appears not to be “adequate baseline data” in this regard (policy recommendation #4).

Heritage and Culture

Yet another focus of the Plan is to minimize impact social values including heritage and historic resources and community use areas, and it offers many strategies to do so. However, these values were not addressed in the proposal’s winter road discussion at all.

The Plan asks proponents to “Avoid or minimize land use impacts in the vicinity of identified heritage and historic resources.” While it is less likely that a winter road would impact heritage and historic resources, the proponent never assessed this possibility. Further, it is unclear to us if there has been any heritage and historic resource surveys in the area – as required by policy recommendation #6. A cursory survey may be sufficient for this proposal given that it is above snow and along a previously used route.

The Plan also asks proponents to “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” especially “during important seasonal use periods (e.g., utilize timing windows).” We note that 100% of the winter route falls with TH community use areas (see map 4 of the Plan). The proponent should therefore demonstrate efforts with TH to find timing windows that minimize this potential conflict.

The proposal did not provide adequate detail regarding heritage and culture. Further, there may not have been “adequate heritage and historic resource surveys” in the area.

Summary

It is not possible to form an opinion on how consistent this proposed project is with the Peel Plan for these reasons:

1. The Peel Watershed portion of this proposal did not demonstrate consideration of focal values of the Plan;
2. The apparent lack of information related to those focal values (especially on fish and their habitats); and,
3. Ambiguities in the Peel Plan itself – especially surrounding existing “surface transportation feature” in LMU 1.

We recommend third parties undertake the following research:

1. Air or ground truthing of the proposed route to evaluate current recovery status (using the Plan's definitions) and for heritage and historic resources.
2. Evaluation of Ogilvie River crossings for over-wintering, spawning and migratory fish habitats, as well as potential effects to them from winter crossings.
3. Evaluation of winter streamflow and depth at one or more Ogilvie River crossings to determine
 - a. levels of in-stream water withdrawals not deleterious to over-wintering fish and
 - b. if depth is sufficient to allow free movement of fish by constructed ice bridges (if used).
4. Consultation with knowledge-holders at YG, TH and/or VGFN to:
 - a. Determine if there are any identified heritage and historic resources along the route.
 - b. Find timing windows that minimize potential conflict in TH community use areas (see TH).
 - c. Determine how to mitigate the route passing through or near identified wildlife key areas (e.g. timing windows, wildlife monitoring & operating distances, and/or re-routing). Evaluation of alternatives is encouraged.

Notwithstanding the discussion above, if the project proceeds, we recommend the following management strategies applicable to the Peel Plan portion of the project:

1. The winter road should be gated while passable. Consider adding video surveillance around the gate (Policy Recommendation #17).
2. The collection of adequate bonding to ensure full reclamation (Policy Recommendation #16). Full reclamation in this case could mean piling woody debris at the entrance to winter-road cutlines to the Ogilvie River in order to impede year-round traffic.