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Submitted via email panel@yukonmde.com

August 28th, 2020

Yukon Mineral Development Strategy
P.O. Box 372
108 Elliott Street
Whitehorse, Yukon
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Dear Yukon Mineral Development Strategy Panel,

Thank-you for the opportunity to make a submission. The work you do will guide Yukon mining practices into the 21st century. We salute you for taking on this important task and wish you all the best as you carry forward.

Before I offer comments, I'll tell you a bit about our organisation. The Klondike Active Transport and Trails Society (KATTS) is a volunteer, non-profit organization, based in Dawson City, working to provide the Klondike region with a network of recreational trails for non-motorized use. Our mandate is to lead the development and promotion of a network of non-motorized recreational trails in the Klondike region in order to promote healthy, safe and spiritually rewarding outdoor activities and showcase our region's rich cultural and natural heritage.

KATTS' work in the Dawson region includes:

- Development and maintenance of the Ninth Avenue Trail;
- Development and maintenance of the Moose Mountain (Klondike East Bench) ski and walking trails;
- Construction and maintenance of the Klondike East Bench warming shelter;

- In coordination with Dawson Centennial Committee, construction of Discovery Trail in the Goldfields;
- In coordination with Tr'ondëk Hwëch'in and Yukon Parks, construction of hiking trails near the Tombstone Interpretive Centre;
- Maintenance of trails and pull-outs along the Klondike Highway;
- In coordination with Dawson Humane Society, construction of perimeter trail in Dog Park;
- In coordination with Robert Service School, provision of cross-country ski lessons and events for Dawson Youth; and
- Organisation and sponsorship of community ski events in and around Dawson

Purpose of our Presentation

The purpose of our presentation is to highlight the importance of trails and encourage you to recommend a mining regime in Yukon that protects trails for future generations.

Mining and Trails

Our most prominent work for years has been the development of trails and a warming shelter on the Klondike East Bench, east of Moose Mountain within City of Dawson boundaries. These trails are used extensively by Dawson residents. 2900 uses of the trails were counted between January and April of 2018. Unfortunately, the trails are situated on grandfathered mining claims. And due to local topography, the Klondike East Bench is the only area that is suitable for cross-country skiing in the Dawson area.

- As you know, the City of Dawson sits in a constricted location between the Moosehide Slide, the Yukon River and the Klondike River. If the Klondike Bench is mined, Dawson residents would have no reasonable access to ski-trails.

In both 2016 and 2018 the owner of the Klondike Bench claims submitted project proposals to YESAB seeking permission to mine in and around the trails. On both occasions the people of Dawson responded with an avalanche of submissions vigorously opposing the mining proposal because of the significant cultural and recreational value of the Klondike East Bench to the people of Dawson.

The 2016 proposal was rejected. The 2018 proposal was partially approved, with stipulations that the proponent, among other things:

- not conduct exploration or mining activities in the Dome Expansion Area;
- maintain a 2:1 slope on all working mine cuts, at all times;
- maintain a 150 metre buffer from all Settlement Land parcels; and
- maintain a 30 metre buffer from the trails¹.

¹ KATTS wanted a 100-metre buffer. The Dawson Designated Office recommended a 50-metre buffer. EMR determined that a 30-metre buffer was sufficient.

However, the proponent has not proceeded to mine pursuant to this authorization, because, as we understand it, he considers the terms and conditions to be too onerous.

In 2020 the proponent brought forward another mining proposal, this time to sluice pay-dirt stockpiled near Boutilier Road, adjacent to a cluster of dwellings across the Klondike Highway from Tr'ondëk subdivision. On this occasion the Dawson Designated Office recommended the project not proceed because the noise could not be properly mitigated.

We understand the proponent is considering taking the Government of Yukon to task for allegedly violating his rights under the Yukon Placer Mining Act.

The point of this story is to illustrate that the Yukon Placer Mining Act is badly out of sync with modern values and the public interest. The rights conferred by the Placer Mining Act are essentially unchanged since 1906. Anyone who wants to can stake a mining claim virtually² anywhere in the Dawson region – for \$10. Once a claim is staked, the claimholder has priority rights over any other type of land use, regardless of how valuable that land may be for other uses.

Claim holders are allowed to maintain their claims in good standing with minimal investment of work or money and thereby continue to hold onto their mining claims for decades. This can alienate that land for generations.

And with a few exceptions, the cascading rights associated with that mining claim virtually guarantee that the claimholder will be able to develop that claim, no matter what the other values in that land are.

Under the Yukon Placer Mining Act, mining rights prevail over every other interest in the land. Perhaps that made sense in 1906, when the Government of Canada perceived Yukon as a snow bound purgatory with little value beyond the gold found in Klondike gravels. But 114 years later we know better. The Yukon is a land of surpassing beauty with renewable resources that astound the imagination. The true wealth of Yukon is its people, its flora and fauna, and its unblemished landscapes. It's time for Yukon mining legislation to reflect the values of the 21st century. It's time to recognize mining as a privilege – not a right. It's time to manage Crown Land for the benefit of the people who own it; to put the broad interests of the public ahead of the narrow interests of individual miners.

² Exceptions are TH Category A Settlement Land, Tombstone Park, and within City of Dawson boundaries.

Benefits of trails:

Trails provide numerous benefits to society, including:

- a. Cultural - humans are walking creatures. Trails are some of our oldest artifacts, etched on our landscapes as the reach of humanity expanded to cover much of the planet. Some say the history of humans on this planet is written in our trails³.
- b. Health – Trails keep us fit. Across this country, trails are in ever greater demand as part of a healthy lifestyle. Trails reduce medical costs by encouraging exercise and other healthy outdoor activities.
- c. Social – The use of Trails fosters social relationships and shared responsibility. Trails encourage wholesome pursuits and reduce crime rates.
- d. Economic – Trails can be a significant economic draw, as shown in numerous places such as Tombstone Park.
- e. Education - Trails provide excellent opportunities to experience nature, history, and culture in an “outdoor” classroom.
- f. Community identity and pride – In many places trails have become sources of community identity and pride.
- g. Environmental Sustainability – Trails provide an ideal way to experience the natural environment with minimal environmental effect. Proper trail construction and use (for example, Leave No Trace principles), means trails are sustainable.
- h. Inspiration and joy – For many people, hiking trails, and just knowing there are trails available to be hiked, is a source of huge contentment.
- i. Legacy for Future Generations – Trails through our incomparable natural landscape are one of the greatest gifts we can leave for generations to come – the ability to use your own power - without artifice or enhancement – to see the world as it was created. In our view that means that all potential uses of land have to be given fair consideration. Yukon land use should not be pre-ordained by antiquated laws and policies.

Responsible Mining

KATTS supports responsible mining. We recognize the economic benefits that mining brings to our community. We have friends who are miners. Our kids play hockey together. But we do not think that mining is or should be - by default - the best and highest use for land in Yukon. There are many recreational, cultural and spiritual activities on the land that contribute as much, and at times, more to our well-being than mining does. Our challenge is to achieve an equitable balance between mining and other land uses.

³ “A well-worn trail is not merely a footpath where someone once walked, but a manifestation of the ancestor’s life on the the land, of the lengthy journeys taken, of goods exchanged with neighbouring peoples in trade, of the hard times, and the good times, and of our responsibilities to each other.” - Virginia Smarch

New Yukon Mining Legislation

In preparing your report and recommendation to the Government of Yukon, we encourage the Panel to compare Yukon mining legislation to mining legislation in other parts of Canada. How does the mining regime in other jurisdictions address issues like staking, access, reclamation, royalties and security? How should these issues be addressed in the Yukon as we move towards the second quarter of the 21st century?

We hope the Panel takes an ambitious approach to developing your recommendation - that looks well beyond the status quo and charts a balanced course for land use in the future. In particular, we ask the Panel to recommend a mining regime that protects, promotes and prioritizes existing, historic and new trails.

Thanks for considering our views.

Best Regards,

A handwritten signature in cursive script that reads "Cathie Findlay-Brook".

Cathie Findlay-Brook
President, KATTS