

September 3, 2020

Submission to: Yukon Mineral Development Strategy Panel

From: Mt Lorne Local Advisory Council

Box 10009, Whitehorse, YT Y1A 7A1

mtlorne@northwestel.net

Note: This document was initially prepared for the YG/EMR/Land Planning Branch, Mineral Staking and Development in Yukon Communities Engagement process, February 2020.

1. Discussion

Mt Lorne is a rural community with a relatively low-density pattern of development. Our community residents place high value on the wilderness environment of their community, the wildlife that they share the land with, and their peaceful, rural lifestyles. Community members are very invested in protecting their lifestyle and the environment from harmful, disrupting development. They want to know that the values important to them are respected, and that they can have certainty that these values will be protected.

The Mt Lorne Community Plan (Hamlet of Mt Lorne Carcross Road & Area Plan) was approved in 1995. At the time there was unanimous consensus to “protect and enhance the Planning Area’s wilderness and wildlife values.” The Mt Lorne Area Development Regulations were adopted in 2006, with the purpose to “regulate and control development of lands within the Mount Lorne Development Area.”

In order for council to present our thoughts, concerns, and issues in regards to mineral staking and development in our community, we can look at two mining related examples that have occurred in or near our hamlet.

A. Placer claims within the hamlet boundaries

- As noted in our community plan, section 3.7 Withdraw Area from Placer Staking: “The Government of Yukon will request that the Government of Canada remove the planning area from all placer staking.” But in 1995, when the Yukon Minister responsible accepted the community plan, it was with “the proviso that the area not be withdrawn from placer staking.”
- A number of placer claims have been staked near Kookatsoon Lake on Aspen Lake. The first claim was staked in 2003, with subsequent claims staked in 2017 and 2018

- These latest claims are an example of mineral staking trumping the hamlet's most protective land use zone: Protected Open Space Zone. The purpose of the Protected Open Space Zone is to "protect and preserve areas of environmental or recreational significance in a natural state." (Mt Lorne Area Development Regulations).
- The community was not notified by the government when these claims were staked; they are just 'discovered' by community members. This scenario, of residents just happening upon claims staked in their 'backyard', is a recipe for conflict
- There are four claims in total – all are in good standing with only minimal assessment work done by the claim holders
- The locale has long been a recreational area for nearby residents. The area, along the shoreline of a small lake, also has special environmental significance for local residents. This area was chosen specifically by the community to be protected.
- Nearby residents are upset with the continued mineral staking in this area, and do not feel it is an acceptable activity in an area that is zoned as Protected Open Space
- They have concerns about the possibility of water contamination making its way to Kookatsoon Lake
- So far, the only structures on the claims are on skids – residents are concerned that claim holders may bring in heavy equipment and begin to make more considerable alterations to the site and the access route to the site
- At one point, one of the claim holder's suggested that they would like to build a house at the site. Comments such as these seem to point to a 'nuisance' claim. The government does not seem to have a process to prevent illegitimate placer staking. We are supportive of any measure which make reporting and maintaining placer claims more rigorous to ensure that only serious claims continue to be recognized.
- The government should consider several new designations for certain types of placer claims such as inter-urban placer claims, and wetlands placer claims that have much more stringent regulations and much higher fees that would reflect the reality of where they are and the potential for conflict with other interests.
- Other concerns of residents are speculative sales and acquisition of placer claims and the concern that claim holders will become squatters who will not be prevented from taking actions that go against community values, negatively impact the environment, and the use and enjoyment of surrounding areas for all residents
- In the spring of 2017, when an additional placer claim was staked at Aspen Lake, the Mt Lorne LAC formally asked the government to withdraw lands within the hamlet designated as Protected Open Space and Highway Corridor, from mineral staking. The government responded that this would be "considered through a comprehensive policy initiative."

B. Class 3 Quartz Exploration - Red Ridge Project:

This project is a good example to review in order to appreciate how Mt Lorne residents responded to the potential for mineral exploration on their doorstep. As well as how the YESAB process responded to their concerns. Though the Red Ridge project is located just outside the hamlet boundaries, Red Ridge is within full view, and approximately 3kms from a number of rural properties in Mt Lorne.

- This was a five-year exploration project that was submitted to YESAB in 2018, Project Number: 2018-0049. This project was allowed to proceed with certain terms and conditions. The project would be just outside Mt. Lorne boundaries – ground access however would be through the community along the Annie Lake Road, with an ATV staging area within 100 meters of a rural property. There would be overflight helicopter access, on-site helicopter use, trenching and drilling.
- Many residents, the LAC, First Nations, and other Yukon residents submitted letters to YESAB, expressing concerns and/or opposition to the project
- Industrial activity in such close proximity to rural properties was viewed by Mt Lorne residents as having the potential for significant adverse effects on 'sense of place' values of a peaceful rural lifestyle in a wilderness setting
- Concern over numerous disturbances were expressed: visual disturbance; auditory disturbance; loss of property values; increased road traffic; road safety; damage to habitat; displacement of wildlife; potential for water contamination; loss of tourism business revenue; stress for residents over the possibility for further, expanded industrial development...
- The YESAB evaluation report stated that, depending on the location of the drill sites and other project activities, noise disturbance could range from 1-4kms. A number of Mt Lorne rural properties are within this distance. There was concern for disturbance from helicopters, ATV's, trenching and drilling.
- YESAB did recognize that the project would have significant adverse effects and potentially not be compatible with community values. The YESAB Evaluation Report states: "The Designated Office has determined that the Project is likely to result in significant adverse effects to other land users, such that further mitigation is required."
- The Evaluation Report states: "The Designated Office determined that the project is likely to have significant adverse environmental and socio-economic effects in or outside Yukon that can be mitigated by those terms and conditions." A number of mitigations were recommended regarding the protection of wildlife. But none of Mt Lorne's socio-economic concerns were addressed.
- To protect the environment and wildlife, the LAC asked for operations to be actively monitored and inspected to ensure adherence to applicable environmental standards and so that the terms and conditions would be adhered to. The Decision Document made no mention of monitoring and inspections required to provide oversight. If there

is no monitoring for compliance, residents have little confidence in the system; there is also the sense that environmental monitoring requirements would be difficult, or impossible, to enforce. The mitigations in the Decision Document relating to wildlife may look good on paper but in reality, will the mining company actually comply? Could/would they actually be enforced? The community does not believe that the environment and wildlife values important to the community and others would be protected.

- The LAC wrote two letters to YESAB outlining a number of community concerns. One request that the LAC made was that *if* the mineral exploration was allowed to proceed, the LAC would like to be a part of annual meetings with the mining company, First Nations, and the Renewable Resource Council to assess the past exploration season and plans for the next season. In the Decision Document, the LAC was not included in these meetings. The community was frozen out of the opportunity to bring our concerns and issues to the table on an annual basis. This type of decision further demonstrates to us that our community concerns are not considered important to the decision makers.
- The residents of Mt. Lorne would be adamantly opposed to a full-blown major mine within or in close proximity to our community. A full-blown mine on Red Ridge would have incalculable negative impacts on our rural residents. YESAB Evaluation Report: “Comments from residents during the assessment noted that a mine in the project area would be considered an incompatible land use, and could result in significant adverse effects to sense of place values.”
- The First Nations are consulted on the YESAB Evaluation Report and the draft Decision Document. Both KDFN and CTFN commented, and the Terms and Conditions of the Decision Document were adjusted following this consultation. The LAC requested a meeting with Minister Pillai as we did not feel that the community’s concerns were addressed by the YESAB Evaluation Report and subsequent Decision Document. We were told that no new information could be considered at that point in the process, other than from the First Nations. Our community had no opportunity for redress.
- The LAC believes that the YESAB process did not adequately address the social and economic concerns expressed by Mt Lorne’s residents

C. Land Planning and Mineral Staking and Development in our community

- Up-to-date land planning, both at the community level and the regional level is critical in order to make informed, considered decisions around where and where not to allow mineral staking, exploration and development
- The Mt Lorne Community Plan, approved in 1995, has never been reviewed. The government’s own policy around community plans, is that they should be reviewed every 5-10 years. Our plan has been in place for 25 years.
- The Land Use Zones in our Development Area Regulations need to be reviewed, taking into consideration new information on: the Southern Lakes Caribou Herd,

other wildlife habitat information, areas of special value, the current values of community residents, and First Nations plans for settlement lands. Currently, one of the Principle Uses of the Hinterland Zone is mineral exploration. It would be difficult to properly evaluate which lands should or should not be withdrawn from mineral staking without a community plan and development area regulation review

- Regional Land Use Planning for the Whitehorse/Southern Lakes area is essential and long overdue.
- More resources are required to support land planning in the community and in the region

D. Key issues for Mt. Lorne:

- We would like our community values to be acknowledged and respected
- The majority of community members chose to live in Mt Lorne for its wilderness and wildlife values. Mineral exploration and industrial development are not compatible with our community values and conflict with many other land uses:
 - i. our right to the peaceful enjoyment of our rural properties,
 - ii. protecting the area's wilderness environment;
 - iii. protecting sensitive areas and wildlife habitat
 - iv. protecting recreational areas
- Currently free entry mineral staking rights trump community land use and zoning designations
- Our community has no ability to regulate and control mining development within our boundaries. Rural property owners have no security as to what type of mineral development may happen in their area. Residents want some certainty as to what type of development will happen in and around their community
- People's homes and properties are usually their largest economic investment; residents want to protect their property values; mineral exploration and development close to rural properties could seriously jeopardise property values
- Mt Lorne residents with tourism businesses rely on the undisturbed wilderness in their area
- There is a lack of trust in the government's commitment to monitoring and enforcing regulations relating to mining; there is no sense of trust that our water would not be contaminated; that chemical spills would be properly dealt with; that mining companies would follow mitigation requirements...etc.
- Mineral exploration and development in and near our community would create innumerable levels of disturbance and stress for our residents
- Mt Lorne is not a 'mining' community. Our community is not looking for 'benefits' from mining activity near or within our boundaries. Our community would bear the burden of industrial activity and receive no benefits; if governments are going to allow mining activity in and near communities, they need to consider benefit packages to offset the

high costs to local residents: loss of property values; loss of peaceful enjoyment of properties; loss of tourism business revenue; etc.

- The cumulative effects of mining activity in and around our community needs to be considered when assessing projects
- Implementation of Class 1 Yukon-wide notification – The LAC is concerned that we would not be receiving Class 1 notifications
- It is important to assess the actual economic viability of mining projects – it can be problematic when junior exploration companies initiate projects to draw investment interest, which may or may not ever be developed. These could be considered ‘nuisance’ projects, and if allowed to proceed, damage the environment, displace wildlife, disturb rural property owners, and for what? Is it possible for the government to provide compensation and/or buy claim holders out to prevent speculation on active mining claims?
- The community should be able to define where mining can and can’t occur with our land use zoning. Expectations should be clear for both the mining industry and property owners. The ability of other levels of government (ie. municipalities and First Nations) to identify and have specific lands withdrawn from mineral staking should be extended to unincorporated communities.
- The LAC would like to investigate withdrawing lands from mineral staking within the boundaries of Mt Lorne. If a comprehensive community plan (with First Nations) is not possible for some time to come, then this investigation would require, at a minimum: assessing the most current knowledge of sensitive habitat areas and wildlife data; assessing recreation areas; a survey of residents to assess current opinions; and consultations with First Nations.
- Private property should be withdrawn from all mineral staking
- The LAC would like to investigate defining a buffer area surrounding the community that would be free from mineral development activity to protect the rural lifestyle of our residents.