



March 23<sup>rd</sup>, 2018

Yukon Environmental and Socio-Economic Assessment Board  
Teslin Designated Office,  
Box 137, Teslin, Yukon  
Y0A 1B0

Email : [teslin.do@yesab.ca](mailto:teslin.do@yesab.ca)

Attn: YESAB Teslin Designated Office

**Re: Project Number: 2018-0025**  
**Project Name: Placer Mine of Judas Creek Tributary**

To Whom It May Concern:

The Yukon Conservation Society (YCS) is a grassroots environmental non-profit organization, established in 1968. Through a broad program of conservation education, input into public policy, and participating in project review processes, we strive to ensure that the Yukon's natural resources are managed wisely, and that development is informed by environmental considerations.

YCS is not opposed to mining. Our view is that mining must only occur where ecologically and socio-culturally acceptable; closure plans must be comprehensive and adequately funded; mine sites must not require perpetual treatment after closure; and abandoned mine sites must be cleaned up. In light of these views, YCS has the following comments on the above referenced project.

**YCS respectfully requests that YESAB recommend against this project proceeding due to the impact on the Carcross Caribou Herd. These impacts are outlined below. There are also other negative environmental implications of this project, in particular towards surface and groundwater, that YCS believes further reinforce why this project should not proceed.**

### **Previous Assessments In The Area and Associated Recommendations**

A similar project (albeit of greater size and scope) was previously assessed in this general area – YESAB Project Number: 2015-0204 - Project Name: Placer Mine on Judas Creek. Some of the concerns raised for that project are pertinent for this one. It is worth noting that YESAB recommended against the previous project, as per YESAB document *2015-0204-091-1 Recommendations*. The summary states in part (on page 2/62 of the PDF) that YESAB

*...determined that the Project will likely result in significant adverse cumulative effects to the Carcross Caribou Herd and migratory birds and birds of conservation concern, and significant adverse effects to aquatic health and wetlands and heritage resources. The Designated Office determined that the significant adverse effects to birds, aquatic health and wetlands and heritage resources could be mitigated through the application of additional terms and conditions, including conducting clearing and stripping activities outside of the nesting period, and by reducing the sediment discharge standard to be the same as background concentrations. In terms of heritage resources, completion of a heritage resource impact assessment prior to ground-disturbing activities was determined to be sufficient to reduce the likelihood for significant adverse effects. However, the Designated Office determined that significant adverse cumulative effects to the Carcross Caribou Herd cannot be mitigated.*

The Decision Document for 2015-0205 (YESAB document 2015-0204-092-1 Decision Document, page 4/5 of the PDF) had the following to say:

*The Decision Body accepts the recommendation of the Designated Office that the project not proceed.*

It then goes on to say in regards to the Carcross Caribou Herd (CCH):

*The Decision Body does not agree with the conclusion of the Designated Office with respect to the two additional mitigation strategies considered - reducing timing window and reducing the footprint of the project. The analysis by the Designated Office of these additional mitigative measures was very limited and did not benefit from comment by the proponent or by participants in the review. The Decision Body is of the view that this component of the evaluation should not be taken as determinative of what may be included in a revised project proposal, including mitigation strategies such as timing windows and altered footprint of mine activity, as well as other possible mitigation strategies. An alternative project design and description of activities from the proponent should include proposed measures to address impacts on the CCH.*

*In conclusion, acceptance of the recommendation by the Decision Body does not mean that mining activity cannot occur in the area provided suitable mitigation can be identified and incorporated into the project design such that the project would not result in significant adverse cumulative effects on the CCH. However, it is not the role of the Decision Body to suggest such a redesign; it is the responsibility of the project proponent to do so and for the affected Designated Office to conduct an assessment of any redesigned project proposal.*

*If the proponent wishes to submit a redesigned proposal in the future, the Decision Body strongly recommends that the affected First Nations and Yukon government be consulted in advance of submitting a proposal to ensure that all views and concerns are understood and potential mitigation strategies identified early in project design.*

It is the opinion of the Yukon Conservation Society that the current project (2018-0025 - Placer Mine of Judas Creek Tributary) is a redesigned proposal from 2015-0205, but YCS cannot see adequate consideration by the proponent in regards to:

- suitable mitigation being provided so it can be identified and incorporated into the project design such that the project would not result in significant adverse cumulative effects on the CCH
- the affected First Nations and Yukon government being consulted in advance of submitting a proposal

**For these reasons, YCS respectfully requests that YESAB recommend against this project proceeding.**

### **Impacts on Caribou**

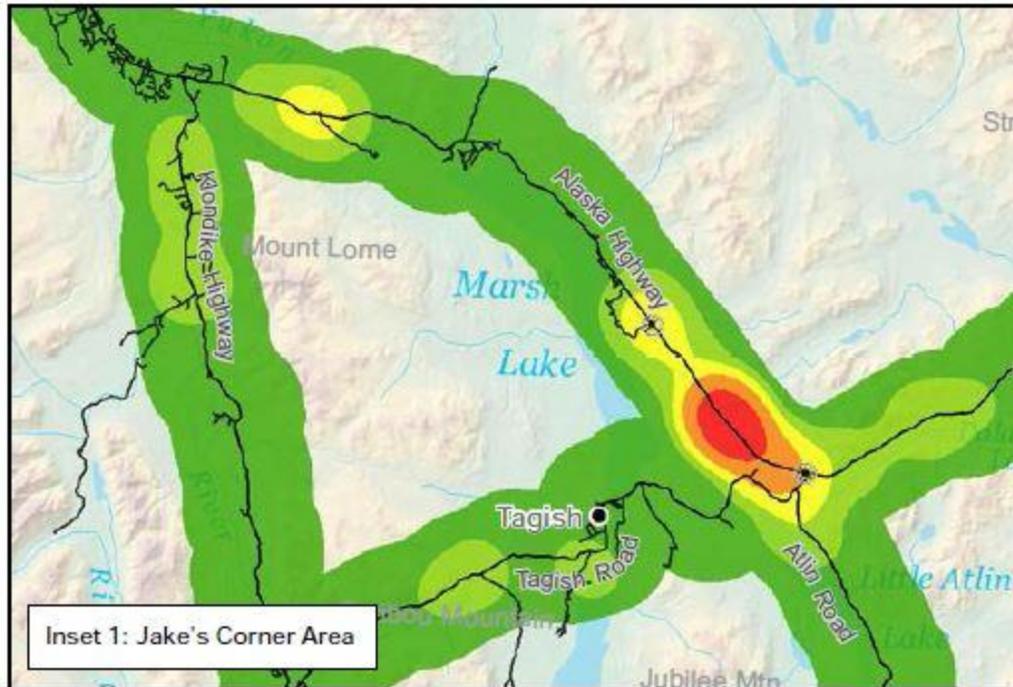
This operation will have negative impacts on the Carcross Caribou Herd. YCS wishes to draw to your attention the report *Range Assessment as a Cumulative Impacts Management Tool: Assessment of the Carcross Caribou Herd Range in Yukon*, Environment Yukon, 2015 (copy attached, and available online at [http://www.env.gov.yk.ca/publications-maps/documents/carcross\\_caribou\\_assessment\\_march2015.pdf](http://www.env.gov.yk.ca/publications-maps/documents/carcross_caribou_assessment_march2015.pdf)).

After reviewing *Figure 7: Recommended priority core winter habitat and migration areas within the Yukon portion of the Carcross herd range* of this report (page 33, or 49/84 of the PDF) it would appear that Project 2015-0204 is located in the centre of their year-round range, as well as adjacent to the Priority Core Winter Habitat Area and a Priority Migration Area.

General noise, vehicle movements, and removal of flora on the project site will drive caribou away, thus fragmenting their habitat; reduce access to habitat; and increase stress levels: all this will reduce caribou survivorship. **For this reason, YCS respectfully requests that YESAB recommend against this project proceeding.**

### **Existing Caribou Stresses**

It should also be noted that the caribou are already at risk in this region due to the Alaska Highway traffic between Jakes Corner and Judas Creek Subdivision. It is a high collision area between vehicles and caribou. Below is a portion of the map *Vehicle collision distribution and density for caribou* taken from page 34 (48/95 of the PDF) of the report *Large mammal-vehicle collisions: review of mitigations and analysis of collisions in Yukon*, Yukon Government, 2015 (available online at <http://www.env.gov.yk.ca/publications-maps/documents/MRC-15-02WildlifeCollisionsReport.pdf>).



Portion of the map *Vehicle collision distribution and density for caribou* taken from page 34 (48/95 of the PDF) of the report *Large mammal-vehicle collisions: review of mitigations and analysis of collisions in Yukon*, Yukon Government, 2015

While it is statistically unlikely that this project will contribute to an increase in vehicle-caribou collisions, the report does show that this region is stressful for the caribou. Adding a placer operation to this region will further cause caribou to avoid the area. **For this reason, YCS respectfully requests that YESAB recommend against this project proceeding.**

### Access Road

The project will use an existing access road (it is unclear from the documents on the YESAB registry if the proponent intends to improve and maintain this access road) and then develop onsite roads (there are new on-claim roads: 2,620 metres in length by 3 metres wide, and new on-claim trails: 500 metres in length by 3 metres wide) as well as construction and use of three fords. YCS is concerned over the lack of detailed information regarding the existing access road, and whether the proponent intends to upgrade it, if the proponent intends to control access on this road, and what (if any) closure and remediation plans are available.

Unless efforts are made to gate the access road (and preferably staff it as well) it is likely there will be increased access to the project area, and critical Carcross Herd habitat, by the general public. This will further negatively impact caribou in this area.

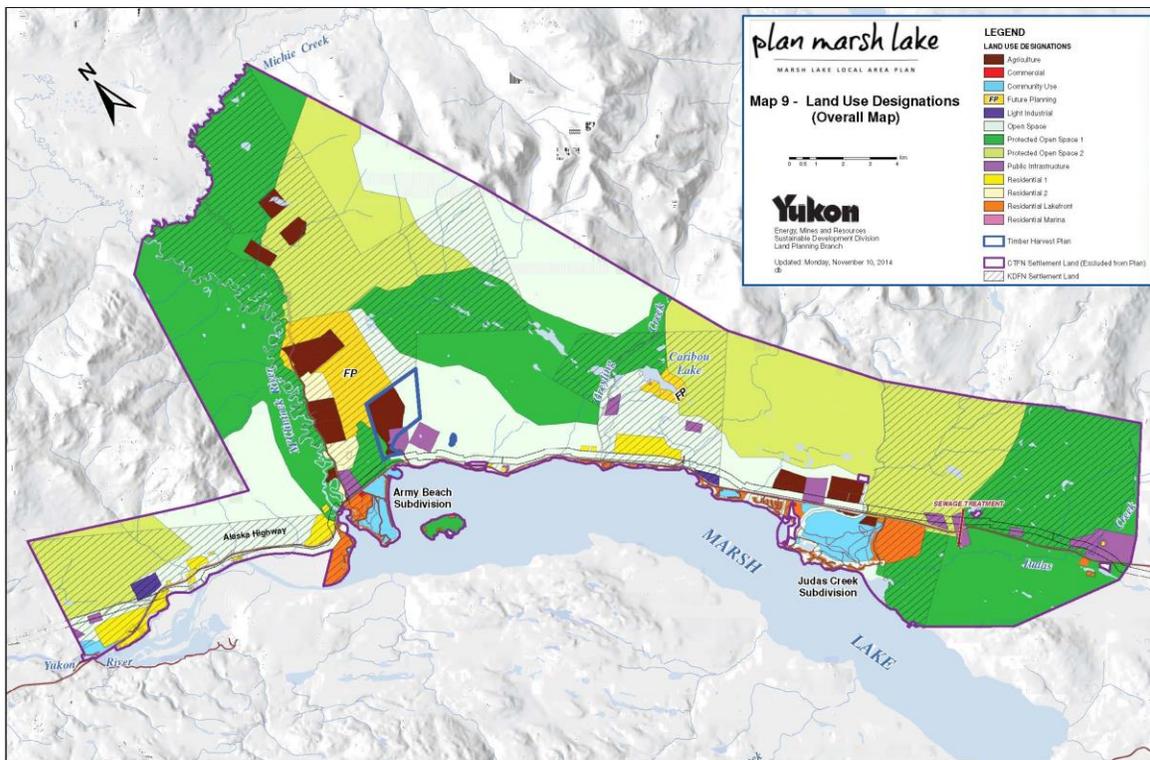
Every effort should be made to enhance the Carcross Caribou Herd habitat, not reduce it. YCS is of the opinion that this project reduces Carcross Caribou Herd habitat, and will lead to further

erosion of habitable area by the access it provides. **For this reason, YCS respectfully requests that YESAB recommend against this project proceeding.**

### **Marsh Lake Local Area Plan**

The project area is just outside the southern boundary of the Marsh Lake Local Area Plan. This plan is available online at <http://www.emr.gov.yk.ca/landplanning/marsh-lake-local-area-plan.html>. A map from it has been extracted and posted below.

While the project area is not part of the Marsh Lake Local Area Plan, it can be instructive to see what is intended from a planning perspective in the area immediately adjacent to the project region.



*Marsh Lake Local Area Plan: Map 9a - Land Use Designations: Overall*

The draft Marsh Lake Local Area Plan shows that the area immediately to the north of the proposed project area is zoned as Protect Open Space. YCS submits that having placer mining activity immediately adjacent to a potential protected open space zoning defeats the intent of such zoning. **For this reason, YCS respectfully requests that YESAB recommend against this project proceeding.**

## Impacts on Fisheries

Will the water use and channel diversion of Judas Creek have any impact on Judas Lake, a stocked lake just across the Alaska Highway? The following map is taken from the Angler's Guide to Yukon Stocked Lakes 2018 (available online at <http://www.env.gov.yk.ca/publications-maps/documents/AnglersGuide.pdf>). It is unclear as to the hydrological connection between Judas Creek and its tributaries, and Judas Lake.



*Judas Lake, screen capture from Angler's Guide to Yukon Stocked Lakes 2018*

Further, it is unclear the amount of sediment that will be conveyed down the creek into Marsh Lake, and the resultant negative impact on fisheries both in the creek mouth and within the lake itself. It is also unclear what impact this project will have on downstream flow and the mouth of the creek.

Anecdotal evidence suggests that the mouth of Judas Creek, where it enters Marsh Lake, is prime pike habitat.

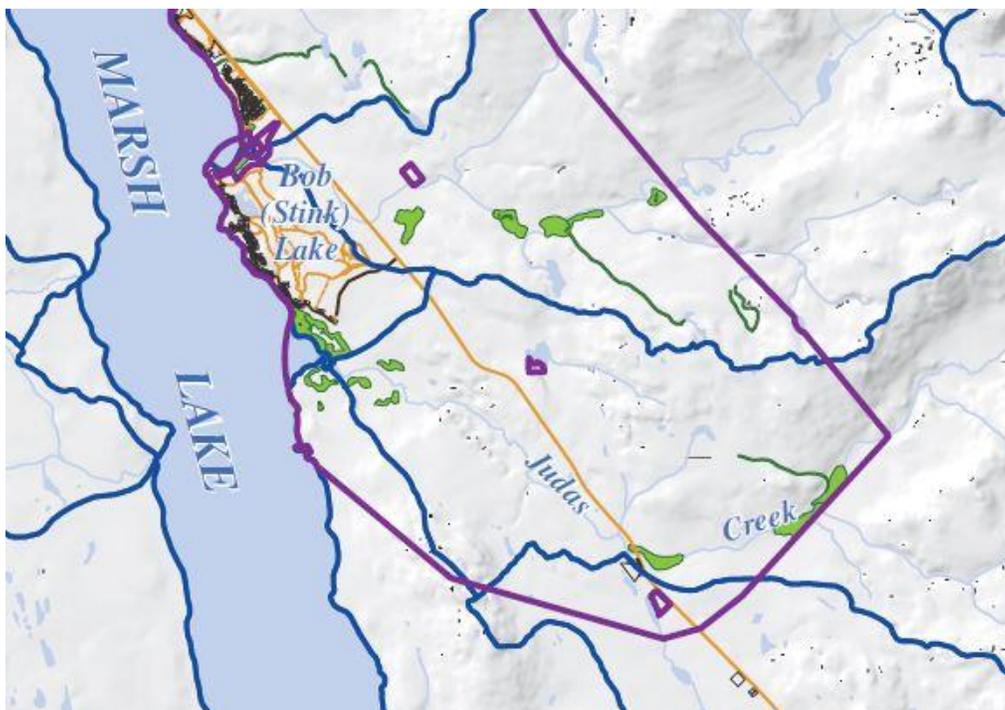
**Given the uncertainty regarding the impacts this project could have on downstream fish habitat and fisheries, YCS respectfully requests that YESAB ask for clarification on these issues from the proponent.**

### **Bird Habitat**

According to the draft *Marsh Lake Cooperative Local Area Plan, 2014* – (available online at <http://www.emr.gov.yk.ca/landplanning/marsh-lake-local-area-plan.html>), Section 3.3.3.1 Wetlands (page 17, or 33/101 of the PDF) states in part:

*The Judas Creek wetland is a diverse mosaic of wetland, riparian, lakeshore, and forest habitats at the outflow of Judas Creek on Marsh Lake. The area is well known for its importance to breeding and migratory birds. During spring migration, the wetland hosts an unparalleled diversity of bird species, especially shorebirds, and waterfowl. Over 165 species of birds have been recorded using the area, and a one-day high count numbered 95 species. It is one of only two sites in the Yukon where Short-billed dowitchers nest.*

It is recognized that the proposed placer activity happens upstream from the Judas Creek wetland (in fact the project is outside the boundaries of this plan, but the water it affects crosses the boundary line), and the placer activity (water use and sediment release) could affect the downstream wetlands. For visual clarity a portion of *Map 3 - Wetlands and Watersheds* (available online at [http://www.emr.gov.yk.ca/landplanning/pdf/Map\\_3\\_Wetlands\\_and\\_Watersheds\\_MarshLake.pdf](http://www.emr.gov.yk.ca/landplanning/pdf/Map_3_Wetlands_and_Watersheds_MarshLake.pdf)) is attached.



*Portion of Map 3 - Wetlands and Watersheds  
Marsh Lake Cooperative Local Area Plan, 2014*

**Given the uncertainty regarding the impacts this project could have on downstream wetlands, YCS respectfully requests that YESAB ask for clarification on these issues from the proponent.**

### **Impact on Existing Residents**

The noise and dust from the placer operation could potentially affect property owners along the Marsh Lake shore. It is unclear how near the closest residential properties are to the proposed project and the effect, if any, that this project could have on the residents of the property.

**Given the uncertainty regarding the impacts this project could have on nearby residential properties, YCS respectfully requests that YESAB ask for clarification on these issues from the proponent.**

### **Class 1 Notification Area**

It is uncertain from the application whether Class 1 Notification has been done. It would appear that the project area is within the Taku River Tlingit First Nation Class 1 Notification area, as the screen shot from the Yukon Mining Recorder map viewer shows (available online at <http://mapservices.gov.yk.ca/Mining/Load.htm>). Under a Class 1 Notification Area, proponents wanting to conduct any mineral exploration work on their quartz or placer mining claims must give the Yukon government notification first.



*Screen shot from the Yukon Mining Recorder map viewer  
Overlap of Taku River Tlingit First Nation traditional territory and the proponent's claims*

**YCS respectfully requests that YESAB clarify with the proponent the status of the Class 1 Notification.**

### **Sewage Management**

YCS is concerned over the approach to waste management by the proponent. Unsanitary human waste disposal in the same area over a few months can cause unnecessary environmental impacts, in particular to groundwater. In YESAB document 2018-0025-012-1 *Response to Information Request* on page 2 the following question and answers are given:

*9. A camp will not be established.*

*a) Please (sic) indicate whether or not privy pits will be used.*

*b) If so, what is the minimum distance pit privies will be to waterbodies?*

*c) If not, how will black water be managed?*

*Response: No privy pits will be used. Since mine operators are not overnighing at the mine site, they are expected to use facilities before or after work. Otherwise, they will be advised to dig a hole away from the creek, which is to be buried afterwards. If this is proven inadequate a porta potty would be placed on site and removed in offseason. Alternatively, if a RV trailer is on site (only during the season), the washroom facilities of the trailer would be used. In either case, the porta potty or trailer will be periodically pumped out with waste brought to an appropriate government approved facility.*

YCS respectfully requests that YESAB clarify with the proponent whether they intend to be in compliance with *Workers' Compensation Health and Safety Board Code of Practice 2006/01* (available online at [http://yukonregs.ca/RegsPublic/Content/Documents/CoP\\_2006\\_01\\_WorkplaceSanitaryAmenities.pdf](http://yukonregs.ca/RegsPublic/Content/Documents/CoP_2006_01_WorkplaceSanitaryAmenities.pdf)) which states in part:

*4. (10) The guidelines provide that: Workers shall have sufficient clean sanitary toilet facilities, taking into account the nature of the work, the number of workers and the gender of the workers....*

*(b) At a temporary or seasonal workplace:*

*Less than 20 workers 1 toilet for both genders*

*(11) As soon as work starts on a project, the following toilets are provided:*

*...(b) Chemical, self- contained portable or other similar type toilets, where no running water is available,*

*(c) A pit privy, built to the applicable standard, where no running water is available.*

**YCS respectfully requests that YESAB clarify with the proponent whether porta potties or similar will be available onsite for staff use.**

## **Solid Waste Disposal**

In YESAB document 2018-0025-006-1 *Mining Land Use application* the proponent states that all non-combustibles and recyclables will be transported off site. Page 8/12 of the PDF states in part:

*Describe disposal methods for non-hazardous waste and where it will be disposed of (scrap metal, barrels, kitchen waste):*

*Everything brought in during the morning will leave at the end of the day. There will be no garbage left onsite.*

It is the assumption of YCS that garbage will be disposed of daily at the Marsh Lake or Mount Lorne landfills, or the City of Whitehorse waste management facility.

**YCS respectfully suggests that YESAB recommend the proponent must contact the landfills they intend to deposit waste at to confirm they will accept industrial/commercial waste as opposed to household waste. Days and hours of operation should also be confirmed as they are not open 24 hours, seven days a week.**

Should you have any questions, please contact the undersigned.

Yours truly

A handwritten signature in black ink, appearing to read "Lewis Rifkind". The signature is fluid and cursive, with the first name "Lewis" written in a larger, more prominent script than the last name "Rifkind".

Lewis Rifkind  
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P.S.: Please note that this submission to YESAB contains numerous links to documents available online. These links are active as of this letter date, but should they be found to be inactive, please contact the author for archived electronic versions.