

Yukon Environmental & Socio-economic Assessment Act Consolidated Decision Document

This document meets the Yukon government's and First Nation of Na-Cho Nyäk Dun requirements as a Decision Body as set out in the *Yukon Environmental & Socio-economic Assessment Act*.

Other Decision Bodies

First Nation of Na-Cho Nyäk Dun

Project

Project Name All Season Access Development to the Rau Property YESAB File Number 2016-0129
Proponent Name Graham Downs
Company Name ATAC Resources Ltd.

Project Description

ATAC Resources is proposing the construction of an all season road from the Hanson Lakes Road to the Tiger gold deposit, over a length of 65 km. The all season road is proposed as a gated access controlled road and is intended to facilitate exploration of the Tiger property. Exploration activities were previously assessed in 2014. The road is proposed to overlap with an existing trail near Ladue Lake for one kilometer as well as follow the Wind River Trail (WRT) over two sections of 6.6 km and 2.9 km respectively. Two alignments are proposed with respect to the First Nation of Na-Cho Nyäk Dun (NND) Settlement Land, one which bypasses NND Settlement Land, and one which crosses NND Settlement Land.

The construction of the all season access road involves:

- Upgrade or construction of 65 km of road, including: upgrade of 12 km of existing trails and the WRT, construction of 53 km of new routes
- 46 creek and river crossings, including: 8 bridges, including: a multi span bridge over the Beaver River, seven clear span bridges, and 38 culverts
- potential use of fords for ephemeral/seasonal streams
- Construction activities over one winter season (November to April) and two summer seasons (May to October)
- Installation of three gates, restriction of access, and conducting of patrols
- Clearing of a corridor approximately 11 - 15 m wide (5 m road, 3 to 5 m clearing on each side)
- Quarrying of granular materials and sidecasting of materials including: borrow material requirements in the order of 300 000 cubic meters
- Construction and use of camps with 3 to 5 persons each to facilitate construction
- Establishment of up to 3 staging areas, up to 200 square meters in size, with helicopter landing pads
- Storage and use of explosives
- Storage of fuel in 205 litre drums, not exceeding 10 000 litres in aggregate at one time
- Use of heavy equipment
- Decommissioning of the road including: recontouring, removal of bridges and culverts, construction of run-off control structures, potential reseeding, use of stockpiled vegetative mat, use of water for dust suppression

Other Decision Bodies

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Yes

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Other Decision Body Consultation

The Decision Body for the Yukon government (the "YG DB") initiated consultation with the First Nation of Na-Cho Nyäk Dun ("NND") on November 8, 2016 by letter notifying it of ATAC's proposed All Season Access Road to the Rau Property, which at the time was in Adequacy Review stage. Communication between the YG DB and NND continued during the review and assessment process, with each government providing their own comments to the Designated Office. NND raised concerns about the scope of the assessment carried out by the Designated Office.

After a review and consideration of the recommendations provided by the Designated Office in the Evaluation Report, the YG DB and NND exchanged their initial views of the recommended terms and conditions. The YG DB and NND consulted on the recommended terms and conditions and proposed changes to the terms and how the two section 110 recommendations would be considered by the Decision Bodies.

Consultation between the YG DB and NND was undertaken from May 2017 – February 2018 working towards issuing conforming decision documents or a joint decision document.

During the consultation, concerns were raised by the Decision Bodies related to

- a. road access including access management,
- b. potential impacts on Settlement Land and NND's Aboriginal and treaty rights,
- c. impacts on wildlife, especially impacts on moose and increased moose harvest,
- d. impacts on trapping, and
- e. cumulative effects or induced future effects of the proposed project.

As a result of discussion between the Yukon government ("YG") and NND, it was identified that many of the concerns and issues were best addressed through the regulatory process. With respect to the assessment, the YG DB and NND agreed to issue a joint decision document accepting/varying the recommendation made in the Evaluation Report. To provide certainty on how YG and NND will continue to work together in overseeing the project during the regulatory and implementation phase, an agreement between YG and NND was developed. It was agreed that that licences, permits and other authorizations issued by YG and NND would be consistent with the YG-NND Agreement. The YG-NND Agreement was signed by both parties on February 21, 2018.

First Nations Consultation

A. Consultation under YESAA section 74(2) Not Applicable

B. First Nations Consultation - General
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YESAB Recommendation

56(1)(b) Under s. 56(1)(b) of the *Yukon Environmental and Socio-economic Assessment Act*, the Mayo Designated Office recommends to the Decision Bodies that the Project be allowed to proceed, subject to specified terms and conditions. The Designated Office determined that the Project will have significant adverse environmental and socio-economic effects in or outside Yukon that can be mitigated by those terms and conditions.

Decision

Pursuant to section 75, 76 and 80, the Yukon government and First Nation of Na-Cho Nyäk Dun have considered the assessment of this project and:

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- Accepts the recommendation and the terms and conditions as follows:
- Rejects the recommendation and the terms and conditions as follows for the reason(s) specified:
- Varies the recommendation and the terms and conditions as follows for the reason(s) specified:

Rationale for Decision

After giving full and fair consideration to the Evaluation Report and supporting information, including the scientific information, traditional knowledge and other information provided with the recommendation contained in the Evaluation Report, the Yukon government (YG) and the First Nation of Na-Cho Nyäk Dun (NND) varies the recommendation and the terms and conditions provided by the Mayo Designated Office.

In the Evaluation Report, the Mayo Designated office recommended two additional recommendations under section 110 of the Yukon Environmental and Socio-economic Act (YESAA):

A. Any and all sanctioned traffic on the proposed road shall be recorded as well as traffic counts of all traffic. The objective of this monitoring program will be to assess the efficacy of access controls. At least two points shall be monitored for all traffic, one near the beginning of the proposed road and one near the crossing of the Beaver River. The monitoring program shall also record the state of physical obstructions and any enforcement actions taken. Wildlife collisions shall also be recorded as part of the monitoring program.

B. An effects audit shall be conducted using pre-existing data on wildlife abundance and distribution in the project area and compared to ongoing wildlife monitoring data to establish changes to baseline conditions, primarily in relation to moose and moose habitat. This audit shall compare changes over a longer time span, from prior to project initiation until at least five years after road completion.

The Decision Bodies accept the above section 110 recommendations and will ensure that the monitoring and audit functions included in these recommendations are reflected in future regulatory determinations made with respect to this project.

The Decision Bodies will engage the project Proponent on the implementation of the recommendations during the regulator review of the project and through the life of the project.

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Term	Term & condition	Status	Reason
1	<p>YESAB: A comprehensive access regime for all land users and harvester groups be developed in accordance with legislation and regulations by Government of Yukon and Government of Na-Cho Nyäk Dun. This access regime shall: a. Restrict road access traffic to the project road, based on agreement between NND and YG, with consideration of project needs, outfitters, and trappers. b. Require the use of a guard house. c. Consider appropriate enforcement mechanisms. d. Consider requirements for the removal of bridge decking during periods where project activities are such that a road is not required. e. Consider local harvest needs in overall harvest management of the Mayo MMU.</p> <p>NEW Term: A comprehensive access management plan (AMP) shall be developed by the proponent, Government of Yukon and Na-Cho Nyäk Dun prior to construction and use of the road. The plan must be approved by the Chief, Mining Land Use and the First Nation of Na-Cho Nyäk Dun First Nation prior to implementation, following consultation with the First Nation of Na-Cho Nyäk Dun. The plan shall include, but is not limited to, access control methods, traffic monitoring program, restricted use enforcement mechanisms, closure and reclamation, security for operations and closure, watercourse crossing and address impacts on other land users and adaptive management plan.</p>	Change	Varied for clarification and to provide direction for the proponent.
2	<p>YESAB: An HRIA shall be conducted prior to any ground clearing activities. The results of which shall be shared with both NND and YG.</p> <p>NEW Term: A Heritage Resources Impact Assessment (HRIA) shall be conducted prior to any ground clearing activities. The results of which shall be shared with both Na-Cho Nyäk Dun and the Government of Yukon.</p>	Change	Acronyms expanded.
3	<p>YESAB: Should any heritage resources be discovered during project activities, both NND and YG shall be notified.</p> <p>NEW Term: Should any heritage resources be discovered during project activities, both Na-Cho Nyäk Dun and the Government of Yukon shall be notified.</p>	Change	Acronyms expanded.

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Term	Term & condition	Status	Reason
4	<p>YESAB: Construction or decommissioning activities shall not occur within 1 km of nesting peregrine falcons as informed by the regional biologist.</p> <p>NEW Term: Construction or decommissioning activities shall not occur within 1 km of nesting peregrine falcons as informed by writing to the Chief, Mining Lands.</p>	Change	For the recommendation to be effective and included as a term and condition in a license or approval, the applicable regulator should be identified; in this case the regulator is the Chief, Mining Lands (the Chief). If a peregrine falcon nest is identified by the proponent, they shall notify the Chief and the Chief will consult with Environment Yukon to determine if additional mitigation is required and include additional mitigation as an approval condition as warranted.
5	<p>YESAB: Compensation covering the cost of relocation shall be provided to trapline concession holders where trapping infrastructure requires relocation from existing locations.</p> <p>NEW Term: Compensation shall be provided to trapline concession holders.</p>	Change	Term has been varied after consultation between the decision bodies.
6	YESAB: Project activities shall not occur within 250 m of Ladue Lake.	Agree	-

Date

Project Recommendation Issued 2017-05-11

Recommendation Received From

Designated Office - Mayo

Authority

By signing below, the Yukon government has exercised its authority as per YESAA s.75 or s.76 to issue a decision document on this project.

Name Robert Holmes

Position Director, Mineral Resources

Phone 867-667-3126

Email robert.homes@gov.yk.ca

Signature



Date

March 2, 2018

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Original signed by EMR-Mineral Resources Branch

By signing below, First Nation of Na-Cho Nyäk Dun has exercised its authority as per YESAA s.75 or s.76 to issue a decision document on this project.

Name	Dawna Hope	Position	Manager, Lands & Resources
Phone	867 996-2265	Email	dawna.hope@nndfn.com

Signature		Date	March 2, 2018
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Original signed by First Nation of Na-Cho Nyäk Dun

Distribution

Project Proponent	Yes
Other Decision Bodies	No
DAP Branch, Executive Council Office	Yes
YESAB Designated Office	Yes
YESAB Executive Committee	No
Minister Environment (Canada)	No
Yukon Surface Rights Board	No
Yukon Water Board	Yes
Land Use Planning Commission	No
Independent Regulatory Agency	No
Other Body/Person as Required	No