

Yukon Environmental & Socioeconomic Assessment Act Consolidated Decision Document

This document meets Yukon government's, Transport Canada's and Fisheries and Oceans Canada's requirements as a Decision Bodies as set out in the *Yukon Environmental & Socioeconomic Assessment Act*

Decision Document Issued By:

YG Decision Body:	YG - EMR Lands Branch, Land Use
Federal Decision Body(ies):	Transport Canada and Fisheries and Oceans Canada
First Nation Decision Body(ies):	

Project:

Project Name :	Red Mountain All-Season Tote Road	YESAA File Number 2008-0296
Proponent Name:	Tintina Mines Limited	
<p>Project Description: The principal activity of the proposed project is the construction of a 59 km all season access road for the purposes of enabling advanced quartz exploration at the Red Mountain property. The road is to be constructed along the existing Amoco Trail, from the South Canol Road into the Red Mountain property. The route starts from km 48 of the South Canol Road and spans three primary drainages areas: it follows the Sidney Creek drainage for 16.5 km and then extends west-southwest until it intersects drainages into Swift River between kilometers 35 and 52; it then transitions into the Red Mountain Creek and the Boswell River drainage to the north of the Red Mountain deposit. Most of the road will follow the Amoco Trail with the exception of two realignments near km 22.5 and 31. The project is scheduled to occur over a 3 year period starting in 2009.</p> <p>Activities associated with the project include:</p> <ul style="list-style-type: none"> • Construction of a single lane 4.5 m road top that involves 1:5:1 side, fill and back slopes; and 0:25:1 cut slopes in rock. Two route realignments are anticipated to the existing Amoco Trail: a revision of 4 km in length near kilometer 22.5; and a revision of approximately 7 km in length near kilometer 31. Pullouts and widenings will be built at every kilometer marker along the road. Pullouts will be 30 m long by 3 m wide. • Construction of four single lane, single span bridges at Iron Creek (near km 16), Sidney Creek (near km 19), Twin Creek (near km 19.5), and at an Unnamed Creek crossing (near km 40). Snow fills and ice bridges will be constructed to aid the deployment and placement of bridges. • Geotextile placement and fill improvements over saturated/permafrost areas. • Installation of culvert crossings along the road. • Extraction of approximately 75,000 – 100,000 m³ of granular material from borrow sources located at kilometers 9.5 (east and west side), 18.5 (east and west side), 26.0 (east side), 39.5 (west side), and 51.3 (east side). • Mobilization of equipment, materials and crew. • Water withdrawal. • Re-establishment of helicopter pads. • Decommissioning and reclamation of borrow sources and helicopter pads. 		

YESAA Decision Document –Yukon Government , Transport Canada, Fisheries and Oceans Canada

Other Decision Bodies

Other Decision Body Consultation:	Transport Canada, Fisheries and Oceans Canada
Consolidated Decision Document:	<input type="checkbox"/> N/A <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Transport Canada and Fisheries and Oceans Canada

Non-Self Governing First Nations

Non-self governing First Nation Consultation:	
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Decision

Pursuant to ss. 75, 76 and 80, the Yukon government, Transport Canada and Fisheries and Oceans Canada has considered the YESAA Assessment and:	
<input type="checkbox"/>	a) Accepts the following recommendation:
<input type="checkbox"/>	b) Rejects the following recommendation for the following reason(s):
<input checked="" type="checkbox"/>	c) Varies the following recommendation as follows for the reason(s) specified: <p>Yukon Government, Land Use accepts the following conditions:</p> <p>5. Proponent shall, to the extent possible, minimize disturbances to woody vegetation and steeply sloped areas.</p> <p>23. The proponent shall refrain from upgrading the road until the necessary regulatory requirements are obtained.</p> <p>25. Measures put in place to restrict access will be reviewed regularly and any appropriate changes will be approved by regulators to effectively prevent access by the public.</p> <p>26. A decommissioning plan shall be developed and implemented which ensures that the road is returned to its natural state and shall include the following measures:</p> <ul style="list-style-type: none"> a. a security bond to cover the reclamation and closure costs that is established prior to construction activities; b. measures which facilitate re-growth of vegetation and return of the road to its natural state; c. clean up of site to remove all waste, equipment and materials; d. measures which adequately restrict access to the road past a point determined by discussions with Yukon Government – Environment, Energy, Mines and Resources and the

Teslin Tlingit Council;

e. long term maintenance until the site has been adequately reclaimed; and

f. discussion with Teslin Tlingit Council, Yukon Government – Environment and Energy, Mines and Resources throughout the reclamation process.

27. If wildlife is encountered along the access route they shall be given the right-of-way and shall be left undisturbed.

29. Employees and contractors shall exercise caution and travel at reduced speeds when wildlife are sited or are known to be in the project area.

31. The proponent shall make every effort to dogleg the proposed road upgrades and realignments

32. The proponent shall keep all garbage, including kitchen waste, in a container that prevents access by bears and other wildlife until properly disposed of by hauling it to a licensed landfill facility.

33. The proponent shall ensure that major game trails are not blocked.

34. The proponent shall take every precaution to ensure that wildlife habitat is not damaged.

35. The proponent shall not destroy or damage animal dens, lodges or borrows found during the project. A Yukon Government inspector shall determine setbacks from these wildlife features should they be identified.

38. The proponent shall investigate the area with a Yukon Government inspector to determine whether the proposed borrow source at km 51.3 overlaps with or is unacceptably close to key caribou habitat. Should the proposed borrow source at km 51.3 overlap with key habitat, the proponent shall not use this location for obtaining borrow materials. In this case the proponent shall determine the new location of the borrow source from discussions with Yukon Government – Environment and Energy, Mines Resources and Teslin Tlingit Council.

40. Provide a copy of all documentation produced by Environmental Monitors to Government of Yukon – Environment and Energy Mines and Resources (Land Use Branch) and Teslin Tlingit Council.

45. The proponent shall, while preparing the access road, make every effort to avoid covering or destroying traps or snares that may be found along these routes.

46. The proponent shall remediate any obstructions caused by their activities on trails and along the access routes used by trappers.

49. The proponent shall have discussions with Teslin Tlingit Council to determine the location of areas used for culturally significant activities such as culture camps that overlap with the project area prior to construction activities.

50. To the extent possible, the proponent shall avoid disturbing any location identified to be culturally significant.

55. The proponent shall contact Lone Wolf Outfitting prior to the construction of the road to discuss plans and timing of their respective activities to reduce land use conflicts and potential negative impacts on their interests.

51. The proponent shall coordinate site visits with Teslin Tlingit Council.

56. If construction is to take place during the fall of 2009, the proponent shall contact Lone Wolf Outfitting as soon as possible as guided hunts may already be planned for the project area.

57. Should project construction overlap with guided hunts that have already been planned that require travel of the road by horseback, the proponent shall make every reasonable effort to avoid disrupting these activities.

58. Once the road is built the proponent shall contact Lone Wolf Outfitting at least three months in advance of the proposed season of use to discuss plans and timing of their respective activities to reduce land use conflicts and potential negative impacts on their interests.

59. Reasonable efforts shall be made to ensure that the two spike camps located close to the proposed road are not disturbed by project activities.

Note: In Reference to 46,49,50,51,55,56,57,58,59. The proponent has committed to working with TTC, local trappers and outfitter in their project proposal key mitigations

52. The proponent shall ensure that the project area is kept clean and tidy at all times.

53. Proponent shall remove all scrap metal, discarded machinery parts, drums, buildings, and building materials associated with the project.

62. The proponent shall equip each work area with bear deterrent devices and maintain such devices in good working order through out the duration of work activities. The District Conservation Officer can be contacted for any necessary information regarding bear deterrent devices.

65. Signage shall be posted along the proposed road to warn recreational users and other members of the public of work being undertaken.

66. At the end of seasonal operations the proponent shall coordinate with Yukon Government Highways and Public Works to ensure proper closure of the South Canol Road by means of the locked gate.

Land Use modifies the following conditions:

2. Where permafrost is unavoidable in borrow source areas, measures will be taken to ensure permafrost is maintained. Possible techniques include not stripping the vegetative mat, covering the vegetative mat with a liner and sufficient fill for insulation and removing all materials immediately after activity ceases.

Replaced with:

The Proponent shall not develop borrow sources in areas where there is permafrost.

Justification:

Land Use prefers that borrow sources are not developed where there is permafrost due to potential environmental degradation.

3. To avoid excessive sedimentation during road construction, grubbing should not occur during rain events.

	<p>Replaced with: If possible, to avoid excessive sedimentation during road construction, grubbing should not occur during rain events.</p> <p>Justification: Too prescriptive.</p> <p>28. Speed limit signs of 30 km/h shall be posted along the route and shall be strictly followed by Tintina employees and contractors utilizing the road.</p> <p>64. Speed limit signs of 30 km/h shall be posted along the route and shall be strictly followed by Tintina employees and contractors utilizing the road.</p> <p>Replaced with: Speed limits of 50 km/h shall be posted along the route and shall be strictly followed by Tintina employees and Tintina's contractors utilizing the road.</p> <p>Justification: Yukon Government cannot enforce a speed limit. Tintina has committed to enforcing a 50 km/h speed limit with its employees.</p> <p>20. The proponent shall monitor, manage and control access to the upgraded road to ensure that use of the road does not increase above its current level.</p> <p>21. In order to achieve the above stated goal of restricting access, the proponent shall:</p> <ul style="list-style-type: none"> a. install locked metal gates at the entrance to both road realignments at km 22.5 and at km 31 which adequately prevent passage of unauthorized vehicles; b. erect appropriate barriers to deter circumventing of the gates; c. regularly monitor gate structures to ensure that they remain locked, intact and impassable and shall immediately repair any damage; d. erect signage at the entrance to the realignments communicating that the realignments are restricted to mine site personnel only; e. install signs at the exit of both realignments which explain that a locked gate prevents passage at the other end; f. shall monitor and report appropriate information regarding wildlife in the project area to Yukon Government, Environment Canada and the Teslin Tlingit Council; g. install a locked metal gate on the Twin Creek bridge to prevent passage of unauthorized vehicles; h. monitor and record trail usage beyond km 17 during the operational season and shall provide a written record of usage to Yukon Government – Environment and Energy, Mines and Resources at the completion of every work season; i. establish the manned monitoring station adjacent to the locked gate at the Twin Creek bridge; and j. not conduct any works on the portions of the trail that will not be utilized (due to realignments) and allow these portions to naturally re-vegetate. <p>24. With the regulatory requirements in place, the proponent shall, in cooperation with Yukon Government – Land Use and Environment and Teslin Tlingit Council determine the optimal placement of a structure that would restrict increased access onto the road during the operational season.</p> <p>Replaced with: Yukon Government, Highways and Public Works will issue a permit allowing the proponent to</p>
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install a locked gate on Yukon land on the east side of the Twin Creek bridge. Additionally, the proponent shall:

- a. erect appropriate barriers to prevent gate circumvention;
- b. regularly monitor the gate to ensure it remains locked and intact, and repair damage as necessary; and
- c. erect signage at the gate indicating that the road is private and access is granted to authorized personnel only.

Justification:

YG, Highways considers this a private use road and will issue a permit allowing for a gate.

30. Signs notifying the public of wildlife crossing shall be posted along the route. The sign shall include the number of the District Conservation Officer

Replaced with:

The Proponent shall establish signs notifying of wildlife crossings at locations identified by Department of Environment and/or Teslin Tlingit Council.

Justification:

A wildlife log is already required by the environmental monitor.

36. Should construction occur between May 1st to July 31st (the nesting period for the majority of migratory birds and raptors) the proponent shall conduct pre-clearing surveys for nesting birds.

37. The proponent shall maintain a 10m vegetation buffer zone around identified nests and minimal activity shall occur in the area until nesting is complete and chicks have fledged.

Replaced with:

The proponent and planners shall exhibit due diligence with regard to their responsibility under the Migratory Birds Regulation, specifically Section 6 which contains general prohibitions against the disturbance and destruction of nests.

Justification:

The proponent by law is required to follow the Migratory Birds Regulation.

39. Employ sufficient numbers of Environmental Monitors with knowledge of the region to observe wildlife and wildlife habitat in the project area and surroundings. Tasks include but are not limited to the following:

- a. Conduct reconnaissance of project prior to startup to identify:
 - i. sensitive habitats, including key habitat areas for wildlife;
 - ii. general wildlife presence in the area;
 - iii. relative densities and distribution of wildlife in the area with specific emphasis on woodland caribou (Carcross herd); grizzly bears; moose; birds; and small mammals (e.g. wolf, marten, wolverine, lynx, red fox, beaver, otter);
 - iv. where observed, locations of nests, dens, lodges and borrows; and
 - v. any issues within project area that in combination with project activities may pose undue risk to wildlife during and after the project.
- b. Continue field observations by air and on ground throughout project duration to maintain current information on noted subjects.
- c. Promote and monitor compliance of mitigative measures associated with wildlife and wildlife habitat.
- d. Document and report wildlife incidents on a frequent basis.

- e. Document adaptive management techniques developed and employed to mitigate unforeseen effects to wildlife and wildlife habitat that may occur during the project.
- f. Ensure compliance with all terms and conditions of the decision document and consequent authorizations.

Replaced with:

Employ sufficient numbers of Environmental Monitors with knowledge of the region to observe wildlife and wildlife habitat in the project area and surroundings. Tasks include but are not limited to the following:

- a. Conduct reconnaissance of project prior to startup to identify:
 - i. sensitive habitats, including key habitat areas for wildlife;
 - ii. general wildlife presence in the area;
 - iii. relative densities and distribution of wildlife in the area with specific emphasis on woodland caribou (Carcross herd); grizzly bears; moose; birds; and small mammals (e.g. wolf, marten, wolverine, lynx, red fox, beaver, otter);
 - iv. where observed, locations of nests, dens, lodges and borrows; and
 - v. any issues within project area that in combination with project activities may pose undue risk to wildlife during and after the project.
- b. Continue field observations by air and on ground throughout project duration to maintain current information on noted subjects;
- c. Document and report wildlife incidents to the Conservation Officer in Teslin;
- d. Maintain a log of all wildlife sightings; and
- e. Document adaptive management techniques developed and employed to mitigate unforeseen effects to wildlife and wildlife habitat that may occur during the project.

Justification:

An Environmental Monitor has no authority ensure compliance with terms and conditions of a permit.

42. The proponent shall make every effort to suppress dust and noise to avoid disturbing wildlife.

Replaced with:

Dust and noise created by construction activities will be minimized, where possible.

Justification:

Although dust and noise are part of road construction, efforts can be made to minimize the impacts of dust and noise.

47. Upon discovery of heritage resources, the proponent shall arrest activity in that location and shall immediately contact the Teslin Tlingit Council Heritage Department as well as Yukon Government – Department of Tourism.

48. The proponent shall inform the Teslin Tlingit Council Heritage Department as well as Yukon Government – Department of Tourism prior to conducting any activity that could potentially harm or destroy a known heritage resource.

Replaced with:

The proponent shall upon discovery of heritage resources cease activity in that location and contact the Teslin Tlingit Council Heritage Department, Government of Yukon, Department of Tourism, Heritage Branch and Government of Yukon, Energy, Mines and Resources Land Use and establish a 30 metre buffer around the resource. No work is to proceed within the established 30 metre buffer until clearance has been provided to proceed.

	<p>Justification: Clarification of recommendation, including buffer around potentially discovered heritage site.</p> <p>60. The proponent shall discuss the removal of material from any borrow sources located on the placer miner's claims with the placer miners prior to extraction of material. If the parties can not agree upon a solution, the parties shall contact the Surface Board to seek mediation and resolution.</p> <p>Replaced with: The proponent shall obtain permission in writing from the placer miner prior to removal of material from any borrow source located on the placer miner's claims.</p> <p>Justification: The placer miner has the right to the placer gravel on his claims.</p> <p>61. The proponent shall discuss optimal bridge placement on Iron and Sidney Creek with the placer miners prior to bridge construction.</p> <p>Replaced with: The Proponent shall place bridges in accordance with approved water licence.</p> <p>Justification: This will be determined under the water licence.</p> <p>Land Use removes the following conditions:</p> <p>1. In advance of road construction and borrow source development, geotechnical investigations will be performed to:</p> <ol style="list-style-type: none"> a. clearly identify areas where permafrost may prove problematic; and b. ensure substrate can support road construction and use. <p>Justification: Geotechnical investigations have already been conducted by EBA Engineering Consultants Ltd. Between October 19th and December 16th, 2006 (Appendix 3 – Section 2.0 of the YESAA application). Tintina has committed to contracting a professional to conduct more ground truthing of potential permafrost areas and substrate composition as required.</p> <p>4. All fuel caches should be lined to prevent potential spills from penetrating the soil and groundwater.</p> <p>Justification: Conditions for fuel storage will be outlined in the terms and conditions of the Land Use Permit. Not all fuel storage containers require lined berms.</p> <p>19. All machinery should be operated from dry land, above the high water mark.</p> <p>Justification: Entering the wetted perimeter of a watercourse may be required for culvert and bridge installation.</p> <p>22. The proponent shall meet with Yukon Government – Land Use to determine what regulatory requirements are necessary to allow Tintina to restrict access to the proposed all-season tote road.</p>
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Justification:

Not necessary. Regulatory requirements will be outlined in the terms and conditions of the Land Use Permit.

41. Should caribou or moose be encountered within the vicinity of the project area, the District Conservation Officer shall be contacted immediately. The Conservation Officer shall have the authority to require that all project activities stop until further notice.

Justification:

Covered in modified condition #39.

43. Except in the case of safety or emergency situation, no helicopter flights shall occur over areas where caribou, sheep or moose concentrate.

44. Except during takeoff and landing, helicopters shall remain at least 600 m above ground when flying over caribou or wildlife.

Justification:

Conditions 43 and 44 are best management practices. The proponent will be encouraged to follow the guidelines outlined in the publication "Flying in Sheep Country: How to Minimize Disturbances from Aircraft" Mining Environment Research Group 2002.

54. The proponent shall progressively restore all areas disturbed during the course of the mining operations.

Justification:

The mining activities on claims was not part of this assessment.

63. Emergency response measures shall be developed to efficiently and effectively respond to accidents resulting from vehicle collisions.

Justification:

This is the responsibility of the proponent

Transport Canada has no comment on conditions 1 through 66. Transport Canada adds the following conditions:

67. No work shall commence prior to receiving approval under provisions of the Navigable Waters Protection Act.

68. All works shall be undertaken in accordance with the Conditions of Approval granted under the provisions of the Navigable Waters Protection Act.

69. Transport Canada will be completing (or is in the process of completing, depending on the circumstances) its navigation impact assessment. Upon completion of the assessment, Transport Canada will be contacting the proponent should any new requirements develop and they will be addressed at the NWPA regulatory approval stage.

Justification:

Clarification matters affecting navigation are within Transport Canada's mandate, and any advice/mitigation/comments will be provided by the same. Approval must be obtained from the Navigable Waters Protection Program who administers the Navigable Waters Protection Act

(NWPA).

Fisheries and Oceans Canada accepts the following conditions:

6. Complete all work in such a manner that prevents the direct or indirect release of sediment-laden water into any watercourse.

7. Install effective sediment and erosion control measures before starting work to prevent the entry of sediment into the watercourse. Inspect them regularly during the course of construction and make all necessary repairs if any damage occurs. Sediment and erosion control measures shall remain in place, post construction, until all disturbed areas on the work area have been stabilized.

10. Operate heavy machinery in a manner that minimizes disturbance to the bed and banks of any waterbody.

11. Place only clean material free of fine particulate matter in the water.

12. Use only clean coarse material (gravel or larger rock) for fill.

13. Minimize disturbance to riparian vegetation.

14. Avoid construction during unusually wet, rainy or winter thaw conditions to minimize likelihood of flows beginning during the course of the project

16. Arrange for an experienced biologist or environmental monitor to oversee the implementation of the mitigation measures and ensure that every effort is made to minimize potential impacts of the works on fish and fish habitat.

Fisheries and Oceans Canada modifies the following conditions:

8. Ensure that surfaces near the inlet and outlet of the culvert that could erode are stabilized. This may include the addition of rip rap, ditch blocks, ditch lining, cross drains or proper grass seeding.

Replaced with:

Ensure that surfaces near the inlet and outlet of the culvert that could erode are stabilized.

Justification:

Recommendation is too prescriptive and may result in mitigation measures not suitable to the site location.

9. Machinery that must work within the wetted perimeter of the stream or its tributaries are required to convert their hydraulic and lubrication oils to a non-petroleum based mineral hydraulic oil which is non-toxic and inherently biodegradable.

Replaced with:

All machinery used onsite must be clean and in good working condition to ensure no deleterious substances are deposited into any waterbody.

Justification:

New wording broadens the scope of the mitigation measure with regards to deleterious substances.

15. Construct culverts of a suitable size to accommodate bedload movement to avoid further damage to the crossing.

Replaced with:

Construct culverts of a suitable size to accommodate bedload movement, peak water flow events and fish passage.

Justification:

New wording broadens the scope of the mitigation measure to further reduce potential impacts to fish and fish habitat.

17. Proponent shall conduct a baseline study of aquatic resources in the 3 major drainages in vicinity to the Amoco route.

Replaced with:

Proponent shall collect additional information on fish and fish habitat at the identified road crossing with emphasis on proposed culvert crossings

Justification:

Reworded to focus aquatic data collection for activities within the project scope,

18. Proponent shall conduct ongoing monitoring of water quality upstream and downstream of project activities.

Replaced with:

Proponent shall conduct water quality monitoring downstream of project activities to ensure that water quality meets the turbidity guidelines set out in the CCME Canadian Water Quality Guidelines for the Protection of Aquatic Life.

Justification:

Reworded to focus monitoring activity to mitigating the release of sediment from work activities in and around waterbodies.

Fisheries and Oceans Canada adds the following condition:

All means by which water is withdrawn from watercourses within the project area must be screened or otherwise guarded to prevent the passage of fish from these waters. Standards for screening can be found in DFO's Freshwater Intake End-of-Pipe Fish Screen Guidelines, which can be viewed at:

<http://www.dfo-mpo.gc.ca/Library/223669.pdf>

Justification:

A requirement for fish screening is stated under Section 30 of the Fisheries Act, which states that any water intake withdrawing water from any Canadian fisheries waters must provide for a screen to prevent the passage of fish into the water intake.

Note: The list of mitigations proposed by the proponent that were attached to the Evaluation Report will form part of the authorizations issued for this project.

Dates

Project Recommendation Issued: April 16, 2009	Decision Document Issued: May 15, 2009
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Recommendation Received From:

Designated Office	<input checked="" type="checkbox"/>	Location: Teslin
Executive Committee	<input type="checkbox"/>	
Panel	<input type="checkbox"/>	a) Panel of the YESAB
	<input type="checkbox"/>	b) CEEA Panel
	<input type="checkbox"/>	c) Joint Panel (YESAB and other assessment body)

Authorization

By signing below, the Yukon government, Transport Canada and Fisheries and Oceans Canada have exercised their authority as per YESAA s. 75 or s. 76 to issue a decision document on this project.

Name: Marg White Position: Manager, Land Use, Land Management Branch, Energy, Mines and Resources, Yukon Government

Signature: _____ Date: _____
Original signed by Marg White, Manager, Land Use

Name: Doug Soloway Position: Superintendent, Environmental Assessment Management Program, Environmental Affairs, Prairie and Northern Region, Transport Canada

Signature: _____ Date: _____
Original signed by Doug Soloway, Superintendent, Environmental Assessment Management Program

Name: Briar Young Position: Area Manager, Oceans, Habitat and Enhancement Branch, Fisheries and Oceans Canada

Signature: _____ Date: _____
Original signed by Briar Young, Area Manager, Oceans, Habitat and Enhancement Branch

