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A.19 – LAND USE AND TENURE

A.19.1 INTRODUCTION

The Proposal defines Land Use as the human use of the land and Land Tenure as the legal regime governing land ownership. Land Use and Tenure was selected as a Valued Component (VC) for the Casino Project (the Project) by Casino Mining Corporation (CMC) because of the potential interactions between the Project activities with other land users in the study area.

On January 27, 2015, the Executive Committee requested that CMC provide supplementary information to the Casino Project (YESAB Project No. 2014-0002) to enable the Executive Committee to commence Screening. The Executive Committee considered comments from various First Nations, Decision Bodies and regulators on the adequacy of the Project Proposal in the preparation of the Adequacy Review Report (ARR). Casino Mining Corporation is providing this Supplementary Information Report (SIR) to comply with the Executive Committee's Adequacy Review Report; CMC anticipates that the information in the SIR and Proposal, when considered together, is adequate to commence Screening.

The Executive Committee has eight requests related to information presented in Section 19 Land Use and Tenure of the Proposal submitted on January 3, 2014. These requests are outlined in Table A.19.1-1.

Table A.19.1-1 Requests for Supplementary Information Related to Land Use and Tenure

Request #	Request for Supplementary Information	Response
R400	A discussion of the potential effects of the Project to commercial, recreational and Aboriginal fisheries (e.g. Arctic grayling and Chinook salmon). This discussion should include: a. a geographic scope that includes areas downstream of Dip Creek up to and including the White River; b. consideration of the changes in rearing, spawning, and overwintering habitat; c. a consideration of the migratory nature of various fish species; and d. potential fish kills and stranding.	Section A.19.2.1.1
R401	Description of any identified plant species of traditional, cultural, or economic importance within the Project footprint. Include a description of any efforts to engage First Nations or other land users in identifying plants of concern.	Section A.19.3.1.1
R402	Any ground studies that sought to identify and map plants of concern.	Section A.19.3.1.2
R403	If, during consultation with First Nations, any concerns were raised on impacts to important areas of wildlife harvest.	Section A.19.4.1.1
R404	A monitoring plan for induced hunting effects along the Freegold Road, either independently or in conjunction with First Nations.	Section A.19.4.1.2
R407	A summary of any geographically specific important areas for outfitting or trapping that overlap or may be affected by the Project and the species involved.	Section A.19.5.1.1
R409	A rationale for why tenure No. 334151 is not considered in the effects assessment.	Section A.19.5.1.2

Request #	Request for Supplementary Information	Response
R410	A mitigation strategy for the cabin located at the southern edge of a proposed borrow pit and what if any measures will be in place to ensure continued access. In addition, identify whether the owner has been contacted or not. If so, please provide information regarding the outcome of this contact.	Section A.19.5.1.3

Notes:

1. Request # refers to the assigned identification number in the YESAB Adequacy Review Report January 27, 2015 Prepared by Executive Committee Yukon Environmental and Socio-economic Assessment Board.
2. Response refers to the location of CMC's response to the YESAB request for supplementary information.

A.19.2 FISHERIES

A.19.2.1.1 R400

R400. A discussion of the potential effects of the Project to commercial, recreational and Aboriginal fisheries (e.g. Arctic grayling and Chinook salmon). This discussion should include:

- a. a geographic scope that includes areas downstream of Dip Creek up to and including the White River;
- b. consideration of the changes in rearing, spawning, and overwintering habitat;
- c. a consideration of the migratory nature of various fish species; and
- d. potential fish kills and stranding.

Potential effects of the Project on fish and aquatic resources was evaluated in Section 10 of the Proposal. As described in the response to R273, on November 25, 2013 new fisheries protection provisions were enacted under Section 35 of the *Fisheries Act*, to support the Department of Fisheries and Oceans Canada's (DFO) new focus on avoiding "serious harm to fish", and the framework for offsetting any residual harm to fish. The new *Fisheries Act* provisions alter the legislative focus from "no net loss" of habitat to the "sustainability and ongoing productivity of commercial, recreational and Aboriginal (CRA) fisheries". The Proposal was submitted during the time of transition for the *Fisheries Act* legislation, and hence was consistent with the older version of the *Fisheries Act*. Based on CMC's interpretation of the new provisions, fish and aquatic resources within the Casino project area are still protected by the updated *Fisheries Act* legislation. Further, the new *Fisheries Act* provisions do not modify the size, number or nature of potential project effects on fisheries identified in the Fish and Aquatic Resources section of the Proposal. Section 35 of the *Fisheries Act* still includes a reference to protecting fish habitat, in that the definition of serious harm to fish incorporates any destruction or permanent alteration of fish habitat. Additionally, the new provisions still allow for habitat-based approaches, commonly used under the old provisions, during the assessment of potential effects, and the development of mitigation and offsetting plans. Based on the similarities of the two Act versions, and the presence of CRA or CRA supporting species in the Casino project area, CMC has concluded that the previous Fish and Aquatic Resources effects assessment remains valid with minor terminology substitutions to the text.

The assessment presented in Section 10 of the Proposal concluded that no significant habitat loss and alteration, lethal effects, sub-lethal effects, or cumulative effects on fish and aquatic organisms (applicable to CRA fisheries as per the above) are predicted to occur due to the Casino Project. All residual effects were considered non-significant due to the low geographical extent, and low to medium magnitude of the anticipated impacts. The assessment of significance is contingent on the complete implementation of mitigation measures, including proposed compensation works.

Additionally, specific information regarding species life history, distribution within the project area, and a discussion of the species contribution to CRA fisheries is provided in the response to R276 provided in SIR Section A.10.

A.19.3 HARVESTING OF PLANTS

A.19.3.1.1 R401

R401. Description of any identified plant species of traditional, cultural, or economic importance within the Project footprint. Include a description of any efforts to engage First Nations or other land users in identifying plants of concern.

Traditional plant use was not included in the information gathered during baseline studies. Traditional plant use was not raised as a concern during engagement with LSCFN or SFN, so effects on the use of traditional plants were not assessed in the Proposal. Key indicators of rare plants and vegetation health are listed in Table 11.5-2 of the Proposal. The proposed Wildlife Working Group may provide an opportunity for local land users to participate in adaptive effects management on traditional plants, should they be identified as an issue of concern.

A.19.3.1.2 R402

R402. Any ground studies that sought to identify and map plants of concern.

As discussed in the response to R401 above, traditional plant use was not included in the information gathered during baseline studies, and hence plants of concern have not been identified or mapped.

A.19.4 HARVESTING OF ANIMALS

A.19.4.1.1 R403

R403. If, during consultation with First Nations, any concerns were raised on impacts to important areas of wildlife harvest.

Throughout the consultation process CMC has met with First Nations and communities; the consultation activities are described in Section 2 (of the Proposal) and A.2 (of the SIR). The importance of protecting locations of traditional harvest of wildlife is a consistent theme through many of these discussions and discussions are ongoing to carry out a Traditional Land Use (TLU) Study. .

Since the submission of the Proposal, CMC has considered publically available secondary sources of information and had consultation with LSCFN and SFN regarding important sites along the proposed access road. These sites and secondary information have been considered in the proposed mitigation measures identified in the Proposal and SIR.

A.19.4.1.2 R404

R404. A monitoring plan for induced hunting effects along the Freegold Road, either independently or in conjunction with First Nations.

The potential indirect Project effects on wildlife populations due to potential improved harvester access are not unique to the Casino Project. The Project is not expected to change hunting pressure in the region because of current harvest management regulations and the identified mitigation measures.

Managing the cumulative effect of increased wildlife harvest risk needs to have a multi-party approach that may include CMC, communities, and governments with harvest management responsibilities. CMC will support the Yukon Government Department of Environment and affected First Nations wildlife harvest management initiatives in the Project area but does not have the ability to manage the public's rights to hunt or the actions of other businesses (e.g., outfitting, trapping, mining) operating within the RSA — this responsibility falls to the governments that have legislation allowing them to manage hunting. If there is a conservation concern now or in the future, the Yukon Government and First Nations governments are responsible for harvest management.

Casino Mining Corporation has developed a Wildlife Mitigation and Monitoring Plan (WMMP) to mitigate for potential adverse effects of the Project to wildlife and wildlife habitat (Appendix A.12A of the SIR). The WMMP proposes to implement monitoring to ensure effectiveness of the mitigation measures and to adaptively manage for any unanticipated effects. The plan is intended to ensure that wildlife continue to use habitat in areas adjacent to the Project footprint and within the broader area, as well as reduce potential Project-related injury or mortality. The WMMP provides guidance to protect and limit disturbances to wildlife and wildlife habitat from Project activities.

The WMMP that has been developed for the purpose of the YESAB review is preliminary and does not provide detailed methods (i.e., study designs), cost estimates, or schedules for implementing the proposed actions. It is anticipated that further details will be developed in continued discussion with the management agencies, Renewable Resource Councils (RRCs), working groups established to monitor Project effects, and other interested parties.

To mitigate for this potential adverse effect to wildlife as a result of increased access, CMC has developed a Road Use Plan (Appendix A.22E of the SIR) which includes:

- No public access (access by permit only) on the Freegold Road Upgrade portion (managed by CMC);
- Chartered aircraft transportation to and from the Project site, from pre-designated locations, will be provided for Project staff;
- Controlled, gated, manned access (located at the new bridge over Big Creek — or as otherwise agreed by governments and CMC) for the Freegold Road Upgrade portion (managed by CMC);
- “No Hunting” in game management zones along the access road (the continuation of existing hunting ban in some areas can be extended to include entire length of access corridor);
- Special management provisions for Klaza caribou that include long-term and increased active monitoring (currently underway), and other measures as agreed (in Section 5 of the WMMP); and
- Identification of ‘wildlife crossing’ areas along the access road, that may include active monitoring (Section 4.1.2 of the WMMP), snow clearing berm management in late-winter, travel speed reductions and restrictions as defined and agreed in the management plan.

Monitoring will be conducted to enhance wildlife baseline information, to validate the predictions in the Proposal and to evaluate the success of mitigation measures. Monitoring will inform adaptive management but will also increase knowledge base of human effects on wildlife in Yukon. The following wildlife species are proposed to be included in focal species/effect monitoring:

- Cliff-nesting raptors — occupancy and productivity;
- Klaza caribou herd — distribution and habitat use in the Project area (10 km radius of mine and road);
- Moose — distribution and habitat use in the Project area (10 km radius of mine and road);

- Grizzly bear, black bear, wolverine and wolf dens — activities relative to distance from the PDA; and
- Collared pika — continued presence in the Project area.

Table summaries of suggested monitoring programs are provided in the WMMP (Appendix A.12A of the SIR).

Reporting of the results of monitoring will be provided to the Yukon Government and First Nations, who may make harvest management decisions based on the data provided.

A.19.5 TRAPPING AND OUTFITTING

A.19.5.1.1 R407

R407. A summary of any geographically specific important areas for outfitting or trapping that overlap or may be affected by the Project and the species involved.

A Land Use Baseline report was submitted as part of the Proposal (Appendix 19A) and describes the existing guide outfitting concessions and registered trapping concessions that may overlap with the Project components and activities within the Local Study Area selected for the land use assessment. The Land Use LSA was defined as the maximum area that captures potential direct disturbances from all of proposed Project components and activities including a 500 m buffer around the entire Project footprint.

Guide Outfitting Concessions

Three guide outfitter concessions are overlapped by the LSA; these are identified as OC 11, OC 13, and OC 14. Outfitter concession 11 is managed by Prophet Muskwa Outfitters, OC 13 is managed by Mervyn's Yukon Outfitting Ltd, and OC 14 is managed by Trophy Stone Outfitting Ltd. The percentage of each guide outfitting concession that overlaps with the LSA is identified in Table 1.3-6: Registered Outfitting Concessions Overlapping the Land Use LSA (in Appendix 19A of the Proposal). Figure 4 Guide Outfitting Concessions (in Appendix 19A of the Proposal) shows the spatial relation of the three guide outfitting concessions that overlap with the LSA. For the purposes of the Proposal and effects assessment, the areas of potential spatial overlap between the guide outfitting concessions and the LSA are considered to be potential areas of direct Project effects on guide outfitting concessions. It is important to note that in the potential areas of spatial overlap, the quality of habitat and game will affect the level of guide outfitting activities.

Based on the Land Use Baseline (Appendix 19A of the Proposal), the species harvested by Prophet Muskwa Outfitters (OC 11), include:

- Dall sheep;
- Moose;
- Mountain caribou; and
- Grizzly bear.

Based on the Land Use Baseline (Appendix 19A of the Proposal), the species harvested by Mervyn's Yukon Outfitting Ltd. (OC 13), include:

- Moose;
- Wild wood bison;
- Grizzly bear

- Wolverine;
- Mountain black bear;
- Dall sheep;
- Mountain caribou; and
- Wolf.

Based on the Land Use Baseline (Appendix 19A of the Proposal), the species harvested by Trophy Stone Outfitting (OC 14) include:

- Moose;
- Mountain caribou;
- Black bear;
- Grizzly bear;
- Wolf; and
- Stone sheep.

Trapping Concessions

Eleven registered trapping concessions overlap with the Land Use LSA, these are presented in the Land Use Baseline Report (Appendix 19A). The percentage of each trapping concession that overlaps with the LSA is identified in Table 1.3-3: Registered Trapping Concessions Overlapping the Land Use LSA (in Appendix 19A of the Proposal). Figure 3 Trapping Concessions (in Appendix 19A of the Proposal) shows the spatial relation of the eleven registered concessions that overlap with the LSA. For the purposes of the Proposal and effects assessment, the areas of potential spatial overlap between the trapping concessions and the LSA are considered to be potential areas of direct Project effects. It is important to note that in the potential areas of spatial overlap, the quality of habitat and species of furbearers will affect the level of trapping activities. It is estimated that less than a third of the available trapping concessions are active because the return on hides has decreased while the cost to maintain lines (increasing fuel costs) have increased (Yukon Fish and Wildlife Co-Management 2011).

In the Yukon, 14 different species of furbearing mammals are trapped. They are:

- Beaver;
- Coyote;
- Wolf;
- Fisher;
- Coloured Fox;
- Wolverine;
- Arctic Fox;
- Lynx;
- Squirrel;

- Marten;
- Mink;
- Weasel;
- Muskrat; and
- Otter.

Information regarding accessibility of the traplines, as well as trapping seasonality, activity and harvests was collected through interviews with registered trapline holders. From these interviews, the species most commonly targeted in those traplines include wolf, wolverine, lynx and marten, while the species most commonly caught include marten and lynx. An interview with a key informant revealed that Lynx, wolves, wolverines, squirrels and beaver are trapped in the area. Lynx is amongst the most valuable of the aforementioned species and is directly tied to the rabbit population, a food source for the Lynx (Registered Trapper 2013 pers. comm.).

Casino Mining Corporation intends to continue engagement with registered guide outfitters and registered trapping concession holders regarding potential effects of the Project.

A.19.5.1.2 R409

R409. A rationale for why tenure No. 334151 is not considered in the effects assessment.

Tenure 334151 was classified as a Rural Residential Land Application on Figure 19 of Water Licenses and Other Land Tenures – Carmacks Area of the Land Use Baseline (Appendix 19A of the Proposal). This parcel appears to represent YESAB Rural Residential application number 2011-2121 for rural land as primary residential use. The application was “Closed” by Authority on 21 November, 2014. This information is available online through the Yukon Government website for Energy, Mines and Resources Land Applications (Yukon Government Energy, Mines and Resources 2015).

A.19.5.1.3 R410

R410. A mitigation strategy for the cabin located at the southern edge of a proposed borrow pit and what if any measures will be in place to ensure continued access. In addition, identify whether the owner has been contacted or not. If so, please provide information regarding the outcome of this contact.

A description of the cabin and a photo is provided in the Heritage Baseline (Appendix 18B of the Proposal). The cabin is described as a “modern resource” and located on the Freegold Road Upgrade portion of the access road at what was previously known as "Mile 40". The modern cabin is located outside of the proposed Freegold Road Upgrade alignment and outside of the proposed borrow pit, though it is located on the south edge of a proposed borrow pit and access to the cabin may be affected during construction of the Freegold Road Upgrade.

The Yukon Government (YG) is responsible for the Freegold Road Upgrade portion of the access road. Casino Mining Corporation intends to work with YG to understand the construction of the Freegold Road Upgrade and any potential adverse effects and mitigation measures associated with other land users along that portion of the access road including any adverse changes in access.