ADMINISTRATIVE REPORT

TO:	City Planning Committee
FROM:	Administration
DATE:	November 16, 2026
RE:	Mineral Exploration and Development Framework – Additional Review Options

ISSUE

Reporting back to Council on options for further engagement and/or technical review of the Proposed Mineral Exploration and Development Framework.

REFERENCE

- Municipal Act SY 2022, c. 2
- Mineral Exploration and Development Engagement "What We Heard" Report 1
- Mineral Exploration and Development Engagement "What We Heard" Report 2
- Zoning Bylaw 2025-37
- Whitehorse 2040 Official Community Plan
- Quartz Mining Act SY 2003, c. 14
- Yukon Environmental and Socio-economic Assessment Act S.C 2003, c.7
- Prohibition of Entry on Certain Lands (City of Whitehorse) Order O.I.C 2012/145
- Draft Mineral Exploration and Development Framework

HISTORY

Renewed interest in mineral exploration within city limits was a key driver in the development of the Proposed Mineral Exploration and Development Framework (Proposed Framework).

In December 2023, a member of the public submitted an application to amend the Official Community Plan (OCP) and Zoning Bylaw to ban mineral exploration and extraction within city limits. In early 2024, Council heard the amendment as well as an alternative to an outright ban, as proposed by Administration. Council gave 1st reading to Administration's alternative approach, later defeating the amendment at 3rd reading.

Council then directed Administration to conduct engagement with Kwanlin Dün First Nation (KDFN), Ta'an Kwäch'än Council (TKC), industry, and the public on the topic of mineral exploration and development. Direction also included that Administration conduct further research and jurisdictional reviews prior to bringing future approaches to regulating mineral exploration and development to Council for consideration. The City hired a consultant in 2025, undertaking research and engagement with release of the Proposed Mineral Exploration and Development Framework to the Public in February of 2026. Following analysis of public input, final modifications were made to the Proposed Framework.

The Proposed Mineral Exploration and Development Framework was presented to Council Committee on October 5, 2026. On October 13, four (4) delegates spoke regarding the Proposed Framework. In response to these requests, Council referred the Proposed Framework back to Administration, requesting that opportunities for further technical consultation be identified and presented to Council in one month's time.

Public Engagement

For a comprehensive overview of the public engagement process, please see linked "What We Heard" reports. What We Heard Report 2 contains detailed reporting on comments that emerged after the Proposed Framework was released to the public. Section 3 contains key themes and insights including input from KDFN and TKC.

Section 4 "Industry Specific Feedback" contains detailed input provided by representatives of the exploration and mining industry. Key points raised by industry as part of the completed public consultation include:

- Alignment of tiers with real-world practice
- Prescriptive versus flexible approaches
- Perceived duplication of existing regulation
- Legal uncertainty and recognition of mineral rights
- Setbacks, buffers, and access constraints
- Clarity, certainty and discretion
- Technical foundation and engagement timing

Administration reviewed industry feedback when finalizing the Proposed Framework. Some modification to the Proposed Framework occurred as a result of industry comment. Other aspects of the Proposed Framework remained unchanged to ensure alignment with land use planning principles in the OCP and to remain in balance with contrasting views that emerged through public engagement.

ALTERNATIVES

1. Proceed with the proposed OCP and Zoning Bylaw amendments under the bylaw process;
2. Undertake targeted engagement as outlined in Option 2 of this report and report back to Council with recommendations on Proposed Framework adoption in 3-4 months;
3. Establish a committee to advise Council on technical aspects of the Proposed Framework; or
4. Commission independent technical review as outlined in Option 4 of this report and report back to Council with recommendations on Proposed Framework adoption in 4 months.

ANALYSIS

Four (4) delegates spoke to the Proposed Mineral Exploration and Development Framework prior to Council's contemplation of 1st reading on October 13, 2026. Two (2) delegates spoke in general opposition to expanded allowances to undertake Mineral Exploration and Development. Two (2) delegates spoke in opposition to the Proposed Framework citing a need for further technical review. Comments by delegates seeking further technical review raised the following areas of concern:

- Proposed Tiers are not impact based
- Framework is inconsistent with Territorial Licensing
- Framework does not enable a workable progression of exploration activity
- Process is backward from natural sequence of exploration
    - Exploration needs to occur to understand the resource before requiring a land use decision associated with mineral development
- There is not a "medium impact" tier that enables clearing and trail construction without rezoning and council decision
- Geotechnical and water monitoring are exempt from detailed regulation and Development Permitting while posing similar impact as mineral exploration
- Water course setback needs further technical review
- There is an existing process for regulating mineral exploration as outlined in the Umbrella Final Agreement (UFA)
- Exploration work undergoes environmental assessment and licensing at the Territorial level
- City Administration lacks the technical expertise to develop effective regulation
- Additional technical review is required by individuals with expertise in:
    - Mineral Exploration
    - Environmental science
    - Regulatory structures

The development of the Proposed Framework is a land use planning exercise. The Proposed Framework establishes Mineral Exploration and Mineral Development as defined land uses. Regulations are based on anticipated impact of Mineral Exploration and Mineral Development to the land and adjacent uses. Proposed regulations utilize land use planning techniques including setbacks, access restrictions, groundwork limitations and vegetative removal allowances to minimize land use impacts. This approach is no different than when regulating other land uses including quarrying and other natural resource or industrial land uses. The City does possess both legislative authority and professional expertise to undertake land use planning activities.

The Proposed Framework is intentionally different and more conservative than Government of Yukon (YG) permitting systems. Concern and opposition have resulted from YG approved exploration work in the Cowley Creek area outside of the City's municipal boundary. In the absence of municipal regulation and in reliance on YG permitting process, the same level of exploration activity would be permitted at numerous locations within City limits. Administration views permitted YG Class 3 exploration as

having potential to pose significant land use impact. For these reasons, the Framework heavily incentivises low impact exploration and imposes numerous checks including Public Hearing and Council decision prior to enabling higher impact exploration within City limits. Despite a conservative regulatory approach, there is a clear application pathway for proponents to pursue higher impact Mineral Exploration and Mineral Development of valid claims in good standing. Many of the Proposed Framework components criticized by mining industry delegates are not design flaws but intentional safeguards to ensure careful consideration and Council oversight of Mineral Exploration and Development within city limits.

There is inherent conflict when contemplating the topic of Mineral Exploration and Development within city limits. Significant public input opposes these land uses within city limits. Additionally, significant public input supports broader accommodation of these land uses within city limits. Delegations on October 13 presented opposing views, with residents in proximity to areas of potential Mineral Exploration opposing broader allowances granted by the Proposed Framework. Delegates from the mining industry cited need for further technical review to address aspects of the Proposed Framework that limit Mineral Exploration including inconsistency with Territorial licensing and an inability to reflect the "real world progression of mineral exploration." Much of the input received in delegation on October 13 is reflected in reporting of completed public engagement in development of the Proposed Framework. The Proposed Framework has been developed in response to received public input, resulting in a land use planning framework intended to limit potential impact while providing a clear application pathway for responsible Mineral Exploration and Development to occur.

In response to Council direction, Administration has identified the following options for further engagement on the Proposed Mineral Exploration and Development Framework. For a more concise overview of proposed options please see Appendix 1: *Comparison of options for additional consultation and technical review*.

Option 1 - Proceed Directly to Public Hearing - Administration's Recommended Option

Description:

- Advance Bylaw 2026-23 (OCP amendment) and Bylaw 2026-32 (Zoning Bylaw amendment) through the bylaw process.
- Schedule and hold a Public Hearing.
- Invite members of the public, KDFN, TKC, industry representatives, technical experts and other interested parties to provide submissions.
- Ensure concerns and technical issues raised are documented and considered as part of the public record.
- Following the Public Hearing, Council may:
    - Proceed to second and third readings;
    - Direct Administration to make modifications to the proposed bylaws;

- Refer specific technical issues for additional review before proceeding to second reading; or
- Defeat the proposed bylaws.

Advantages:

- Provides an open, transparent and formal opportunity for all interested parties to participate.
- Allows industry representatives and technical experts to speak directly to specific concerns.
- Ensures community sentiment is fully understood before Council makes a decision.
- Does not require additional financial resources or significant delay.
- Preserves Council's ability to request additional technical review following the Public Hearing.

Disadvantages:

- Does not provide a dedicated technical review process before the Public Hearing.
- May result in the same technical concerns being raised without necessarily resolving them.

Estimated resources/timing: No significant additional resources. Proceeds through the existing bylaw process.

Option 2 - Undertake targeted technical engagement with key stakeholders

Description:

- Conduct another round of focused engagement with selected representatives from:
  - Mineral exploration and mining industry;
  - Environmental science and ecosystem management professions;
  - Territorial regulatory agencies;
  - Consultation with representatives in municipal jurisdictions with comparable mining interests
  - Land use planning and regulatory experts; and
  - Other relevant technical disciplines.
- Provide participants with the Proposed Framework and identify specific technical questions requiring feedback.
- Document feedback and identify any recommended modifications to the Proposed Framework.
- Report back to Council with recommendations regarding adoption of the Proposed Framework.

Advantages:

- Provides an opportunity to address specific technical concerns raised by industry delegates.
- Allows Administration to obtain additional expertise without commissioning a formal independent review.
- Can be completed relatively quickly.
- Builds on the engagement methodology used in the previous two engagement processes.

Disadvantages:

- Participation would be voluntary.
- Feedback may not represent a comprehensive or independent technical assessment.
- Targeted engagement may generate further competing perspectives without resolving fundamental differences.
- Administration would remain responsible for assessing and reconciling the feedback.

Estimated resources/timing: Minimal additional financial resources anticipated. Report back to Council within approximately 3-4 months.

Option 3 - Establish a Council Advisory Committee

Description:

- Establish a temporary advisory committee to provide Council with technical advice regarding the Proposed Framework.
- Identify and recruit individuals with expertise in:
    - Mineral exploration and development;
    - Environmental science and ecosystem management;
    - Regulatory structures and permitting;
    - Land use planning; and
    - Municipal regulation of mineral exploration and development.
- Develop committee terms of reference, including its mandate, membership, scope of work and reporting requirements as well as amend the Advisory Committee Bylaw.
- Have the committee review the Proposed Framework and provide recommendations to Council.

Advantages:

- Provides a structured mechanism for obtaining multidisciplinary technical advice.
- Allows for more detailed discussion and consideration of complex technical issues.

- Provides Council with advice through a dedicated advisory body.
- Could help identify areas where modifications to the Proposed Framework may be warranted.

Disadvantages:

- Requires significant administrative and financial resources to establish, coordinate and support the committee.
- Recruitment of qualified volunteer members may be challenging.
- Committee membership and mandate would need to be carefully structured to ensure balanced representation.
- Risk the public could reject committee recommendations due to perceived bias or uneven representation.
- May extend project timelines considerably.
- Could require a dedicated project budget, depending on the committee's scope and duration.

Estimated resources/timing: Additional internal administrative resources required. Potential project budget implications. Timeline dependent on committee scope and availability of members.

Option 4 - Commission an independent technical review

Description:

- Engage an independent consultant or consulting team to undertake a technical review of the Proposed Framework.
- Develop a scope of work identifying the technical issues requiring review, including:
    - Alignment of the proposed tiers with mineral exploration and development practices;
    - Relationship between municipal land use regulation and Territorial licensing;
    - Practical progression of mineral exploration activities;
    - Environmental protection measures, including setbacks and buffers;
    - Treatment of geotechnical investigations and water monitoring;
    - Comparison of the Proposed Framework to effective policy in other Canadian municipalities with similar mining interests
    - Regulatory duplication and jurisdictional considerations; and
    - The technical and regulatory basis for proposed development restrictions.
- Issue a Request for Proposals (RFP) to identify qualified consultants.
- Receive an independent technical assessment and recommendations.

- Report back to Council with findings and recommendations regarding the Proposed Framework.

Advantages:

- Provides an independent assessment of the technical concerns raised by industry delegates.
- Offers an opportunity to obtain specialized expertise not readily available within the City.
- May provide greater confidence in the technical foundation of the Proposed Framework.
- Could identify opportunities to improve regulatory clarity, effectiveness and alignment with industry practices.

Disadvantages:

- Highest anticipated financial cost of the available options.
- Requires time to develop a scope of work, procure consultants and complete the review.
- May identify competing recommendations that require further policy direction from Council.
- An independent technical review does not eliminate the underlying policy considerations or competing community interests.

Estimated resources/timing:

- Estimated consulting cost: $40,000–$70,000.
- Would require identification of funding and potentially a budget amendment.
- RFP process anticipated to add a minimum of three months.
- Overall project timeline anticipated to extend approximately 6–9 months.

Administration recommends Option 1: Proceed to Public Hearing for the following reasons:

- Public Hearing provides an opportunity to:
    - Hear the full range of community perspectives;
    - Allow industry representatives and subject matter experts to address technical concerns;
    - Establish a complete public record;
    - Identify which concerns warrant further technical investigation; and
    - Determine whether additional review is necessary before second reading.

This approach avoids committing the City to a resource intensive and potentially lengthy technical review before Council has the benefit of hearing all parties through the formal

bylaw process. In addition to ensuring revisions to the Proposed Framework are fully informed, Option 1 respects the work already completed through two rounds of public engagement that informed development of the Proposed Framework. Allowing the Proposed Framework to proceed to Public Hearing does not prevent Council from requesting additional technical review prior to 2nd or 3rd reading of proposed bylaws.

ADMINISTRATIVE RECOMMENDATION

THAT Council direct that Bylaw 2026-23 and Bylaw 2026-32, bylaws to amend the text of the Official Community Plan and the Zoning Bylaw to implement the Mineral Exploration and Development Framework, be brought forward for consideration under the bylaw process.

Appendix 1: Comparison of Options for Additional Consultation and Technical Review

Consideration	**Option 1: Public Hearing**	**Option 2: Targeted Engagement**	**Option 3: Advisory Committee**	**Option 4: Independent Review**
Public participation	Formal public process	Selected stakeholders	Committee members	Consultant-led
Technical input	Through submissions and delegations	Yes	Yes	Yes
Independent assessment	No	No	Not necessarily	Yes
Additional budget	No	Minimal	Potentially	$40K–$70K
Administrative resources	Minimal	Moderate	Significant	Moderate to significant
Estimated timeline	Existing bylaw process	3-4 months	To be determined	6–9 months
Council oversight	Direct	Through review findings	Through committee recommendations	Through review findings