

YG IWG Review of the Issues and Interests Report:
Corrections, Clarifications and Suggestions

The following comments are provided by the Yukon Government's regional land use planning Internal Working Group. The comments reflect the expert opinion of the members of the working group and are provided without prejudice. At the very least we hope they stand as a record where correction of fact is required. The comments or questions are organized by report section.

Existing Policy Goals applicable to the Peel Watershed

- Page 9 - "*no commitment made by the Federal or Territorial Governments with respect to the implementation of Peel River Watershed Advisory Committee recommendations for special management/protected areas*". It may be worthwhile for the Commission to note the Peel planning process provides a new opportunity to re-examine and consider those recommendations.

Public Consultation: Objectives and Issues

- It is unclear if the actions identified on page 9 under "Public Consultation: Objectives and Issues" are actions expressed at public meetings or are actions being suggested by the Commission.
- Page 10 - Reference to application of an "*integrated landscape management framework*". Does this refer to "multiple use management" and does it provide for potential protection of conservation values?
- Identifying and cleaning up solid waste sites does not seem to fit under this heading.
- Page 10 - Big game outfitting and wilderness tourism are both "recognized" and "supported". Why have these two sectors been "supported", but not other economic sectors?

MINERAL EXPLORATION / DEVELOPMENT

- Page 12 - Potential Management direction, 4th bullet states: "*Mineral development should not be permitted in the most sensitive habitats*". Although there are many ways to potentially mitigate development in sensitive areas, there may also be other reasons for limiting or restricting development as illustrated by the conservation values identified in the paper. Both of these themes should be explored with respect to sensitive/critical areas.
- On Page 12 - under Issues and Interests, the 2nd and 3rd bullets are essentially the same in emphasizing the access requirements of the exploration and development phases of mineral and oil and gas resources.
- Important to emphasize the region is relatively unexplored and there is a strong probability for the discovery of additional significant mineral deposits.

- The significant size of the Crest Iron Ore Deposit and the Bonnet Plume Coal Deposits should be acknowledged.

OILAND GAS EXPLORATION / DEVELOPMENT

Page 13 – Background:

- 3rd bullet: *“Best Practices guidelines have been developed...”* A more accurate statement is – *“Best Management Practices are being developed to assist with managing oil and gas exploration and development”*.
- 4th bullet: *“the Yukon government intends to conduct oil and gas dispositions on a regular basis, due to commercial interest...”* Actually the intention is “in anticipation of” rather than “due to”.
- 6th bullet: *“Infrastructure and transportation pipeline ...are necessary for oil and gas industry development in the Peel watershed...”* This should be restated in the Issues section.

Page 13 - Issues and Interest.

- 1st bullet: *“Exploration access for oil and gas and minerals will require temporary access...”* only addresses exploration. The bullet should include the clause: *“development of oil and gas resources will require the construction of all-weather access”*.
- 2nd bullet: *“Identify and provide a suitable land base for oil and gas exploration from which investment prospects can be selected by industry”*. More appropriate wording is: *“Identify and provide a suitable land base for oil and gas exploration and development.”*
- 3rd bullet: *“Cumulative effects of seismic exploration, drilling...”* Suggest starting this bullet with *“Recognize cumulative effects of ...”*
- 4th bullet: *“Current application from Hunt Oil ...not proposing to follow established “best practices”*. Hunt Oil is planning a seismic program within their permit. YG is, in fact, working with the company to identify best practices for this project.
- 5th bullet: *“Remediation must be built into development applications.”* It is more accurate to state; Remediation **is indeed** built into development applications.

Page 13 - Potential Management Direction

- 2nd bullet: *“If oil/gas development is going to be viable...sufficient tracts of land must be open to exploration and development”*. More appropriate wording would be – *“In order for oil and gas development to be viable in the Peel region sufficient tracts of land must be made available to companies for exploration and development.”*

FISH, WILDLIFE AND HABITAT

- Suggest the various references to contaminated sites under Wildlife be placed under another theme.

Page 14 – Background/Considerations:

- 9th bullet: It is questionable whether the statement that there are numerous sites with fuel barrels is factually correct. Observation from recent river trips suggests most of these sites were cleaned up. The Commission may wish to confirm this with the Department of Environment.
- 10th bullet: *“Yukon Government has assumed responsibility for the clean up of contaminated sites and has a program in place for identifying, ranking and cleaning up sites”*. YG has **no** program or responsibility to clean up contaminated sites generated by others except for 1) Type II Mine Sites which addresses 7 abandoned mine sites as identified in the Devolution Transfer Agreement and, 2) The Oil and Gas Management Branch is coordinating inspections of the old well sites in the Peel Watershed with the First Nation of the Nacho Nyak Dunn, Gwitchin Tribal Council, Tetlit Gwitchin Council, Department of Environment, Client Service and Inspections Branch and the federal government. If contaminants are found, the Yukon government will work with the federal government and responsible companies to ensure the appropriate remedial action is taken. With few exceptions these sites cannot be considered abandoned as the companies that created them are known and are still in existence. Under the Devolution Transfer Agreement, only those federal sites listed in the Agreement are covered. There is no general blanket to cover those sites that were created under the federal “watch” but are not listed in the DTA, which is the case for all O&G sites in the Peel region.

Page 14 - Issues and Interest:

- There are several references to ‘ecological integrity’. It will be necessary to define in the plan what this term means and how it will be achieved.

Page 15 Tools & Information Products:

- Suggest adding a bullet to acknowledge there is a wide range of historical and existing conservation information available (i.e. “Data, information and analysis related to conservation interests and concerns”).

Page 15 Potential Management Direction:

- 1st Bullet: *“Protected areas will be considered...”* Economic interests, opportunities, and possible mitigative measures should be factored into any discussion around identifying possible protected areas. It is also worth noting that as the parties are responsible for implementing the plan, it is their prerogative to select the appropriate designation tool for areas identified by the plan as containing significant conservation values.
- 6th bullet: *“The management plan will recommend that clean-up of contaminated sites and industrial waste be a plan implementation priority for responsible agencies.”* Under the Yukon Contaminated Sites Regulation, the “responsible party” is the “responsible agency” for cleaning up contaminated

sites. In the case of the Peel, unless these sites were created by YG they are not YG's responsibility.

WATER

- The Report adequately identifies the issues and interests within the watershed that pertain to Water Resources. Please note the correct reference is “the Mackenzie **River Basin** Transboundary Waters Master Agreement”

TOURISM AND OUTFITTING

Page 17 Background/Consideration:

- The Background should identify the very high quality and uniqueness of wilderness resources in the Peel watershed compared to other regions in the Yukon.
- Page 18; the last point under Background refers to ‘recreation tenure’, which is different from the proposed Commercial Wilderness Lands Policy that would allow application for remote land for *commercial tourism* purposes. Recreation tenure and commercial tourism tenure are different and require different policies.

Page 18 Issues:

- 2nd Bullet: “*Carrying capacity of rivers...Unregulated river travel has the potential to degrade the wilderness value of the river corridors...*” Commercial tourism in the region is regulated through the Wilderness Tourism Licensing Act. Private travel by residents and visitors is not regulated.
- 6th Bullet: “*There is potential for over-fishing...*” There are guide outfitting camps on a number of lakes in the region. They too could contribute to over fishing.

Page 18 Potential Management Direction

- 2nd Bullet: “*Through land designation, the land use plan can facilitate the potential regulation of ...wilderness travel...*” Regulations pursuant to the Wilderness Tourism Licensing Act could be used to further manage commercial tourism in the region. Legislation does not exist to regulate private parties.

TRANSPORTATION AND RELATED INFRASTRUCTURE

- Page 19 - Consider a bullet under Potential Management Direction stating “access will be managed to prevent and/or reduce risks to wildlife and ecological values” Adding this bullet provides direction for the corresponding issue under the Issues and Interests section for transportation and related infrastructure.

Policies, Information And Tools To Be Aware Of:

Subdivision Act

- Given the relationship between the Subdivision Act and land use plans, there is an opportunity for the regional plan to provide broad/high level guidance on whether and how land can be subdivided for agricultural, residential, and commercial purposes, and possibly in the future for recreational use.

YG Land Use and Tenure Policy

- Recent approval and implementation of the interim Big Game Outfitters policy as well as the possible development of a Commercial Wilderness policy are both important policies for the Commission to be aware of given the existing and potential outfitting interests in the Peel watershed.
- The paper suggested rural residential development is addressed in the plan. One thing that should be also discussed is the possibility of recreation tenure in the planning area (i.e. cabins/cottages)

Available Information from Department of Environment

- The Report acknowledges there is limited information available with respect to fish, wildlife, habitat and water. At the November 8th 2005 presentation to the Commission, Environment provided an overview of the information it has collected in the region and that will be made available to the land use planning process. Since that presentation, Environment has also identified the resources to provide 1:250,000 biophysical mapping & ecological land classification for the region. Any additional requirements for new information will require discussion regarding resources to carry out the work.
- The Commission is expecting Environment to provide baseline information for the Peel River watershed. As the Report notes, water flow/water quality data are sparse for this area and there are no plans to enhance data collection programs due to a lack of additional resources and other priority issues.