



April 28, 2009

## **Letter of Transmittal for Peel Watershed Draft Regional Land Use Plan**

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**To: Governments of Yukon, Na-Cho Nyak Dun, Tr'ondëk Hwëch'in, Gwich'in Tribal Council and Vuntut Gwitchin**

The Peel Watershed Planning Commission (PWPC) is pleased to submit our Draft Peel Watershed Regional Land Use Plan for Party and public review. The Draft Plan incorporates various forms of input gathered since 2005 from its Technical Working Group, Senior Liaison, local communities, First Nations, government agencies, Renewable Resource Councils public stakeholders, interest groups and the general public. In keeping with the Commission's Terms of Reference, considerable effort has been made to link various recommendations in the Draft Plan to all relevant sections of the Umbrella, and individual Final Agreements of affected First Nations (10-18, 22). In doing so, a stronger foundation can be created for collaborative decision-making in areas of shared responsibility within the Peel region. In presenting its recommendations, the Plan intends not to present prescriptive measures for regulators, but rather a clear range of useful guideposts and management tools for sustaining underlying ecosystem functions, recognizing key values and minimizing land-use conflicts to the greatest possible extent.

Since its creation in 2004, the Commission has successfully progressed from the release of its guidance documents (Terms of Reference, Statement of Intent and Plan Principles) through its foundation research phase (Conservation and Resource Assessments)), then engaging in an intensive process of consultation and planning to end up with this Draft Plan. To highlight that work, the PWPC undertook:

- facilitation of a stakeholder workshop in Whitehorse, October, 2008 with over 30 participants to provide a synthesis on the Commission's baseline research (Conservation Priorities, and Resource Assessment reports), Land Management Unit options, and area-specific issues identification.
- delivery of a First Nations focus group meeting of approx 30 government, staff and Elder delegates was held in November, 2008 to seek further guidance on management issues and direction.
- release of its Scenario Options methodology, November, 2008 and Scenarios Options Report
- In February 2009, the PWPC visited Mayo, Dawson City, Inuvik, Fort McPherson, Old Crow and Whitehorse to present and discuss its Scenarios Options.
- Facilitation of a follow-up stakeholder roundtable session was also held in February, 2009 in response to the Scenario Options reports

During the Scenarios Options consultation period, PWPC received over 400 written submissions, and these comments are available for viewing and download on our website ([www.peel.planyukon.ca](http://www.peel.planyukon.ca)). Particular guidance from the Parties was provided by the SLC's recent review of our Scenarios Options work as it pertained to YG policy on "no expropriation and no compensation" with respect to sub-surface tenures. This document reflects its best understanding of the facts, issues and objectives of the Parties and public in shaping a Plan that strives to meet the PWPC's Terms of Reference, and the decision-making filters it developed in fall 2008 that led to its selection of modified version of Scenario Two.

In summary, the Draft Plan strives to:

- Present a land-management framework (landscape units, zoning, general mgt directions and indicators) that (a) builds upon the work of neighbouring regional plans (b) designed in consideration of the two dominant eco-zones with their particular requirements for management and monitoring; (c) is adaptable for future Plan reviews carried out by future Commissions (d) can be strengthened through further research and evaluation;
- Designate a land-base and access for future oil and gas development, development of the Dempster corridor and other resource industry purposes within Integrated Management Zones;
- Enable a degree of continued, but conditional and access through recommended corridors to existing mineral claims (including Crest iron-ore and quartz claims) according to specific land-use management units, and an acceptable proposal review by regulators which includes full reclamation for any access and site development;
- Recommend two tiers of “Protected Area” designations that could be classified as UFA-based (Chapter 10) Special Mgt Areas requiring withdrawal from mineral staking and that provides for either strict ecosystem-protection (Tier I), or a wilderness-conservation classification (Tier II) that puts emphasis on low-surface footprint activities while allowing grandfathered access to existing mineral claims;

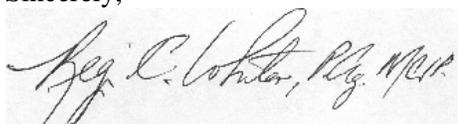
In the preparation of the Draft Plan, the PWPC carefully considered the following factors:

- The level of existing information with respect to resource data (existing and potential values), and the informed opinion of a wide range of specialists with direct experience in land management or use within the Peel region;
- General objectives of all affected First Nations which emphasized their interest in having a Plan that (a) creates and manages for the least possible surface footprint, particularly in river corridors, wildlife areas, and upper drainage basins; (b) creation of a land-use framework that recognizes cultural, ecological and community development objectives; (c) articulation of management strategies that would protect water, fish and wildlife values and their use indefinitely;
- Technical reviews from Yukon Government, and Technical Working Group dating back to 2005 articulating management issues, concerns and interest concerning Plan development while refraining from being overly prescriptive, and the Commission therefore made a concerted effort to:
  - (i) provide as much clarity as possible in developing its land-use concepts, defining monitoring tools and presenting recommendations without attempting to define specific implementation measures or targets that are best left to regulatory bodies;
  - (ii) respect the need for the Plan to guide the work of YESAB in determining allowable land uses, and potential variances during project review
  - (iii) provide guidance for future Plan amendments and periodic Plan review;

As outlined in the Terms of Reference and our 2009 Workplan, the Commission will undertake consultation with the Parties and the public on its Draft Plan. We look forward to engaging in productive dialogue and receiving specific comments that will enhance the document, and ultimately lead to its approval and implementation.

All background documents that have led to the Draft Plan are available in digital format from the PWPC website, and a limited number of printed copies will be available for distribution. On behalf of the Peel Watershed Planning Commission, may I extend our appreciation to the Parties, and Committees for having helped to inform this plan.

Sincerely,



Reg Whitin, P.Ag, MCIP  
Senior Land Use Planner

**Table 1.0**

During production of this Draft Plan, PWPC believes it has fulfilled the requirements of its guiding documents (Statement of Intent, Terms of Reference, Principles, and Final Agreements) in a manner that gives articulation to Chapter 11, Section 11.4.5, in the following ways:

<b>Umbrella and First Nation Final Agreements</b>		<b>Draft Plan</b>
11.4.5.3	Shall ensure adequate opportunity for public participation	<ul style="list-style-type: none"> <li>• PWPC held numerous workshops, presentations and open houses during the planning process.</li> <li>• PWPC consulted widely on the Draft Plan; comments have been incorporated into this document.</li> </ul>
11.4.5.4	Shall recommend measures to minimize actual and potential land use conflicts throughout the planning region	<ul style="list-style-type: none"> <li>• PWPC examined various commissioned studies, independent industry reports, and developed future land use scenarios to understand potential land use conflicts.</li> <li>• PWPC recommended a number of tools and approaches to minimize land use conflicts, including various forms of Land Use designation and management corridors (Dempster Highway, recommended Protected Areas, Integrated Management Areas)</li> </ul>
11.4.5.5	Shall use the knowledge and traditional experience of Yukon Indian People, and the knowledge and experience of other residents of the planning region	<ul style="list-style-type: none"> <li>• A number of heritage and traditional knowledge workshops were held during the planning process</li> <li>• Traditional knowledge was utilized equally with science-based knowledge.</li> </ul>
11.4.5.6	Shall take into account oral forms of communication and traditional land management practices of Yukon Indian People	
11.4.5.7	Shall promote the well-being of Yukon Indian People, other residents for the planning region, the communities, and the Yukon as a whole, while having regard to the interests of other Canadians	<ul style="list-style-type: none"> <li>• The Plan is balanced and reflects the social and economic well-being of residents and Yukoners, both by providing for continued economic activity, sustaining resources for future use, and ensure restoration of surface disturbances that may result.</li> <li>• Applies sustainability principles to ensure conservation, social, cultural and economic objectives can be achieved.</li> <li>• Interests and management regimes in adjacent jurisdictions have been considered.</li> </ul>
11.4.5.8	Shall take into account that the management of land, water and resources, including Fish, Wildlife and their habitats, is to be integrated	<ul style="list-style-type: none"> <li>• The tools and approaches of this Plan facilitate integrated landscape management.</li> <li>• The Plan considers cumulative impacts to land and water from multiple land use activities.</li> </ul>
11.4.5.9	Shall promote Sustainable Development	<ul style="list-style-type: none"> <li>• The Plan addresses ecological, social and economic themes through an underlying understanding of ecosystem function and processes</li> <li>• The Plan recommends measures to manage cumulative impacts of multiple land use activities.</li> </ul>
11.4.5.10	May monitor the implementation of the approved regional land use plan, in order to monitor compliance with the plan and to assess the need for amendment of the plan	<ul style="list-style-type: none"> <li>• PWPC has recommended implementation tasks and methods for monitoring plan effectiveness</li> <li>• Potential processes and time-lines for revising the Plan have been suggested.</li> </ul>

## Acknowledgements

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The Peel Watershed Planning Commission wishes to extend its gratitude to many for their assistance and advice in preparation of its draft land-use plan. Firstly, it appreciates the assistance of key Plan partners including the Yukon Government, including representatives of the Internal Working Group and other agency staff for their review of Commission outputs. The PWPC thanks the First Nation governments of Na-Cho Nyak Dun (NND), Tr'ondëk Hwëch'in (TH), Gwich'in Tribal Council (GTC) and Vuntut Gwitchin (VG) for their continual involvement and contributions. Special thanks to the Chief and Councils, Elders and community members who gave of their time to provide guidance and input on the work of the Planning Commission.

An important source of guidance in the Commission's work was provided through the PWPC's Senior Liaison Committee, and it wishes to acknowledge contributions from Albert Peters – Chair (NND), Angus Robertson (YG), Hugh Monaghan (VG), Tim Gerberding (TH), and Chief Wilbert Firth (GTC).

Significant effort was also put forward in reviewing and coordinating response by individuals within the Technical Working Group, and the PWPC thanks the following for their assistance: Jen Meurer (YG), Jeff Hamm (YLUPC), Dawna Hope (NND), Renee Mayes (TH), Mardy Semmler (GTC), and Shel Graupe (VG).

The Commission appreciates major contribution of colleagues within the Yukon Land Use Planning Council (Ron Cruikshank, Jeff Hamm, and Gerald Isaac) in providing support for mapping, technical reviews, planning advice and general administration support. The YLUPC is also acknowledged for its support of the Commission's work, and advice on annual workplan implementation.

Thanks goes also to the many individuals from stakeholder organizations who have kindly given of their time and energy in reviewing preliminary outputs, providing written comment and participating in meetings.

## Recommended Plan Highlights

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- The Plan provides a sustainability framework to guide land-use and development in the Peel Watershed Planning Region that applies principles of ecosystem-based planning and integrated resource management
- The Plan addresses four key issues: i) management of sensitive ecosystems for water, fish and wildlife, ii) long-term maintenance of the region's wilderness character, iii) access to existing mineral claims for further exploration and potential development, and iv) realizing future long-term economic potential, while ensuring full restoration of surface disturbances.
- The Plan divides the region into 13 landscape management units and 46 sub-units; each sub-unit is designated to a land use management zone (see Map 1, Appendix 1).
- Of the total region:
  - 37 % is in the Integrated Management Zone (IMZ), and can be considered the 'working landscape.' 9 % of the IMZ has a higher industrial development focus.
  - 15 % has been recommended for Tier I Ecosystem Protection for protection of river corridors, lakes, wetlands, and other sensitive habitats.
  - 48 % has been designated Tier II Wilderness Conservation for renewable resource and cultural uses and habitat protection. Access to, and development of existing mineral claims is allowed within strict standards. Mineral claims within the Tier II zone occupy 4 % of the region.
  - The Tier I zone and the unclaimed portion of the Tier II zone result in 59% of the region recommended for land withdrawal.
- Additional Plan recommendations include:
  - Measures to manage cumulative effects of multiple land use activities based upon application of appropriate land-use indicators.
  - Recommendations for limitations on surface access and complete reclamation of new roads.
  - Recommendations for Plan implementation related to research, policy and coordinated land-use decision-making.
  - Additional specific recommendations related to achieving social, economic and ecological objectives.

## Message from the Commission

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April 7, 2009

It is with humility and hope that we submit this Plan to the governments that appointed us, to the communities that ring the Peel Watershed, and to the people of the Yukon. They all have a stake in this extraordinary region. We are aware that Canadians, and people in other countries are also looking on, waiting with interest to see what we have to offer. They too have a stake in the Peel, just as we in the North have a stake in what goes on the world's tropical forests. The issues addressed by this plan are not easy to solve - we hope we got it right.

We want to talk about what we are trying to do in this plan and why we took the approach we have. We have endeavored to foster ethics, equity, responsibility, and stewardship, with an eye to the present and to the future. We have tried to take seriously the values, hopes, and interests of the First Nations who look on the Peel Watershed as a homeland.

Here is our starting point. Everything is connected to everything else; we are endlessly cycling what we have been given. We have only so much land and so much water - nothing new is waiting for us over the horizon, so we have to work with what we have. Make it last. Maintain harmony between people and the land, and among people. Make our great-grandchildren proud and grateful for what we passed on to them.

We were told, by First Nations people, by scores of Yukoners, and by visitors, that the Peel Watershed is unusual. Not just in the Yukon, but indeed in Canada and in the world. Other places are beautiful, other places have animals, and other places have rivers and wetlands and mountains and tundra. Our planning area has these assets in abundance, but that's not what makes it so unique. The really important asset of the Peel country is that it is extensive, undeveloped, and largely devoid of roads. In short, it is both rich and wild, and therefore both unusual and unusually valuable – *as it is*. As it has been for 10,000 years or more.

We didn't make this up. It has been emphasized by First Nation governments, by communities, by Elders, by hunters and artists and hikers and paddlers; by scientists. The country is valuable as it is: roadless, a legacy for present and future generations.

On the other hand, we are also told that the Peel country holds potential reserves of minerals, oil, and gas. Our resource tenure system is one of open staking, and miners also assert they have a right to build roads to claims and leases. The assumption is that industrial development of resources and "opening the country" is best for society. Underlying this assumption is another, that economic worth is how lands and resources should be valued by society. Yukon people have a long history and tradition in mining.

Some people tell us that open staking and open access to minerals is a "right". The problem is that by its very nature, exercising this right undermines what is valued by others: the wildness, the biological richness, the roadlessness of the country...its heritage. Again, we did not make this conflict up; we have been told this repeatedly by the people who are affected by development: Elders, First Nation governments, hunters, trappers, renewable resource users, wilderness guides, recreationists, scientists. Yukon people have long traditions here too.

So we as a Planning Commission have a conundrum. One part of society wants free access to activities that are likely to harm another part of society. These other people want to exclude mineral developments in order to protect their own values and heritage. It is no good trying to explain away this problem by saying that there is no conflict that cannot be managed. This would be dishonest, for these problems are real and to a large extent involve winners and losers. Developers, First Nations, conservationists – all represent legitimate values; there are no villains in this drama.

As a Commission, here is how we proceeded. First we scouted the landscape: we learned what Yukoners and others had to say, what they wanted and what concerned them. We gained understanding of what the planning region had and what it had to offer. We thought hard about issues and conflicts and opportunities; we considered our Terms of Reference and the UFA. Based on this, we drafted our Statement of Intent – what we thought important to accomplish in this plan. This statement acknowledged that the land *as it is* – a wild assembly of landscapes, ecosystems, wildlife, vegetation, and cultural history is infinitely valuable and should be maintained. We also acknowledged that humans have a place in this region and that somehow their uses should be accommodated – encouraged, even – but not at the permanent expense of the land as wild, ecologically intact country.

Then with the aid of scientists, resource specialists, Elders, users of the land, and other informed people, we started to learn about this region in detail: its ecosystem processes, its vegetation, animals, and fish, its landforms and waterways, its minerals, its human uses and activities, its heritage. Equally important, we learned the limits of the land, and the sticking points where human uses conflict with each other and with the health of the land.

Knowing that we could not write a plan that would satisfy everyone, we took the principle of Sustainable Development as our point of common reference. We applied this principle in our plan to sort out priorities:

- Sustain ecosystem integrity *first*. Conserving the land, its living things, and its processes is the fundamental priority: lose this and all else crumbles. This involves maintaining a state of harmony between people and the land.
- Sustain communities and cultures *next*. These rely on achieving success in the first priority. Sustainable communities and sustainable ecosystems are intertwined.
- Foster sustainable economic activities *third*. There are two kinds of sustainability here: activities that don't degrade the land and don't undermine communities and can be sustained indefinitely; and activities that deplete resources, but from which the land can recover. Not all economic activities fit in this region.

Using our best information and science about the land and its resources, about how its ecosystem processes function, and about what people want and do, we started to identify patterns.

- We determined that the Peel Watershed could sustain a “working landscape” that included non renewable industrial development in some places, but not everywhere. Access routes had to be provided for the working landscape.
- Some key environments, such as riparian corridors, key wildlife habitats and wetlands, and culturally important areas required strong protection.

- Maintaining ecosystem integrity, conserving migratory species, keeping wilderness character, and respecting First Nation values, required a large, contiguous conservation zone. Existing mineral claims in most of this area would be respected. Exploration and development of claims could occur and overland access could be provided with the strict proviso that the land would be restored so that it could recover to its former state. In effect, this is a *temporary* working landscape.
- The conservation zone should be withdrawn from further staking right away, as mining development is understood to erode the conservation values integral to this zone. Restoration requirements would be stringent, bondable, and enforced.

Our aim all along has been to achieve our Statement of Intent and our Terms of Reference. We think this plan largely accomplishes this. It provides for a full suite of economic activities and it preserves wilderness character throughout a crucial core area of the planning region. The management regime for the conservation zone is practical. It makes plain that conservation is the priority, but it does not preclude *temporary* development that is significant enough to pay its own ecological bills, which are the costs of full restoration.

This plan is not rigid. Through a plan review, the people of the Yukon can choose to remove selected lands from the conservation zone – and the plan provides an avenue for returning these lands to conservation management when they are restored. Our Statement of Intent calls for maintaining wilderness characteristics *over time*.

Operating in the Conservation zone – the temporary working landscape – would require a new way of doing business.

Is this strict? Yes.  
Expensive? Probably.  
Difficult? Most certainly.

But we suggest that the importance of maintaining the Peel country *as it is* for future generations makes this an acceptable cost of doing business. First Nations, area residents, Yukoners, and other Canadians expect and deserve our best efforts. This plan is fair, workable, conservative, and responsible.

We thank you for the honor of working on this Plan.

Peel Watershed Planning Commission

Albert Genier  
Peter Kaye

Marvin Frost  
Steve Taylor

Ray Hayes  
David Loeks

April 7, 2009

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## List of Acronyms

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<b>ANWR</b>	Arctic National Wildlife Refuge
<b>BMPs</b>	Best Management Practices
<b>CA</b>	Community Area
<b>GTC</b>	Gwich'in Tribal Council
<b>HPA</b>	Habitat Protection Area
<b>IMZ</b>	Integrated Management Zone
<b>ISR</b>	Inuvialuit Settlement Region
<b>LMU</b>	Land Management Unit
<b>NND</b>	First Nation of Na-cho Nyak Dun
<b>NYPC</b>	North Yukon Planning Commission
<b>NYRRC</b>	North Yukon Renewable Resources Council
<b>PA</b>	Protected Area
<b>PCMB</b>	Porcupine Caribou Management Board
<b>PWPC</b>	Peel Watershed Planning Commission
<b>PWPR</b>	Peel Watershed Planning Region
<b>PW-RLUP</b>	Peel Watershed Regional Land Use Plan
<b>SARA</b>	Species at Risk Act
<b>SMA</b>	Special Management Area
<b>TGFN</b>	Tetlit Gwich'in First Nation
<b>THFN</b>	Tr'ondek Hwech'in First Nation
<b>VG</b>	Vuntut Gwitchin
<b>VGFN</b>	Vuntut Gwitchin First Nation
<b>VGG</b>	Vuntut Gwitchin Government
<b>YESAA</b>	Yukon Environmental and Socio-Economic Assessment Act
<b>YESAB</b>	Yukon Environmental and Socio-Economic Assessment Board
<b>YG</b>	Yukon Government
<b>YLUPC</b>	Yukon Land Use Planning Council

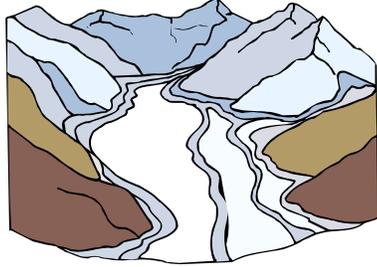
## Understanding the Plan

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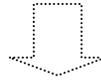
A guide to using this land use plan is provided below.

<b>STEP 1</b>	<b>Determine project location or area of interest</b>
<p>Refer to Map 1, Appendix A.</p> <ul style="list-style-type: none"> <li>• Is the project location or area of interest in the planning region?</li> <li>• If in region, what landscape management unit does it occur within?</li> </ul>	
<b>STEP 2</b>	<b>Understand land-use management framework, and determine broad management intent for landscape management units</b>
<p>Refer to Map 2, Appendix A for proposed land use categories and zones (land use designation).</p> <ul style="list-style-type: none"> <li>• Refer to Section 3 understanding of land-use management framework, and Section 4 for description of land use categories and zones (land use designation).</li> </ul>	
<b>STEP 3</b>	<b>Determine what values might be affected</b>
<p>Refer to Maps 3-5, Appendix A for map information on identified resource values, ecologically-important areas, heritage/cultural areas, and economic development potential</p> <ul style="list-style-type: none"> <li>• Refer to Section 6 for descriptions of identified values and special considerations.</li> </ul>	
<b>STEP 4</b>	<b>Determine management direction for identified values or issues within areas of interest</b>
<ul style="list-style-type: none"> <li>• Refer to Section 5 for management direction regarding identified values or issues.</li> <li>• Refer to Section 6 for specific management issues and considerations within the area of interest (landscape management unit).</li> </ul>	
<b>STEP 5</b>	<b>Determine other management direction, if required</b>
<ul style="list-style-type: none"> <li>• Refer to Appendix D for other management plans.</li> </ul>	

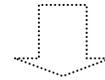
## Understanding Key Concepts of Land Use Management



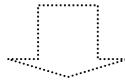
**Step I** – Understand the environment & resources, and define the areas you want to manage within the region (Ecosystem Values, Resource Values, and The Landscape Management Units)



**Step II** – Understand what people/resource users think are the issues are and what the value (Interests and Issues, Public Consultation Input)



**Step III** – Figure out how the landscape can be sustainably managed for a balance of interests and restored in the future. (The Land Use Management Tools/Framework: Mgt Directions, Strategies)



**Step V** – Implementing the Plan, Monitor and Respond to Societal and Ecological Change (Implementation Framework)



**Step IV** – Make choices to address the issues, and build capacity (Policy Development, Research Recommendations)

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