

1. Introduction

1.1 Mandate and Context

Under the mandate of Chapter 11 of the Umbrella Final Agreement (UFA), the Peel Watershed Planning Commission (PWPC) is responsible for developing and recommending a regional land use plan for the Peel Watershed Planning Region – hereafter referred to as the Peel Watershed Regional Land Use Plan (PWRLUP). The PWPC is an arm’s-length commission with members who are jointly nominated by the Yukon Government, Na-Cho Nyak Dun, Tr’ondëk Hwëch’in, Gwich’in Tribal Council, and Vuntut Gwitchin governments (Plan Parties). The primary purpose of the Plan is to achieve a higher level of land-use certainty for all resource users than the Commission believes exists under the current regime of site specific land use management. Most significantly, the existing system does not necessarily consider cumulative environmental and social impacts created by multiple uses in a region.

The PWRLUP will apply to all settlement and non-settlement lands in the planning region. The target period of application for the Plan is approximately 10-15 years, with at least one opportunity for review during this period. The Commission has also offered various recommendations for Plan implementation, including new special management area designations, supplementary environmental and socio-economic research, and enhanced decision-making mechanisms,

This Draft Plan has been built upon a solid foundation of research and planning, including: (i) baseline research (conservation priorities and resource assessments), (ii) consultation activities (public, stakeholder, and First Nations), and (iii) in-house analytical work that builds upon the Terms of Reference objectives, Statement of Intent, Plan Principles, and Methodology reports (Guiding Documents)

Key documents used as a foundation for Plan development include the Resource Assessment Report (PWPC 2008), Conservation Priorities Assessment Report (PWPC 2008), and a variety of commissioned research. Using this baseline of information, along with the consultation input it has received throughout the planning process, the Commission has focused on the following considerations for both settlement and non-settlement lands in the planning region:

- the nature, form, and extent of key resource values;
- accommodation of existing resource uses (traditional, commercial, and non-commercial)
- known government resource-use policy;
- ecosystem sensitivity (land, water, wildlife, fish, and vegetation);
- legal framework of resource tenures;
- potential for expansion of existing and, potentially, new sustainable resource uses;
- present and future land-use compatibility; and,
- appropriate types of monitoring tools that can be used to guide an acceptable limit of land-use change.

1.2 The Commission's Terms of Reference

The Peel Watershed regional planning process is intended to achieve the following goals and objectives, as described in the UFA and as articulated in the Commission's Terms of Reference:

- promote the well-being of the affected First Nations, other residents of the planning region, the communities, and the Yukon as a whole, while having regard to the interest of other Canadians (UFA 11.4.5.7);
- recommend measures to minimize actual or potential land-use conflicts throughout the planning region (UFA 11.4.5.4);
- recognize and promote the cultural values of the affected First Nations and other affected Yukon Indian People (UFA 11.1.1.3);
- ensure that social, cultural, economic, and environmental policies are applied to the management, protection, and use of land, water, and resources in an integrated and coordinated manner so as to ensure sustainable development (UFA 11.1.1.6);
- promote sustainable development (UFA 11.4.5.9);
- take into account that the management of land, water, and resources, including fish, wildlife, and their habitats, is to be integrated (UFA 11.4.5.8);
- provide for enhanced opportunities to have ongoing co-operative land-use planning activities between the Peel Watershed Planning Commission and the Gwich'in Land Use Planning Board. (7.1.3, GCLCA). Any Regional Land Use Planning Commission, or other planning agency described in (7.1.1, GCLCA), shall consult with the Gwich'in Land Use Planning Board in order to make use of planning that has been done with respect to the Peel River watershed by the Mackenzie Delta Beaufort Sea Land Use Planning Commission, and to discuss ongoing co-operative land-use planning activities
- recognize all economic potential of the planning region, including, but not limited to subsurface resources.

1.3 The Commission's Statement of Intent

To guide preparation of the Land Use Plan, the Commission prepared a Statement of Intent in 2006 — which the Parties reviewed, and subsequently made public — to make clear how the PWPC would proceed in developing its Draft Plan:

The goal of the Peel Watershed Regional Land Use Plan is to ensure wilderness¹ characteristics, wildlife and their habitats, cultural resources, and waters are maintained over time while managing resource use. These uses include, but are not limited to, traditional use, trapping, recreation, outfitting, wilderness tourism, subsistence harvesting, and the exploration and development of non-renewable resources. Achieving this goal requires managing development at a pace and scale that maintains ecological integrity². The long-term objective is to return all lands to their natural state³.

1.4 Scope of the Plan

It is important to understand both what a regional land use plan is and what it is not:

- A regional land use plan is a collective statement about how we want land and resources to be managed within a given area. It provides guidance for land and resource decision making and helps us achieve the kind of future we want to see.
- This regional land use plan, however, is not a legal document. It does not replace existing legislation. Neither does it affect First Nation rights as established by land claim agreements and constitutional law.
- The Plan applies only to the Peel Watershed Planning Region (Figure 1.1). It provides management direction for all Yukon non-settlement lands and all First Nation settlement lands.

¹ **Wilderness** is defined as: any area in a largely natural condition in which ecosystem processes are largely unaltered by human activity or in which human activity has been limited to developments or activities that do not significantly modify the environment, and includes an area restored to a largely natural condition. (Yukon Environment Act)

² **Ecological integrity** is defined as: a concept that expresses the degree to which the physical, chemical, and biological components (including composition, structure, and process) of an ecosystem and their relationships are present, functioning, and capable of self-renewal. Ecological integrity implies the presence of appropriate species, populations, and communities, and the occurrence of ecological processes at appropriate rates and scales as well as the environmental conditions that support these taxa and processes. (U.S. National Park Service)

³ **Natural state** in this context refers to terrestrial conditions and is elaborated in the surface disturbances discussion in section 5.2.1 e.g., *A human-caused surface disturbance is considered recovered, or returned to its natural state, when it no longer facilitates travel or access by wildlife and people, when increased run-off and sediment loading is no longer significant, and when its contours roughly match the original contours.*

1.5 Plan Principles

Plan Principles That Underlie the Peel Watershed Land Use Plan

There are five guiding principles that underlie development and recommendation of the Peel Watershed Regional Land Use Plan.

Independence and Impartiality

As an independent, public agency appointed to represent the best interests of Yukon people, the Planning Commission will carefully consider any and all information, advice, or recommendations provided to it by any government, agency, or the public in a balanced and neutral manner for preparation and recommendation of this Land Use Plan consistent with its Terms of Reference and expectations of the UFA (11.4.0 to 11.7.0 incl.)

Sustainable Development

The core principle that guides the Plan is sustainable development, as defined in the UFA: “Beneficial socio-economic change that does not undermine the ecological and social systems upon which communities and societies are dependent.” (UFA, p.7, 11.4.5.9).

This includes a commitment to the practice of integrated resource management (UFA, 11.4.5.8, 11.2.1.2), so that the Plan “...ensures that social, cultural, economic and environmental policies are applied to the management, protection and use of land, water and resources in an integrated and coordinated manner so as to ensure sustainable development” (UFA, 11.1.1.6).

First Nations Traditional and Community Resource Use

The plan will promote the interests, rights, and responsibilities of the Tethit Gwich’in, Nacho Nyak Dun, Tr’ondëk Hwëch’in, and Vuntut Gwitchin with respect to the conservation and use of their traditional territories for country food harvest, promotion of a renewable resource economy, or other purpose as they may decide for settlement lands (UFA, 16.1.1.1, 5.4.9, 12.1.1.1)

Conservation

The plan proposes to manage fish and wildlife habitats and water resources using the conservation principle as defined and specified in the Umbrella Final Agreement: “*The management of Fish and Wildlife populations and habitats and the regulation of users to ensure the quality, diversity and Long Term Optimum Productivity of Fish and Wildlife populations, with the primary goal of ensuring a sustainable harvest and its proper utilization*” (UFA, p.1).

Adaptive Management

The Plan is a living document. In accordance with the intent of UFA 11.2.1.3 – 11.2.1.5, the Plan will be reviewed, monitored and updated in response to changing land-use and/or environmental conditions, or as better information becomes available. Adaptive Management means we must: “*Look, learn and adjust as required.*” It requires that those implementing the plan learn and adapt as their information improves.

Precautionary Principle

The Plan recognizes that the Peel Watershed is an intact ecosystem, the need to consider potential impacts before making resource decisions, and, in particular, the need to recognize and enhance, to the extent practicable, the livelihood of First Nations and their relationship to the wilderness environment (12.1.1.1). A lack of conclusive scientific evidence does not justify inaction on managing the environment, particularly when the consequences of inaction may be undesirable, or when the costs of action are negligible. (International Institute for Sustainable Development).

1.6 Key Land-Use Management Issues

Affected First Nations and the general public expressed strong desire for a land use plan that will ensure respect for the land while allowing for future sustainable and compatible-use opportunities. Governments and industry asked for a plan that would ensure certainty and flexibility with respect to broad societal goals for sustainable development. This Plan aims to satisfy those desires by shaping land use in the region within a framework of ecosystem sustainability that protects valued cultural and ecological resources while facilitating a limited degree of access for economic development.

Along with existing Final Agreements of the First Nations, and the Umbrella Final Agreement, this Plan makes an important contribution to ensuring regional conservation measures are in place prior to permitting an increase in land-use activity level. A number of existing economic development plans, land disposition systems (e.g., Yukon oil and gas disposition process), and the Territory’s project assessment process (YESAB) will benefit from guidance provided by this Plan.

Land-use interests in the Peel region span a history from pre-contact to modern day. Research has shown that First Nations people of the Peel Watershed region have long utilized the water, wildlife, fish, and plant resources of the region and they continue to rely on these resources today. They have also indicated that their culture and traditional economy in the future depends upon a healthy environment and people’s connection with the land.

Renewable resource businesses have also long utilized the area for a range of tourism-related activities. This sector places special emphasis on maintaining the Peel’s existing landscapes for their ecological, cultural, and aesthetic values, which many industry representatives claim are essential to maintain both present, and long-term economic certainty. Similar perspectives have been expressed by the general public, recreational users, and the conservation community, who also regard a large part of the Peel region as a globally significant ecosystem with intrinsic value.

The non-renewable industry sector (oil & gas, mining) similarly regards the Peel from a landscape perspective – a working landscape, throughout which there is need to ensure access for resource

exploration and development. The sector is confident this can be done through existing regulatory processes, and by applying best management practices in a way that does not compromise ecological, social, or cultural values.

A major challenge for the Commission has been to determine what management challenges exist in trying to accommodate the greatest possible range of land use, given what it knows of ecosystem sensitivities and public interests in the land base.

Clarifying Issues and Providing Direction

In trying to consider land-use management issues and options as fully as possible, the Commission has consulted at length with the general public, local communities, First Nations, Yukon government, UFA agencies, and stakeholder organizations. Based upon this input, it has endeavoured to adopt a *precautionary approach* that takes into account our current understanding of resource values, public interests, legal considerations, and future ability to enable regional land-use adaptation. While other regions of the Yukon may have a higher degree of resilience for adaptive change, conservation priority research and consultations in the Peel Watershed planning process indicate that the Peel region has many unique landscape and ecosystem features (hydrology, fish & wildlife habitats/corridors, terrain features) that will influence decision making about acceptable land-use change. Such opinions have been expressed by experts from First Nations, government and non-government sectors both within the Yukon, and beyond its borders.

After its iterative process of planning and consultation, the Commission is confident that the proposed Land Use Plan framework (including the land-use designation system, land-use management units, and management directions/strategies) provides an effective and objective foundation for enabling both ongoing land-use management and future Plan review/adaptation. Given the status of ecosystem knowledge (e.g., focal fish and wildlife species distributions, hydrology) and understanding of potential risk to key resource values, the Commission recognizes that the various proposed results-based monitoring tools and indicators presented in this Plan will evolve in their utility for guiding decisions to achieve acceptable limits to change. For example, it is known (from the North Yukon Land Use Plan) that managing for surface disturbance is a useful measure to indicate risk to Porcupine caribou habitat or movements in areas affected by oil & gas development, however this indicator has little utility in mountainous areas (river corridors). In such areas, other tools such as stream crossing density and linear density are more likely to inform regulators whether there may be an increased risk from increased access.

The Key Issues: Plan partners and stakeholders identified five major planning issues of both short-term and long-term importance to the Peel Watershed Planning Region:

Coordinated management for land-use certainty

A priority issue for land-use management in the planning region is lack of certainty for resource use when considering existing land use, resource potential, market trends and general economic conditions. The Plan strives to provide this certainty, first in the application of key planning principles such as adaptive management and precautionary decision making, and then in the form of recommended general management directions, objectives and strategies for designated land-use management units. In addition, it proposes a set of recommendations to facilitate Plan implementation, including further research,

policy/regulatory development, and land-use management process. As a living document, it is anticipated that future Plan reviews may bring into focus new information and directions that will further shape regional land-use management and economic development.

Management of aquatic resources

Given that the entire region is defined within the major watershed boundary of the upper Peel River basin, with its subsequent flow into the Mackenzie River basin, aquatic resource management is a priority issue. Special emphasis has been placed, therefore, on water quality and supply protection. Wetlands, lakes, rivers, and riparian environments are biologically productive areas that hold many of the heritage, cultural, and ecological values of the region. Future land-use activities, particularly industrial uses, require special management to minimize impacts on these values and to ensure maintenance of ecosystem function.

Management of terrestrial resources

First Nation communities of the Peel region are particularly concerned about immediate and long-term conservation of the Porcupine caribou herd over its entire seasonal range, particularly in the light of trends in population dynamics and perceived changes to habitat from climate change. The Commission has been told that First Nation culture, traditional values, and subsistence economy depend upon continued access to and utilization of a healthy Porcupine caribou herd. Others have expressed concern about northern mountain caribou species (Bonnet Plume, Hart River, and Red Stone populations), migratory fish, and other focal species that require special management. Addressing this issue requires effective and practical resource policies, land-use designations, and management strategies that are also consistent with the fish and wildlife management plans of all relevant governments, and agencies.

Access planning for responsible resource development

Preserving the wilderness character and ecosystem integrity of the Peel watershed requires thorough and effective planning to manage for both existing access, and any designation of future access to surface and subsurface resources. Issues concerning maintenance of wilderness experience, public/private cost accountability, environmental risk assessment, and information gap analysis all point to a need to apply the precautionary and adaptive management principles in considering future industrial land use throughout the Peel region.

Current and potential economic activity

Resource Assessments for the Peel region indicate significant economic flows from well-established renewable and non-renewable resource industries. In addition, the region supports a subsistence economy for First Nations and other local resource harvesters. A key issue has been to determine how to manage the greatest possible range of commercial activity in an environmentally sustainable manner that supports existing business operations, considers legal interests of resource tenure, and provides some degree of certainty to capture potential economic benefits.

1.7 Management Goals To Achieve Desired Future State

The underlying principle of sustainable development is expressed in the Plan in a set of seven goals that address economic, social, and ecological considerations, and are further referenced throughout the remainder of the Plan.

Goal 1

Coordinated Land-Use Management: Promote plan principles by ensuring social, cultural, economic, and environmental policies are applied to the management, protection, and use of land, water, and resources in an integrated and coordinated manner.

Goal 2

Aquatic Resources: Provide for the management, protection, and use of water and related ecosystems and the species (fish, waterbirds) they support.

Goal 3

Terrestrial Resources: Provide for the management, protection, and use of land and related ecosystems and the species they support.

Goal 4

Special Features Management: Promote long-term ecological integrity of sensitive terrain, unique landforms and significant biophysical features.

Goal 5

Heritage Conservation: Recognize, conserve, and promote the heritage and cultural resources, and values of affected First Nations and the Yukon.

Goal 6

Access Management and Planning: Access managed to respect ecological, cultural heritage, and wilderness values of the areas while providing for the full range of user needs as deemed compatible for specific sustainable development opportunities.

Goal 7

Current and Potential Economic Activity: Facilitate ecologically-sustainable opportunities and activities that result in socio-economic benefits to the affected First Nations, northern communities, and the Yukon as a whole.

1.8 Linkages to Other Plans

Every effort was made in the Draft Plan to achieve consistency in the PWPC's approach to other land-use and resource management plans that relate directly to lands within the Peel region (see also Appendix D). During the Scenario Options phase, the PWPC undertook consultations and reviewed other existing land use plans relevant to the Peel planning region. These include the work of the North Yukon Planning Commission, the Mackenzie River Basin Board, the Gwich'in Planning Board, and certain UFA boards including The Porcupine Caribou Management Board, Renewable Resource Councils and Yukon Fish and Wildlife Management Board. The Commission has undertaken the following with respect to key plans:

- Reviewed the plan concepts and land-use designation framework developed in the North Yukon Regional Plan to achieve consistency in land-use management objectives and applicability of planning approaches and tools. This includes use of select cumulative-effects indicators for application in the Peel region (e.g., managing surface disturbance impacts on Porcupine caribou in the Richardson Mountains, Eagle Plains, Peel Plateau, and common land-use strategies in the Dempster Corridor).
- Reviewed the plan concepts and land-use designation framework used in the Gwich'in Land Use Plan and, based upon the advice of the Gwich'in Planning Board, proposed complementary zoning for linking shared-boundary landscape units:
 - Richardson Mountains link to Conservation Zones (James Creek-Vittrekwa River) for both Porcupine caribou, and critical fish habitat (char), respectively;
 - protected and conservation areas designation in the headwaters of the Snake River to complement the objectives for water quality protection, and sheep habitat management in the Arctic Red River Headwaters Special Management Zone;
 - designation of an Integrated Management Area (comparable to adjacent General Use Zone), which provides for a sustainable level of industrial activity, such as oil & gas exploration and drilling, and possible north access to the Crest iron-ore deposit.
- Reviewed the Yukon-Northwest Territories River Basin Transboundary Water Management Agreement and recommendations of the Peel River Watershed Advisory Committee and the Mackenzie Basin Board regarding land-use planning, transboundary water management, and special management of water resources. The Draft Plan seeks to achieve consistency on water management indicators, including:
 - need to sustain existing in-stream uses to appropriate level of activity, including river tourism, outfitting, subsistence fish harvest, and river crossings;
 - support role of community Renewable Resource Boards and the federal Department of Fisheries and Oceans in undertaking traditional knowledge research of aquatic species and habitats, and in setting allowable harvests, licensing of sport and commercial fishers, and other studies of fish stocks;

- continued water monitoring for sustained flow and quality (to maintain natural conditions for sediment load and associated bound metals);
- support for Tetlit Gwich'in First Nation subsistence fish harvest, including char and Rat River Dolly Varden.
- Considered Tombstone Park Management Plan objectives and directions provided on bordering lands within the Peel Region to emphasize community cultural-use priorities, access management controls for off-road vehicles along the Hart Trail Winter Road, and community development linkages to support other Tr'ondëk Hwëch'in economic development objectives for tourism.
- Reviewed Silver Trail Region Tourism Plan (1998) with its goals to improve and expand regional tourism attractions, products, and services (adventure, cultural, and historical tourism) within the Silver Trail tourism region, which encompasses the Hart, Wind, Bonnet Plume, Snake, and Peel river watersheds, and includes involvement of the Nacho Nyak Dun, the Village of Mayo, and the communities of Elsa/Keno City and Stewart Crossing. Additional reference is made in the Klondike Region Tourism Marketing Strategy to wilderness and other fly-drive tourism opportunities within the Peel region, including the Dempster Highway.