

February 21, 2011

Peel Watershed Planning Commission  
307 Jarvis Street, Suite 201  
Whitehorse, Yukon Y1A 2H3

Dear Chair:

I would like to thank Commission members for their hard work and dedication in developing the Draft Recommended Plan (“the plan”). It has been a challenging initiative and I appreciate all of your efforts.

This letter builds on the joint response from the Parties and reflects the Yukon government’s views on key policy issues identified during our review of the plan. Also enclosed is a more detailed technical analysis that elaborates on this response and offers technical feedback on the plan.

Yukon government continues to follow the process outlined in Chapter 11 of the Yukon First Nation Final Agreements and is responding to the Commission per the process described under section 11.6.

Yukon is seeking modifications to the current version of the plan, and requesting the Commission re-evaluate some of the plan’s recommendations based on the following themes:

Balance Conservation and Development Interests

The Yukon government recognizes that the Peel watershed is a unique area that includes many areas of environmental and cultural significance as well as identified non-renewable resources. We are seeking a Final Recommended Plan (“the Final Plan”) that recognizes, accommodates and balances society’s interest in these different features of the region.

Yukon government supports the internationally recognized concept of the “precautionary principle” and the objectives outlined in Chapter 11 of the First Nation Final Agreements. Based on Principle #15 of the *Rio Declaration* and the land use planning objectives, we feel that the Commission should consider recommending some cost-effective measures for managing land uses and preventing degradation in some parts of the Peel region. The planning region has a mix of values and resources. We believe that there is an ability to accommodate mixed uses that meet society’s need, while erring on the side of caution on the basis of a determined level of risk.

The plan proposed that a large portion of the region be designated as Special Management Areas. While government believes there should be areas where development is excluded in the Peel, more work needs to be done by the Commission to identify and develop a rationale for these areas.

We request that the Commission re-examine the location, nature and potential extent of current and future conflicts between the values of conservation, non-consumptive resource use and resource development. During this review, Yukon's existing legislation, regulation, laws of General Application, government policies and the *Yukon Environmental and Socio-economic Assessment Act (YESAA)* and Water Board processes should be considered as they regulate development and are important tools in conserving land and mitigating risk.

The Yukon government recognizes that managing surface access (winter and all-season roads) can be challenging but not impossible. We believe a ban on surface access is not a workable scenario in a region with existing land interests and future development potential. We would like to see a range of access options developed which consider the various conservation and resource values throughout the region and also take into account existing regulatory tools and best management practices which can be used to mitigate risk and limit other user's access.

#### Plan Complexity of the Land Management Regime

The Yukon government is looking for a less complex and more streamlined land management regime in the Final Plan.

The management guidance proposed in the plan is complex due to the number of land management units (LMUs). This complexity is compounded by the various management goals articulated for each LMU. Yukon feels that in the interest of efficiency and clarity, some of these LMUs with similar management intent and land based values could be consolidated into larger units. Some of the LMUs are very small (e.g. LMU F, I, J, L and N) and hence are not at a regional planning scale. Other LMUs (e.g. D and E) are very large, which limits the flexibility of land use management over extensive areas of the landscape. Consolidating some specific units would assist in implementing the land use plan and in implementing any proposed subsequent planning exercises.

Another concern is the layers of additional planning proposed for the region. Yukon government had expected that once a regional land use plan was approved, a large number of subsequent planning exercises (e.g. sub-regional planning) would not be required. For example, the plan recommends that up to 19 additional planning exercises may be undertaken for the LMUs. This volume of subsequent planning exercises would be

needlessly complex and require substantial resources. It would also create areas of overlap where there may be multiple applicable plans, and thereby result in uncertainty or confusion.

While we recognize some additional future planning may be necessary, (such as in the North Yukon region with the Summit/Bell LMU), from a capacity perspective and in the interests of management clarity for the region, the Yukon government cannot support the proposed number of subsequent management plans.

### Implementation

The Yukon government requires a land use plan for the Peel region that can be successfully implemented and administered by the Parties, and provide workable guidance over the long term.

The heavy reliance on plan amendment and variances (changing the plan) is problematic since it would change the “rules” on an ongoing basis and the process would be a huge burden on the Parties. A land use plan should provide enough broad guidance so that it does not require frequent amendments to address normal changes in land uses or interest. Yukon does not support the concept in the plan whereby a third party (Commission) would make determinations on plan amendments or variances. It is the Parties to the approved land use plan that are charged with implementing it on their respective lands.

Yukon government is also concerned with the way the plan proposes to deal with “nonconforming uses” under YESAA. If the plan’s proposed approach was applied, the Designated Office of the Yukon Environmental and Socio-economic Assessment Board would have to call upon the Commission frequently to make a determination on conformity. This creates an additional layer of review and has time and resource implications that Yukon government views as unacceptable. A model that has been implemented in the North Yukon plan delegates conformity checks to the Yukon Land Use Planning Council, and we suggest that the Commission consider that model.

### General

The Yukon government would prefer that the Commission produce a Final Plan that is more streamlined and user-friendly. We believe that the existing approved North Yukon regional plan can serve as a model for size and readability on the next version of the plan.

The full version of the plan currently includes a number of appendices. This approach should be reconsidered, as all the key management direction of a regional land use plan should be presented within the body of the plan, rather than as appendices. However, having all the key management recommendations “rolled-up” as a summary list in an appendix (as in North Yukon plan) would be helpful.

In summary, the Yukon government would like the Commission to consider the following when developing the Final Plan:

1. Re-examine conservation values, non-consumptive resource use and resource development to achieve a more balanced plan.
2. Develop options for access that reflect the varying conservation, tourism and resource values throughout the region.
3. Simplify the proposed land management regime by re-evaluating the number of zones, consolidating some of the land management units and removing the need for future additional sub-regional planning exercises.
4. Revise the plan to reflect that the Parties are responsible for implementing the plan on their land and will determine the need for plan review and amendment.
5. Generally, develop a clear, high level and streamlined document that focuses on providing long term guidance for land and resource management.

We understand that the Parties' responses to the plan will require significant deliberation by the Commission in considering its work ahead. Modifying the plan will take time and resources, and we look forward to working with the Commission in developing a reasonable work plan, timeline, and associated budget for completion of a Final Plan. Our Technical Working Group (TWG) member should be contacted if the Commission wishes further elaboration on any part of the response or technical references therein.

Following receipt of the Final Plan, the Parties have agreed to review and conduct a joint consultation as outlined in the recently renewed Letter of Understanding.

Again, I would like to thank the Commission for its efforts in developing the Draft Recommended Plan and look forward to receiving the Final Plan.

Sincerely,

Patrick Rouble  
Minister, Energy, Mines and Resources

cc. Honourable John Edzerza, Minister of Environment

Attachment: Detailed Yukon Government Response on the Recommended Peel Watershed Plan