



YUKON LAND USE PLANNING COUNCIL

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RE: COUNCIL'S REVIEW OF THE RECOMMENDED PEEL WATERSHED REGIONAL LAND USE PLAN

Dear PWPC Senior Liaison Committee;

The Yukon Land Use Planning Council has reviewed the Recommended Peel Watershed Regional Land Use Plan as requested. We offer the following comments for consideration in your review. The Council recognizes that the document is a “*Recommended Plan*” and that a “*Final Recommended Plan*” and “*Approved*” Plan are part of the process of completing this work. These future documents represent opportunities for improvement and refinement of the final recommended plan. Attached to this letter is a technical review of the plan commissioned by us. Jeff Hamm of Geoplan Consulting was, until recently, a staff member of the Council and a member of the PWPC Technical Working Group (TWG). The Council has reviewed his document and believes the observations made are worth sharing with you. The review has also been sent to TWG.

The Council's substantive comments on the document follow:

Document Complexity and Flow

While the document has been improved in its ‘readability’ since the draft plan, it still requires considerable rendering and simplification to make it more “reader friendly”. The simplicity of the writing and presentation of the *Summary Document* should be considered as the model for the Final Recommended Plan. The Statement of Intent, Goals and Principles reflect the Commission's vision and they should flow from one to another and be more closely tied to the clauses of the Yukon First Nation Land Claim Settlements and the Commission's General Terms of Reference. Similarly, this foundation sets the context for the commission's perspective on values present and issues that were addressed in the subsequent plan. The Summary Document published in February describes this relationship better but there is still room for improvement.

Plan Concepts and Terminology

There are several terms that the Commission has referenced and interpreted. These interpretations are crucial to the direction the plan takes and appear primarily in *Section 1 – Introduction* and *Section 3 – Plan Concepts*. The question is do the Parties agree with and support the Commission’s interpretations (e.g. the sustainable development ranking done in Section 1 -6)? If changes are needed, the Parties need to explain why and suggest alternative wording. In addition, some key terms lack operational definitions, which would help with plan implementation and monitoring (e.g. ecological integrity, ecological value, and wilderness characteristics).

The Council is also concerned with some of the plan concepts the Commission has employed. The Integrated Management Areas (IMAs) identified in the land designation system are to provide a working landscape for resource exploration and development, yet access to these areas (e.g. roads) is to be determined on a discretionary basis. As certainty and clarity are important goals of the plan, the rationale for adding an additional potential access restriction seems counter productive when access is such a fundamental part of development viability. This discretionary decision-making process simply adds unnecessary confusion and uncertainty. The Commission did not employ “limits of acceptable” change measures (e.g. linear features measurements used by NYPC) and similarly well understood land management techniques that would help both resource users and land managers understand the core land management concern and when intervention may be required. The limits of acceptable change approach is consistent with the precautionary principle promoted as a fundamental regional plan concept.

The Commission has specified the type of Special Management Area (SMA) it envisions for the landscape management units that it believes should be protected. As this level of detailed thinking was not present in the draft plan, the Parties need to answer two questions. First do they agree with the “protected area” interest? Second, has the Commission proposed the appropriate type of designation (or management tools)? Other decision-making processes may be more appropriate for choosing the *type* of SMA, once there is agreement on the need for protected area status for a LMU.

Changing the Plan

The Commission has proposed that they have an active role in making changes to the plan (i.e. the variance, amendment and review processes). The decisions associated with the implementation of the North Yukon Regional Land Use Plan resulted in the Commission being dissolved after the plan was approved. If the Parties agree that there is not an ongoing day-to-day role for the PWPC, then the Parties need to propose an alternative approach that addresses daily plan implementation. The Parties also need to be clear on what would trigger either a plan amendment or plan review and require reactivating the Commission. The commission has invested considerable time, money and effort to prepare the plan, so it is only logical that they, and the public at large, want some assurances the approved plan will actually be implemented in a timely manner. In the case of the North Yukon Plan, the Parties chose not to retain the commission and reserved the right to determine the level of commitment to implementation to be determined by an implementation plan yet to be written.

The absence of a well-developed implementation strategy at the draft plan stage is discouraging and leads to unnecessary uncertainty. Good land use plans always contain well thought out implementation strategies and more work is required in this area. This should be part of a robust implementation chapter that helps clarify the actions the plan is proposing and addresses information gaps and research priorities.

Nature of the Plan

Within the spectrum of land use and resource management plans, this plan has more of a conservation focus than most regional land use plans. The proposal to place 80% of the land base in "Special Management Area" status may not seem appropriate to some stakeholders but the principal issue is whether the Parties accept the Commission's arguments favouring a greater emphasis on conservation at this time. The precautionary approach does not imply acceptance of the status quo but rather favours a "do no harm" conservative land management approach. The Commission assumes the SMA designation approach is the best way to achieve that end but the Parties must decide whether other land management tools are sufficient to meet that core objective.

The Council's review of the plan indicates that significant revisions will be needed to make it more reader friendly and to improve the relationship between key plan components, particularly in *Section 1 – Introduction*. If the Parties are not in agreement with the plan's foundation goals, principles etc then the details presented in the later chapters will also have to be modified. We believe that the Commission's current work plan and funding is inadequate for the anticipated modifications and the Parties should begin addressing this issue prior to the budget and work plan review in the fall. The Council recommends that the target date for plan approval and implementation have a firm deadline- specifically April 1, 2011 and all involved in both this plan review and the final plan revision strive to meet that deadline.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Phillips", with a long horizontal flourish extending to the right.

Doug Phillips,
Chair

Copy: Peel Watershed Planning Commission