



October 10, 2018

Members of the Final Consultation Review Team,
Peel Watershed Regional Plan

Dear Team Members,

Wildlife Conservation Society Canada (WCS Canada) strongly supports the Final Recommended Plan for the Peel Watershed as put forward by the Peel Watershed Planning Commission. This Plan captures most of the vision for the region as expressed by the Parties and the Yukon public.

In particular WCS Canada supports the high level of protection proposed for a large majority of the land base (Special Management Areas and Wilderness Areas combined), and the strong emphasis on restricting the development of linear access corridors and use of motorized vehicles throughout the conservation lands.

In this letter we lay out our submission to the Finish the Peel process following the format outlined in the consultation questionnaire.

MINOR CHANGES TO THE FINAL RECOMMENDED PLAN

WCS Canada encourages some minor changes to the Final Recommended Plan to strengthen its conservation vision, and to make it easier to implement. We present these as Recommendations, each followed by justification.

Recommendation 1: WCS Canada recommends that the “interim” withdrawal status of the Wilderness Area zones be changed to permanent protection to allow for permanent legally protected status.

The strong vision for permanent protection in this region, originally expressed as 100% protection by the First Nations who are Parties in the planning process and supported by the majority of Yukoners, has been significantly reduced to 55% (Special Management Areas) in the Final Recommended Plan. Although the Final Recommended Plan also includes 25% of the land in “interim” protected status (Wilderness Areas), potential reversal of this interim protected status in future Plan Reviews would severely curtail the original vision of high levels of protection for the region. The Final Plan needs to more securely reflect the vision for widespread protection.

When placed in “interim” protection, based on an Order-in-Council, details of land management (e.g., implementation and enforcement of Policy Recommendations 11, 13 and 15) in the Wilderness Areas could readily be thwarted because, as the Final Recommended Plan states (page 6-2): “No management plans for these areas are necessary” following such an OiC withdrawal. “Interim” status puts substantial portions of the land management agenda (notably off-road vehicle issues which require definitions



and mapping of existing and new trails...see Recommendation 2 below) in a state of indecision, because implementation beyond a cabinet-level withdrawal from industrial developments could readily be viewed as unnecessary or at least a low priority.

Recommendation 2: WCS Canada recommends that Policy Recommendation 11 be changed from allowing use of off-road vehicles on existing trails in Wilderness Areas (e.g., on Hart River trail) to disallowing such use.

There are two major reasons for this recommendation. First, Wilderness Areas (LMUs 1, 4, 6, and 10) are not true wilderness when off-road vehicles are allowed, even if they stick to existing trails. Wilderness is lost when the sound and signs of motorized vehicles permeate the landscape. Second, the concept of “existing trails” is open to opinion and subjective interpretation, and is very difficult to enforce. What is an existing trail? At present off-road vehicle tracks can be found in many tundra habitats associated with the Hart River trail: are all these tracks “existing trails”? Policy Recommendations #13 and #15 require that no new surface transportation features be allowed in Conservation Areas (which include the Wilderness Areas). How will “new” be measured and enforced when substantial off-road vehicle access, such as on the Hart River trail, continues? The most straightforward way to remove the uncertainties around definitions and identification of what already exists compared to what is new is to remove off-road vehicle use of the Wilderness Areas.

Recommendation 3: WCS Canada recommends that the Final Recommended Plan provide more detail and specificity regarding how the Plan is to be implemented; specifically in the wording within Section 6, and within Policy Recommendations #26, #27 and #28. In particular, an Implementation Body needs to be explicitly identified in the text, with details as to its membership, timelines for its operation, mode of funding, and responsibilities to report to the public.

The section on implementation (section 6) in the Final Recommended Plan is weak, largely because it is vague and lacking in detail, and therefore open to various interpretations. It leaves implementation of the Plan up to the Parties without much specificity on how that would be accomplished. As presently written, it is entirely possible that the Final Recommended Plan will not get implemented because: (i) no body, with defined membership, is explicitly charged with implementation; (ii) no timelines for establishing that body and getting it to act on the Plan are laid out; (iii) no funding sources for such a body are explicitly identified with responsibilities outlined; (iv) there is no clear process for reporting to the public (or even to the Parties) on implementation progress.

The Final Recommended Plan needs to address these shortcomings by including substantial additional detail on implementation. At present it identifies the Parties as the agents responsible for implementation. This may well be reasonable, but it needs to explicitly identify that an Implementation Group (or some such named body) will be established with a specific listed representation from all the Parties (e.g., one member per Party), within a limited period of time (e.g., 6 months) following approval of the Plan by the Parties. It also needs to identify where the funding will come from for this



Implementation Group. It also needs to lay out how its findings and proposals (especially with regard to Plan variances and amendments) will be transmitted to the Yukon public, and how the Yukon public will be able to respond to, comment on, and influence proposals.

Policy recommendations #27 and #28 need to be re-written to identify the specific body (e.g., Implementation Group of all the Parties) responsible for Plan variances and amendments (#27), and bodies (re-convened Commission, with assistance of the Implementation Group) responsible for Plan Reviews (#28). Under the spirit and intent of the Umbrella Final Agreement, in which Land Use Planning Commissions are expected to act and propose Plans at arms-length from governments, the Plan Reviews need to be led by an independent body separate from the Parties, even though the Implementation Group (likely comprised of membership from all Parties) would have to formally establish the Plan Review process. In the absence of re-constituting the Commission, the Yukon Land Use Planning Council should take on this role of overseeing Plan Review.

Policy Recommendation #26 needs to be rewritten, and we provide a separate recommendation on this topic below.

Throughout the Peel planning process, a body called the Senior Liaison Committee (SLC) has taken on significant influence. This body has no legal status in the UFA, and is an independent construct of the historical planning processes, often not even representing all Parties. It is not referenced in the Final Recommended Plan. WCS Canada urges that implementation of the Plan not be the responsibility of the SLC. Rather a separate body, such as an Implementation Group, with defined membership and representation from all the Parties and with explicit reference and detail regarding its role written into the Plan itself, should be constituted for implementation. It is not sufficient for the Final Recommended Plan to stay in its current vague wording and format whereby the Parties are generally identified as agents of implementation, and a legally undefined and hidden body such as the SLC take on the role of implementation by default.

Recommendation 4: WCS Canada recommends that, regarding Plan Conformity (Policy Recommendation #26, section 6.1.3), the Yukon Land Use Planning Council (YLUPC) be specifically, and uniquely, listed as the agency responsible for conformity checks and monitoring (instead of just a potential body as currently worded), or, if the YLUPC is not so chosen, that a Board or institutional body comprised of all Parties to the Plan (Yukon government, and governments of all 4 First Nations) should be so chosen and put into the text of this Policy Recommendation.

Conformity checks should be done by a third party, independent of the formal Parties to the Plan. The YLUPC is the best such body with knowledge and understanding of the issues at play. This would help ensure objectivity in interpretation of conformity and of monitoring data.

If the YLUPC cannot take on this role, then the next best alternative is a body comprised of all Parties to the Plan, such that all sets of interests and vision that have influenced the development of the Plan can be brought together again to assess future condition. It is not appropriate for a single Party, such as the Yukon Territorial



Government (e.g., through the Ministry of Energy, Mines and Resources) to be given sole responsibility for plan conformity because of the serious potential for bias and lack of objectivity on the part of only one Party.

OTHER ISSUES

The public information provided through the Finish the Peel process in fall 2018 has brought to light the fact that other new information, and changing circumstances, might induce the Parties, under the agency of the Senior Liaison Committee, to make changes to the Final Recommended Plan that have not been clearly laid out and specified to date. It is unfortunate that such changes are not on the public record for the final consultation.

Recommendation 5: WCS Canada would support re-designation of northeast portions of the planning region as Conservation Areas for boreal caribou if and only if such re-designation does not entail removing any significant (> 25 square kilometre) or similar-sized areas of land from the Conservation Areas elsewhere in the planning region.

The question of additional conservation action on behalf of the boreal population of woodland caribou is a recently exposed potential change to the Plan of interest to WCS Canada. Substantial numbers of boreal-population woodland caribou use the northeastern-most portions of the planning region (portions of LMUs 13, 14, 15, and 16). Due to listing of this population as threatened under the federal Species At Risk Act, conservation actions should ideally include stopping the development of new linear infrastructure within its range. To do this within the context of the Final Recommended Plan would require re-designation of portions or all of LMUs 13, 15, and 16 from Integrated Management Units to some level of Conservation Area in the Plan. WCS Canada would support such re-designation if and only if it does not entail removing any significant (> 25 square kilometre) or similar-sized areas of land from the Conservation Areas elsewhere in the planning region. If re-designation of LMUs 13, 15, and 16 does require reductions in size of Conservation Areas elsewhere, then WCS Canada would not support such a re-designation on behalf of boreal caribou. The conservation gains for boreal caribou by re-designation are not so significant, in our opinion, because the risks of new infrastructure development in those LMUs is low under current and foreseeable conditions in the industries that might want to introduce new infrastructure (e.g., oil and gas exploration which now uses exploration techniques which do not rely on linear cutlines). Maintaining the Conservation Areas now identified in the Plan as complete hydrographic units is a higher conservation priority than re-designation of IMA LMUs for boreal caribou conservation.

Thanks for the opportunity to provide input to this consultation process.

Yours sincerely,



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