

Introduction

The Peel Watershed Planning Commission (PWPC) has reached a significant milestone in the release of the Draft Peel Watershed Regional Land Use Plan (DLUP). The Draft Plan is the first opportunity the Parties have to understand how the Commission proposes that Government should act to achieve sustainable development of ecological, economic and cultural values with a minimum of land use conflict. It is an attempt to move the discussion forward, beyond the characterization of issues, values, landscape and economics; it aspires to construct a framework for guiding decisions of Government toward a specific objective, that being “a higher level of land-use certainty for all resource users”. This is a critical turning point in the Commission’s engagement, as it aspires to pass on to Government an understanding of the actions required to achieve that objective.

The PWPC have amassed and drawn on considerable information and knowledge relating to the values of the region, as demonstrated in their previous planning documents, the *Issues and Interest Report* (date ref), the *Conservation Priorities Assessment Report* (date ref) and the *Resource Assessment Report* (date ref) and the *Scenario Options Report* (date ref). The Commission has also relied heavily on plans from adjoining regions in both Yukon and NWT, both as a means to minimize the ‘edge effect’ of mismatched land use designations, and as a source of strategies and best management practices.

The DLUP is the Commission’s first attempt at presenting coherent land use objectives. The Draft Plan is understandably rough around the edges. It is very clearly a mash-up of the North Yukon Recommended Land Use Plan (NYLUP) with PWPC Resource and Conservation Assessment reports. The result is not a well flowing Plan, but rather a skeleton from which new, original plan components are hung. The DLUP requires further rendering, especially of recommendations borrowed blindly from the NYLUP, to fill out this Plan framework with management objectives tailored more to the Peel Watershed region. While the current DLUP review process is perhaps an imperfect approach for this rendering, (the public stakeholders will introduce many foreign particles into the mix, making it hard for ‘it’, i.e. consensus, to ‘set’), I fully expect the result will be a request by the Parties for the Commission to re-evaluate all strategies proposed, with a view towards improve clarity and tractability.

The purpose of this review is therefore to provide feedback on major components (chapters) of the Plan. It is clearly too early to establish specific language when evidence of broader agreement is lacking. Further, in consideration of the absence of adequate opportunity for quality assurance and/or peer-review, line-by-line editorial corrections are considered moot; instead, I will provide a characterization of common mistakes, with examples, within each chapter summary.

Overall Document Composition

The Draft Plan has used the NYLUP as a rigid template for both structure and content. While some level of consistency is desirable among Yukon regional land use plans, the adoption of the NYLUP model appears to have been too literal, missing the connection between form and function. The North Yukon focused on strategies for sustainable development in a working landscape; the Peel focuses on strategies for sustainable development in a protected landscape. The supporting rationale for the regional objectives is, or should be, considerably different for these two Plans.

Sections of the DLUP are copied verbatim from the NYLUP (uncredited) or from earlier Commission reports. Cherry-picking earlier documents is an ineffective way to demonstrate rigor in the formulation of planning recommendations, and impedes a smooth flow in a document (proper citations are absent throughout the document). Borrowed content appears somewhat out of context given the issues and values expressed in the Peel by the Parties and Stakeholders. A significant consequence of the adoption of the NYLUP as a template, rather than as a model, is that critical thinking is replaced by rote copying. Word-for-word, but incomplete, extracts from the Resource Assessment or Conservation Priorities documents fail to convey a link between regional resource values and planning objectives. Substitution of Peel facts in place of NY facts does not, by extension, validate the subsequent recommendation.

More fundamentally, significant recommendations of the NYLUP for the use of a results-based management framework have been misappropriated for the Peel. While the application of cumulative effects indicators is seen as a positive step, more explicit discussion with the Parties around appropriate indicators is required. For example, the NYLUP identified the number of 'stream crossings' as an important indicator of potential risk from "hung" culverts (a small but significant percentage of culverts will always be improperly installed, preventing upstream migration of fish). For the Peel, this morphed into an indicator for 'river-corridor zone crossings', the adverse impact of which is not identified, but might be presumed to be aesthetic, rather than ecological.

An example of inappropriate re-composition can be found in any strategy referencing 'Major River Corridor', which both the Peel **and** the North Yukon plans define as the Porcupine, Eagle, Bell, Fishing Branch, Old Crow, Whitestone and Miner Rivers. None of these rivers are located in the Peel Watershed region.

Area comparisons are inconsistently '% of the region' or '% of the IMZ', often in the same paragraph. This apple and oranges use of statistics is confusing. All facts require checking and proper citation.

The NYLUP should be subject to more rigorous consideration for assessing relevance in the Peel context. Each strategy adopted from the NYLUP should be evaluated against issues identified by the Peel Commission. The TWG members could be engaged in this task to ensure "goodness of fit" with Party expectations. At the very least, adequate opportunity for QA of planning products should be provided. In this Draft, I believe the turn-around was less than 1 week; as a result the only substantive QA was performed by Council's TWG rep.

Chapter 1

As will become evident from a read-thru of the DLUP, the Commission has not included potential for development of oil and gas or mineral resources in its list of considerations on page 1-1. This is required of the Commission, according to the final bullet on its Terms of reference, page 1-2. Generally, linkage between mandate, issues and objectives is weak, and is not indicative of the structure of the Plan that follows.

The Commission's statement of intent includes a definition of "wilderness", an noun describing a large, contiguous, species rich, natural ecological system (as per the given definition) however this term is also used in an undefined context: as an adverb characterizing an outdoor tourism experience ("the wilderness experience") or the remoteness of transportation networks ("wilderness highway"). These latter definitions are difficult to quantify, or manage, and are not solely a function of the natural state of a system. Unfortunately, the term "wilderness" is never used in the context of "wilderness management plan", which would be an obvious extension given its central importance to the Peel Watershed DLUP, and provision for same in the UFA. Preservation of wilderness, maintenance of an unaltered wilderness state, or conservation and protection of wilderness are not interchangeable outcomes. The former does not facilitate the Commission's objective to restore areas to a largely natural (but not wild?) state.

This chapter (Sec 1.6) reconstitutes issues raised in earlier Commission reports, albeit summarized in a different manner (and reduced set-size) than in the Issue Report. Research referred to in the discussion of management issues, in reference to traditional use or global significance of the Peel should be referenced.

Chapter 2

The regional description does not adequately support the Plan directions. For example, some discussion around the evolution of existing transportation networks, including the traditional use of heritage routes, causal river travel, the proliferation of small airstrips, the use of lakes as float plane bases, or an estimation of helicopter over flights might contribute more substance to the proposed access management strategies. Again, the "wilderness experience" is a poor measure for management of access (to wit, we can have a "wilderness highway"). Some reference to regional transportation studies (rail or resource road) would indicate some fore-thought about the need for access and resource development to be linked.

The chapter is too generic to be helpful in understanding the magnitude of issues. For example, there is no indication of how tourists access remote wilderness areas, or seasonality of use as a tourist destination. The seasonal timeframe for oil and gas or mineral activity is also not indicated. These would be indications of opportunity to manage conflict through seasonal separation of activities. Or, this option should be dismissed, with reasons given.

Water has been clearly identified as THE issue, however the discussion of it (Sec 2.5.4) includes not indication of attempts to quantify water flow, quality, or sources of potential risk (contaminated sites, hung culverts, soil erosion and siltation) or quantify the highly variable nature of seasonal flows, or to identify potential risks from inter-basin transfer.

Chapter 3

This section requires considerable reworking, particularly with respect to the inclusion of concepts from the NYLUP. There are new concepts introduced without adequate definition (e.g. withdrawal & grandfathering of exploration rights), and existing concepts tacked on without relevant context (e.g. CE Indicators). Collectively, we may have set the Commission's sights too far down the road, and an earlier discussion of these new plan components would have been helpful in improving the expression of them.

The new(ish) concepts are:

- A basis for establishment of large special management (protected) areas (ecology or economics? Does size and location matter?)
- A legal mechanism and basis for land withdrawal, grand-fathering of access and other access restriction proposals (a little case law perhaps?)
- (In)compatibility of wilderness with access and mineral exploration
- Restoration of disturbed areas to a natural state

The rationale for ecosystem and wilderness protection is loosely based on ecological and economic considerations. Terms such as "cultural integrity" and "peaceful enjoyment" are vague; no evidence of wildlife response to noise or visual disturbance is given; use of regulatory controls is presumptive (if a tree falls in the forest and no one hears, does it make a sound?); consultative or participatory processes (important cultural areas) are not placed in a project assessment framework (when?, by whom?); "strictly planned" access is not formed around any standard or minimum requirement.

Of particular concern is the use of CE indicators where Landscape Management Units are defined on a watershed basis. In the NYLUP, landscape units were derived from ecosystems, such that an activity has a similar impact regardless of where it occurs in the LMU. With a watershed basis for LMU's, disturbances in low-lying wet areas may have a much higher impact than those higher up, (i.e. if you're a moose, but it's the opposite if you're a mountain sheep). Furthermore, there has been no analysis of the existing footprint (by habitat type) to identify those landscapes that are the hardest hit, or to gauge the range of natural variability in the system. Without these, the metrics are indefensible. Completely missing are indicator metrics for stream crossings, the ones that result in "hung culverts" and stranded fish populations.

The entire section on Results Based management is lifted from the NYLUP. This section can only be useful on a working landscape. It is difficult to monitor results from (managed) human activity, when none is permitted to occur. The fundamental unit of management is the watershed: water quality and flow are the natural indicators for their integrity. Is this feasible, when previous monitoring efforts (by the Feds) have been discontinuous? Is it advisable, given lag times between cause and effect? Other suggested ecologically based indicators (habitat availability) presume a much better model of habitat selection factors than is likely to be available in the foreseeable future. Sensory disturbances will be very problematic, if the Yukon's recent study on the unregulated burning of rural landfills is any indication. "Just cause you can smell it doesn't mean its bad for you".

Chapter 4

The description of the land use designation system is too fragmented; I found myself having to continually flip around between sections to try and understand the Plan. More consistent use of terms (i.e. land use category OR land use zone; 'protected area' OR 'conservation and protection zone'; use of 'Recommended' in a category label) is necessary. 'Grandfathering' is a terms that is ill-defined, and possibly mis-applied in this context. In conventional planning terminology, 'grandfathered' refers to a right for continuation of use, without expansion or increase in intensity, not continuity of tenure (exceptions, such as life-estate leases, are not unheard of). Controlling the granting or transferring of 'ownership' rights is not generally a land use planning objective, but managing new, continued or expanded activity is. In the DLUP, grandfathering actually means potential to increase intensity of use (from exploration up to mine development). An expectation of higher standards of performance on grandfathered claims is not indicated.

The zone-by-zone descriptions are out-of-place here. What is needed is more concise description of the management objectives, performance standards, or acceptable BMP's for each category; more than simply a call for research. Again, too many 'key' issues and not enough management directions. An example of poorly worded management directions is found under Fish Lake (LMU 1d) page 4-4. "Manage the surrounding IMZ in such a way that it does not impact...the lake system". In what way, to preclude what impacts? Another weak management objective is "desire for on-going scientific research". Some indication of priority research areas, subject matter and relevance should be included. Some objectives are logically inconsistent, for example the Wilderness Conservation Zone (p 4-13) would prohibit staking, while endeavoring to "collect information on all current and future economic opportunities and conflicting land uses".

Again, following the NYLUP as a template rather than as a model has given rise to a confusing mash-up of LUD concepts. What qualities of each proposed CPZ unit justify elevation to protected status? The designation itself does nothing to protect an area. The management strategy (e.g. limit size and duration of footprints) represents the effort to achieve an objective (protect from disturbance).

The description of LMU's in this chapter provides no link between a designation, the need for withdrawal from disposition, and appropriate management strategies. Is unregulated camping a problem along river corridors? Is carrying capacity an issue for 'low-impact, renewable resource based' activities? These are just two of the issues raised in the Issues Report that are not identified in the DLUP.

This chapter should establish a clearer rationale for designation of areas as 'Protected', quantifying rarity or global significance with references to credible sources. Overlap with Chapter 3 and 6 should be resolved to reduce the need to fumble around for all the relevant details.

Chapter 5

This chapter has relied heavily on the NYLUP, and is in need of a comprehensive filtering of strategies. Many are simply not tractable (doable). All need to be prioritized in the implementation plan. Large areas of management direction are unexplored (e.g. adaptation strategies for climate-change effects).

The poorly worded, inappropriate or intractable strategies are too numerous to list. This chapter is, in my opinion, the most underdeveloped portion of the plan. A full week of concerted effort by the Commission staff just to reword this section should be expected.

Chapter 6

Not much to change here, it is an easy format to follow.

Chapter 7

Aside from the fact that Implementation is ‘no-mans land’ at the moment, this chapter provides little more than a check-off against the Land Claims agreements. This is not an implementation Plan, but merely a highly subjective assessment of how the Plan might overlap (not link) with other government policy, without any indication of which policies are currently inadequate, incomplete or inoperable.

Most wanting is a walk through of the proposed variance process, and the respective roles of the Commission and the Parties in review of project proposals or results-based management indicators

References

As noted earlier, inadequate citation of references is evident throughout the document. Most notably absent – the North Yukon Land Use Plan is not listed as a reference.

Glossary of Terms

Terms bandied about loosely through out the document should be defined here, and use restricted to accepted terms. For example, the document refers to the Integrated Management Zone (IMZ) but defines an Integrated Management Area.

Appendices

A- Maps

I’ll admit to some bias here, as I created all the maps. Themes for the maps were taken from NYLUP, again as a convenience more than for relevance. Some readers may find the maps representing Economic Development and Ecologically Important Areas are simply too complex to be useful at this scale.

B- LMU Summary of Historical Disturbance

These are meaningless numbers, generated by me at the last minute, in response to a request from the Commission. There is no indication of significance of numbers at any level; no consideration for currency, correctness or completeness of the source data; no indication of which habitats are the most impacted. As noted earlier, the tack-on of Footprint metrics as indicators needs more rigour.

C- Yet Another Key Issues List

D – Links to other land use plans

How is this better/different than Sec 1.8

Research Recommendations

There are indications that many issues are deferred to subsequent planning exercises. These “further work required” items should be more fully scoped. For example, what issues should an access management plan address (routing, construction methods, seasonal use, reclamation timeframes, inspection and approval processes). There is a proliferation of research recommendations throughout the document. A separate section should be created for these, and the Commission reminded that it is expected to work with what they know, not defer recommendations while awaiting (still) more data.

Summary

This is clearly a formative stage in the evolution of a Plan document. It is the Commission’s first attempt. It is the first opportunity for the Parties to provide a comprehensive response to the proposed plan directions. It must be expected that improvement will occur as we move forward, and that is the purpose for releasing this draft for review. That said, the extent of rework suggested in this review would take some time to complete. The Commission should be prepared, and resourced, for a concerted effort during July/August if the September deadline is to be respected. Given the expected delay in receipt of YG comments until late July, there is a distinct possibility that the Commission will fail to meet this deadline.

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