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The Peel Watershed Planning Commission
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Whitehorse, Yukon
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CPAWS-Yukon Comments on Draft Peel Watershed Land Use Plan

CPAWS-Yukon would like to acknowledge the work of the Peel Watershed Planning Commission and staff in the development of the Draft Land Use Plan (Draft Plan). After nearly 5 years of planning we are pleased to see the release of the Draft Plan.

But the Commission has produced a Draft Plan that does not achieve its own principles and does not incorporate the vast majority of public comment supporting Scenario 2 or better. In order to meet the Commission's own intentions as set out in the "Message from the Commission" and the guiding documents such as the Statement of Intent, the plan must offer much stronger and broader protection, provide a heavier emphasis on sustainability, rely less on mitigation, and deal more seriously with the issues of access. The current Draft Plan does not provide adequate protection of natural and cultural resources within the planning region.

We are aware that the Commission is asking for specific and detailed comments on the Draft Plan; however, we feel that important principles and values have not been adequately addressed in the draft and that these need to be more strongly in place. We believe it is important to review the plan from this perspective.

Maintenance of ecosystems and cultures should be first priority

The "Message from the Commission" states that sustaining ecosystem health should be the first priority. The proposed land use designations do not reflect this goal. Planning that ensures ecosystem health must first identify the necessary areas required for protection of fully-functioning natural systems and cultures. This is performed *before* identifying where development of any kind is permitted. However, it is clear that mineral claims trumped this principle and resulted in what the Commission has designated the General Conservation Zone (GCZ),

Undue emphasis on extraction interests has ramifications throughout the Draft Plan in terms of the vaguely defined GCZ, inappropriate access in 89% of the planning region, emphasis on unrealistic and probably unattainable mitigation measures and road closures, and poorly thought-out river corridors.

We are well aware that the number of mineral claims has expanded to over 12,000 during the course of the planning work. This information *should not* pre-determine the planning outcomes when ecosystem health has been identified as the first priority, nor should government-of-the-day policy on future use of such claims.

The Commission has done an excellent job of collecting available data and extrapolating data to perform habitat suitability analyses but it remains unclear as to how the Commission used the available information to arrive at the delineated land use designations. Clear methodology and justification are lacking.

Importance of missing Environment information

It is apparent from the recently revealed information from the Yukon Government's Department of Environment that the Commission was not in possession of important, expert information from the Yukon Department of Environment. This information in part emphasizes the synergistic effects of protecting large, connected areas. Lack of these expert comments may in part explain the Commission's over-emphasis on the one stakeholder group whose land use is not compatible with the others--Information supporting extractive industry was not politically suppressed while Department of the Environment information was. Needless to say, it is highly disturbing to find that political interference has affected the outcome of what is supposed to be an arms-length, transparent, public process and we strongly urge the Commission to redraft its plan to incorporate this input.

Sustainability

The Draft Plan attempts to redefine sustainability with reference to economics, resource depletion and restoration or reclamation. This is awkward and inappropriate. Sustainable Development is defined in the Umbrella Final Agreement (UFA) and this definition must be adhered to. Mining is, by definition, not sustainable as it uses up the resource it is based on. The implication that everything we may do in the Peel watershed is sustainable in the long term once the land is reclaimed places unrealistic assumptions on mitigation and closure practices. The belief that the land will be returned to its original state after industrial disruption is purely theoretical, economically impractical, and not supported by the evidence of our collective human impact on the earth. These are not tenable assumptions on which to base a 5-10 year plan.

Therefore, we recommend the Commission take a truly-ecosystem-based approach in the development of the recommended plan and clearly outline the methodology performed in doing so. We recommend the Commission maintain its function as an arms length entity tasked with making the best possible land use plan for the future of the Peel watershed.

Large, intact protected area

The draft plan recommends protection of 11.4% of the Peel Watershed (river corridors with access potential do not constitute protection), a figure that falls far short of the 35%-75% range recommended by modern science. As we have expressed numerous times in our written submissions and meetings with the Commission since its inception, science tells us that wilderness, wildlife and conservation values are not maintained by *small* and

fragmented protected areas such as those mapped in the draft plan. Therefore, we again reiterate the strong need for protection of the entire Snake, Bonnet Plume, Wind and Hart River watersheds, the Peel mainstem and Turner, Jackfish and Tabor wetlands, the viewsapes along all river corridors and the Dempster highway corridor.

Large scale protection not only protects important natural and cultural systems, it also can provide certainty necessary to attract larger investment and training opportunities in management, interpretation, and tourism as well as enhanced business opportunities. Without a substantial core protected area, the draft plan neglects the potential of the area to contribute more strongly to a sustainable economy, and the opportunity to attract government or private money is missed.

It is unclear how the existing River Corridor Zones (RCZ) were determined, what criteria was used, what they are being managed for and what size they are. River corridors are fundamental transportation routes for various wildlife, recreation and tourism users. It is critical they be well planned and fully protected.

The Draft Plan and Highlights Brochure states that it is the goal of the Tier II General Conservation Zone (GCZ) to become Tier I protection over time. If protection is seen as the best use of the GCZ area, then we ask: why not make the recommendation now?

Importantly, there is no explanation as to how the GCZ would evolve to become Tier I protection. Would the mineral claims lapse over time? Would the land designations simply be revisited when the plan is reviewed in 5 or 10 years? Without these specifics, we have no expectation that the evolution to Tier I would ever occur.

Therefore, we recommend that the Commission revise its plan to include a well designed reserve network of protected areas with no road access and no industrial development that includes a large core area. Additionally, river corridors for all 7 rivers (Wind, Snake, Bonnet Plume, Hart, Ogilvie, Blackstone, and Peel) should be well designed for protection along their entire length.

Access should be restricted

The GCZ contains the vast majority of the existing 12,000 or more mineral claims in the Peel Watershed, any or all of which could be allowed to proceed to a mine. The Draft Plan allows for winter road access and certain all-season road access throughout the GCZ and the Integrated Management Zones, resulting in nearly 89% of the area at risk of fragmentation due to infrastructure, mining, and oil and gas development. This gives industrial development priority over the majority of the watershed at the expense of wildlife and the various other users. This does not represent planning for sustainability, nor does it put a priority on healthy ecosystems.

For the past 50 years access to quartz claims has been by air and this has still resulted in increasing claims and investment. Winter road access for exploration is inappropriate and should not be permitted. All season roads should not be permitted for any purpose.

It also needs to be clear that the government should not pay for industrial infrastructure development. The Commission should recommend against access from the south.

Withdrawal from further mineral staking is a must

It is appropriate that the Commission recommended withdrawal of the GCZ from further mineral staking. This is not unprecedented as several other jurisdictions have taken similar actions and taken it a step further to work through the removal of existing claims. While compensation and expropriation are some options, they are not the only options. Alberta, for instance permits mineral claims in certain areas to be explored for a given period after which time they become parkland. We realize it is not the Commission's responsibility to decide the best use of existing claims but we do believe it is necessary to properly research and present all available options.

Therefore, we support withdrawal of a large portion of the Peel Watershed from future mineral staking. We also suggest the Commission research the options available for dealing with existing mineral claims, including the local Tombstone Territorial Park example.

Renewable industries require certainty through planning

It is important that renewable land users such as trappers, recreation users, subsistence harvesters, wilderness tourism operators, guide outfitters and First Nations are all assured that the resources they base their businesses and lives on will be there over time in uncompromised form. These renewable values both economic (First Nation, wilderness tourism etc.) and natural (wilderness, wildlife, habitats, water quality etc.) are certain to be degraded under the current Draft Plan. It is not enough for the Commission to suggest the reliance on the YESAA process to decide future land uses. It is the role and responsibility of the Commission to set strong recommended direction that YESAB will look to for guidance.

Over-emphasis on mitigation

The draft plan makes over-optimistic assumptions about the likelihood that mitigation of industry and access effects will occur, will be effective, and will be enforced. The reality is more likely to be that, whatever the theoretical possibility of reclamation and whatever demonstration projects industry might point to, actual reclamation and closure in an area as remote as the Peel watershed is likely to be far from ideal. Only one sector has expressed the belief that mitigation can accomplish its goals adequately in such an environment. As well, one must accept that the primary modus operandi of YESAB, demonstrated by experience, is to rely on mitigation. Thus the Commission needs to provide stronger protective direction and refrain from reliance on YESAA to protect the Peel watershed, an environment where mitigation is not likely to solve industrial issues. The guidelines in the draft plan are not nearly strong enough, considering the emphasis and faith that YESAB places in mitigation.

In summary

Again, we are pleased the Commission has completed the Draft Plan but want to emphasize that at present, the Plan fails to ensure wilderness values, the future of large herbivores and predators, fish habitat or water quality; does not give certainty for

sustainable industries based on renewable resources and does little to address protecting large ecosystems to mitigate the effects of climate change.

Given the well-documented and globally significant biological, ecological and wilderness values of the Peel watershed referenced in the draft plan (page vi, paragraph 4 and 5), and the overwhelming public and First Nation support for their protection, the plan must be revised to protect these values with an appropriate reserve network design. Necessary for and well deserving of protection are the entire Snake, Bonnet Plume, Wind and Hart River watersheds, the Peel mainstem and Turner, Jackfish and Tabor wetlands, the viewscapes along all river corridors and the Dempster highway corridor.

Sincerely,



Mike Dehn, Executive Director
CPAWS Yukon