



**PO Box 31213
Whitehorse, Yukon Y1A 5P7
(867) 393-2199
(250) 483-7692 fax**

**815 Second Avenue, Suite 201
Fairbanks, AK 99701
(907) 451-2530
(907) 451-2534**

June 30, 2009

Reg C. Whiten, P.Ag., MCIP
Senior Planner
Suite 201 – 307 Jarvis Street
Whitehorse, Yukon
Y1A 2H3

RE: Comments on the Draft Peel Watershed Regional Land Use Plan

Dear Mr. Whiten:

The Yukon River Inter-Tribal Watershed Council (YRITWC) has reviewed the Draft Peel Watershed Regional Land Use Plan¹ (the ‘Draft Peel Plan’), prepared by the Peel Watershed Planning Commission (PWPC). The following comments are submitted in response to the invitation for public comment on this draft land use plan.

The YRITWC is an Indigenous grassroots organization, consisting of 70 Tribes and First Nations, dedicated to the protection and preservation of the Yukon River Watershed (encompassing the sacred Yukon River and its numerous tributaries). Our mission is to preserve the Yukon River for the protection of current and future generations of Tribes / First Nations, and for the continuation of traditional Native way of life. Therefore, we are very concerned that surrounding watersheds, region-wide biodiversity, and sensitive ecological environments are adequately considered and accounted for in all land-use management plans, with an emphasis on minimizing activities that have the potential to adversely impact the environmental conditions on which the traditional activities of various First Nations depend upon. Various impacts, including migratory species disturbances, airborne contaminants, and road building resulting in wildlife fragmentation, have larger-scale effects, which if permitted to occur unmanaged within the Peel Watershed, may also detrimentally impact the adjacent Yukon River Watershed.

¹ Dated April 2009.

Based on our review of the Draft Peel Plan, we have identified certain concerns for which we offer the following comments:

- **First Nations:** The YRITWC acknowledges the significant effort that the PWPC has expended in incorporating the opinions, comments, and teachings of local First Nations in the Draft Peel Plan. We would however emphasize the great importance of recognizing First Nations cultural background and traditional rights at all levels of land use decision making within the Yukon Territory.
- **Archaeological Surveys:** The YRITWC submits that archaeological surveys must be completed before any development projects are allowed to proceed. As indicated in the Draft Peel Plan, the Tr'ondëk Hwëch'in, Na-Cho Nyak Dun, and Vuntut Gwitchin of the Yukon and the Tetl'it Gwich'in of the Northwest Territories have traditionally occupied, traveled, or harvested in virtually every corner of the planning region², and therefore, any proposed land development in this area has great potential for disturbance of archaeologically important areas.
- **Conservation Principle:** The Draft Peel Plan incorporates the conservation principle as defined in the Umbrella Final Agreement³: (*“the management of Fish and Wildlife populations and habitats and the regulation of users to ensure the quality, diversity and Long Term Optimum Productivity of Fish and Wildlife populations, with the primary goal of ensuring a sustainable harvest and its proper utilization”*). The YRITWC is concerned that the final statement (regarding the primary goal of the conservation principle) is limited to human use, rather than ultimate ecological protection.
- **Natural State:** In the Commissioner's Statement of Intent⁴, the concept of '*natural state*' is represented as *“a human-caused surface disturbance is considered recovered, or returned to its natural state, when it no longer facilitates travel or access by wildlife and people, when increased run-off and sediment loading is no longer significant, and when its contours roughly match the original contours”*. The YRITWC is concerned that this definition does not take into account possible soil contamination resulting from human-caused surface disturbances, the presence of which would result in an unnatural state of the land.
- **Importance of Baseline Data:** The YRITWC has been collecting water monitoring and sampling data along the Yukon River Watershed for over five years. This baseline data is vital for sustainable land use planning. The YRITWC recommends that the PWPC immediately begin collecting baseline data of the Peel River Watershed, to support future land use management directives.

² Draft Peel Plan – section 2.5.1.

³ Draft Peel Plan – section 1.5 under sub-heading 'Conservation'.

⁴ Draft Peel Plan – section 1.3.

- **Sensitive Dry Climate:** As mentioned in the Draft Peel Plan, the Peel Watershed Planning Region has an exceptionally dry climate, with sensitive productive wetlands, fragile aquatic habitats, and an incredibly scale of pristine wilderness. The associated water sensitivities must be sufficiently accounted for prior to permitting any new industrial developments in the Peel River Watershed.
- **Cumulative Effects Management:** The YRITWC is pleased to see that the PWPC has included considerations for potential cumulative effects of climate change in the Draft Peel Plan policy recommendation⁵.
- **Migratory Species:** We acknowledge that the Draft Peel Plan drafters have attempted to incorporate the importance of maintaining migratory routes and staging / stop-over sites of sensitive species (including waterfowl and the vulnerable Porcupine caribou herd) into the plan. Nevertheless, the YRITWC submits that the PWPC must continue to incorporate this important consideration throughout future work projects, especially those planned within the Peel River Watershed and its many sensitive wetland areas.
- **Wetland Importance:** The YRITWC acknowledges that the PWPC has attempted to incorporate the vital importance of wetlands in the Draft Peel Plan. Nevertheless, the YRITWC would again emphasize the importance of careful land use management decisions in these sensitive and ecologically-rich areas.
- **Wetland Definition:** In the Draft Peel Plan, ‘wetland’ is defined as “*all open water aquatic environments, both lentic (still water) and lotic (moving water) features, and their adjacent environments*”⁶. The YRITWC submits that this definition is overly broad, with potential to include both lakes and rivers under the definition of wetland. In addition, the associated footnote refers to the potential for inclusion under the definition of ‘wetland’ of seasonal standing water associated with poor soil drainage conditions in areas subject to permafrost. It is not clear whether this standing water is included in the Draft Peel Plan’s definition. If the intention is that this standing water be excluded from the ‘wetland’ definition, some consideration must be made on how to manage permafrost melt water, especially as climate change impacts increase the rate of melting.
- **Permafrost Consideration:** The YRITWC acknowledges the PWPC’s effort to incorporate climate change considerations in the Draft Peel Plan. However, in the climate change focus box⁷, the YRITWC contends that higher level conservation-management focus is also needed in areas subject to permafrost melting associated with increased climate change effects.

⁵ As discussed in the Draft Peel Plan – section 5.2.2; second bullet under ‘Policy Recommendations’

⁶ Draft Peel Plan – section 5.3.1.

⁷ Draft Peel Plan – section 5.2.2 (page 5-10).

- **Permanent Access:** Similar to the concern raised in Environment Yukon’s March 2009 submission on the Peel Watershed, the YRITWC is also concerned with a permanent access potentially compromising the long-term integrity of the area through introduction of new stresses on local wildlife and water, air and ecosystems.
- **Impact / Benefit Assessments:** The Draft Peel Plan outlines a wilderness conservation classification (Tier II - General Conservation Zones), in which “*industrial development and associated access would require a comprehensive impact/benefit assessment*”⁸. The YRITWC emphasizes that an impact / benefit assessment must be completed on a comparable timeline, taking into account the fact that monetary employment benefits may arise on a much shorter-term basis than deleterious environmental impacts, which may require several generations before remediation to pre-existing “natural state” conditions is adequately achieved (especially in a dry northern climate such as that of the Peel River Watershed).
- **Oil and Gas Industry:** The Draft Peel Plan contends that “*current standard oil and gas industry practices have a much smaller footprint and impact on ecological values than historical practices, and significantly reduce the potential for major long-term impacts*”⁹. The YRITWC submits that although new technologies and oil and gas practices have significantly improved over time, current oil and gas industry practices also use new chemicals and consist of larger operations, which may ultimately result in a greater potential for major long-term impacts than historical methods and practices.
- **Increased Number of Mining Claims:** With the significant increase in mining claims in the area in recent years¹⁰, the YRITWC is concerned about the viability of the plan implementation strategies outlined in the Draft Peel Plan. The YRITWC submits that this inconsistency must be addressed before the plan can be finalized.
- **Uranium Mining Ban:** The YRITWC contends that uranium exploration and mining should be a banned activity in the Peel River Watershed. Amongst other detrimental impacts, uranium exploration and mining results in radioactive dust (which is not bounded by mountain ranges, and can easily impact land use and ecological integrity in adjacent watersheds) and contaminated runoff waters. It is imperative that the PWPC take a stand and ban uranium exploration and mining from the Peel River Watershed.

⁸ Draft Peel Plan – section 3.2.1 (page 3-6).

⁹ Draft Peel Plan – section 5.8.5.

¹⁰ As discussed in the Draft Peel Plan – section 2.4.5.

- **Review Period:** According to the Draft Peel Plan¹¹, the target period of application for the Plan is approximately 10-15 years, with at least one opportunity for review during this period. The YRITWC recommends that additional review opportunities be provided within this timeframe to ensure implementation is occurring as envisioned.

We would like to thank-you for this opportunity to comment on the Draft Peel Watershed Regional Land Use Plan. Should you have any questions regarding our comments, please feel free to contact us to discuss the matter further. Thank-you in advance for your consideration of our comments and concerns.

Sincerely:



Rob Rosenfeld
Yukon Region Director
International Policy and Development Advisor

Yukon River Inter-Tribal Watershed Council

Cc: Jon Waterhouse / YRITWC Alaska Region Director (907)388-2683

¹¹ Draft Peel Plan – section 1.1.