



Government of Yukon

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FOR RELEASE #10-226
 December 17, 2010

Effective implementation emphasized in Peel plan discussions

WHITEHORSE – The Government of Yukon is emphasizing the importance of effective and collaborative plan implementation during discussions on the current Recommended Peel Watershed Regional Land Use Plan.

"The Yukon government's views on the Recommended Peel Plan seek to facilitate continued dialogue among the plan parties," Energy, Mines and Resources Minister Patrick Rouble said. "To provide long-term certainty to all Yukoners, the plan must enable effective and collaborative implementation."

Based on its internal review and comments received during the public consultation, Yukon government views address:

- consistency with First Nation Final Agreements;
- options for surface access for existing interests and future development opportunities;
- application of the precautionary principle in the plan;
- application of ecological values, conservation and protection; and
- complexity of the plan on implementation.

Government of Yukon views were part of recent Senior Liaison Committee discussions as work continues to develop an overall response to the Peel Watershed Planning Commission by the end of February 2011.

Necessary funding has been allocated to ensure the commission has the resources necessary to fully consider comments by the parties and to submit a Final Recommended Plan.

The Government of Yukon's position on the regional land use plan for the Peel will be determined when its obligations under the First Nation Final Agreements have been fulfilled and a thorough review of the Final Recommended Plan has been concluded.

The Government of Yukon, First Nation of Na-Cho Nyäk Dun, Tr'ondëk Hwëch'in, Vuntut Gwitchin First Nation Government, and the Gwich'in Tribal Council are parties to the Peel regional land use planning process.

For more information on the Peel Watershed Regional Planning process, visit <http://www.emr.gov.yk.ca/>.

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See backgrounder below.

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Government of Yukon Views on Recommended Peel Watershed Regional Land Use Plan

Consistency with First Nation Final Agreements

The Yukon government (YG) envisions a Regional Land Use Plan that is consistent with the objectives of Chapter 11 and which has been prepared in accordance with the process and requirements as described in Chapter 11.

In proposing a high level of protection for such a large portion of the region, the Commission appears to have interpreted the Chapter 11 objectives and processes in a way that is inconsistent with the YG view of the Final Agreements. YG believes the plan should provide a more balanced consideration of the current and future uses in the region and propose management options that would allow for those uses to continue. YG feels that a broader mix of uses is achievable within the definition of Sustainable Development as provided in the Final Agreements. That is, that beneficial socio-economic change can be realized without undermining the ecological and social systems.

YG also suggests that the government to government opportunities to address Special Management Areas (SMAs), as provided for in the Final Agreements, requires more discussion by the Parties.

Surface Access

Although access is a challenging management consideration, access provisions should be consistent with the Final Agreements. Access provisions could vary in the region depending on conservation values and land management zoning and a range of satisfactory options could be developed to address the matter of access. Some consideration should also be given to existing legislative tools and best management practices available to manage the impacts of access. Similarly, Chapter 6 of the Final Agreements provides further reference on how access could be addressed.

Precautionary Principle

The government supports the internationally accepted Precautionary Principle and although YG acknowledges the Commission's fundamentally cautious approach to resource management for the region, YG diverges in the interpretation and implementation of the principle and the level of risk to be managed. The planning area has a natural mix of resources and YG believes that there should be the ability to accommodate mixed uses for society's need that errs on the side of caution with protection a consideration through determination of level of risk.

Ecological Values Conservation and Protection

While the Yukon government fully recognizes the importance of addressing conservation values in the Peel, the recommended management regime is complex and YG encourages a re-evaluation of the zones and the associated management recommendations. Despite the various management emphases of the zones (e.g. fish and wildlife, watershed, etc), the management recommendations associated with these zones appear to be very similar. In YG's view, there may be an opportunity to consolidate some of these units. It would also be helpful for the Parties to have clear, distinct management priorities linked to the objectives for the zones included in the plan.

Unnecessary complexity will arise when each of the 19 Landscape Management Units that are recommended to support conservation objectives are further overlapped with additional planning and a protection designation such as Habitat Protection Areas, or an ecological or territorial park – each of which has its own legal and regulatory context. Such an approach to managing the watershed would be unwieldy and unnecessarily expensive. It would be more effective to have simplicity in plans and designations and focus the available financial resources on plan implementation initiatives.

Implementation

The Parties are responsible for implementing the regional land use plan and the plan should provide sufficient direction and clarity to the Parties without necessarily requiring an ongoing role for the Commission.

The proposed approach to managing activities in the Integrated Management Areas (IMAs), especially pertaining to plan variance and amendment, is unnecessarily complex and onerous. For example, ground access in almost all of the IMAs will require a plan amendment. This will not only necessitate the ongoing existence of an overseeing body (i.e. the Commission) to undertake this task but will establish an ongoing, ad-hoc, resource-intensive process to review each new project. This will be a cumbersome and impractical way to address issues related to surface access. YG believes a less process intensive method for dealing with access in the IMAs can be developed which does not involve plan variance for every project.

Consideration should also be given as to how the plan will be implemented with existing legislation. As written, every project requiring access will be a nonconforming project under the *Yukon Environmental and Socio-Economic Assessment Act*. This will result in the Yukon Environmental and Socio-Economic Assessment Board (YESAB) asking the affected Regional Land Use Planning Commission to determine whether or not a Project is in conformity with the approved regional land use plan. By making access a nonconforming use, the plan has introduced an extra regulatory layer for project reviews and created more uncertainty for each project.

The North Yukon plan sets out the basic considerations for implementation and allowed the Parties to establish a reasonable and collaborative implementation arrangement that acknowledged the paramount responsibility of the Parties as the implementing bodies and the role of YESAB. This plan could be used as an implementation model for the Peel planning area.

Generally, YG would like to see a more streamlined regional land use plan and the existing approved North Yukon land use plan could be used as a model for size and readability.

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