

June 9, 1998

Memorandum

To: Janet Moodie
Brian Love
Danielle Heon
Glenn Hart
Cris Pekarik

Re: Departmental Responses on the Yukon Protected Areas Strategy

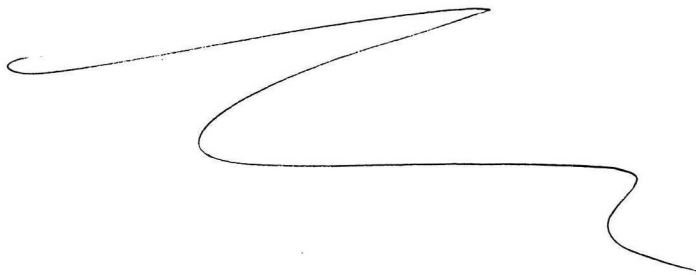
Attached are two responses, one from Maurice to Bill Oppen and one from myself to Bob Kuiper on the most recent draft of the Protected Areas Strategy.

This drafting process is drawing to close and the Strategy is expected to be in the public domain by the end of June. We have made some progress but you will note there are still several issues outstanding. I'm hoping we can resolve those with Renewable before Cabinet review next week.

Renewable Resources hopes to have the Strategy finalized by early September and will then immediately begin implementation.

Please call me at 3432 if you have any questions or concerns.

SCOTT M.

A large, stylized handwritten signature in black ink, appearing to be "SCOTT M." with a long, sweeping underline.

To Scott Multer

please share with

*Danelle Heon & others
as interested.*

-Jesse

Maurice Albert

To: Bill Oppen

Subject: YPAS

Sorry about the delay in sending you our comments.

Generally, I think you have a much better document this time around. We have a few comments as follows:

1. Page 10 of the main document has a reference to Wolf Lake National Park which may not be in accordance with the Cabinet direction on this issue.
2. Page 2 of the Tech Paper 1 refers to a number of planning and management tools. These should be put into a context with the YPAS. It is not clear if you intend to use the same consultation process for Habitat Protection, Ecological Reserves, etc as you will use for YPAS. I don't believe that this is your intention thus the need to clarify the issue. As written, someone can come in later and accuse the Government of not consulting on these issues.
3. Page 6 of the Tech Paper 1 defines the Local Planning Teams. It may help a lot to alleviate the fears of resource companies if they had a representative at this level. This would also be a great help to the Government in voicing our objective of having a balanced process.
4. Page 2 of Tech Paper 5 talks about avoiding conflicts with resource industries whenever possible. I suggest that this section be strengthened considerably. You may even want to create a new section in this paper about this issue. While I understand that some member of the resource industries will never support the YPAS, we need to make sure that our politicians have the ammunition to be able to counter the criticism that is sure to come. I recommend that we state openly that some areas of high resource potential will be identified and will only be used as a last resort to represent the ecoregion. The objective is to provide a clear and direct message that the government can point to in countering the critics views that we are trading resource jobs for tourism jobs.
5. You stated that it is your intentions to have a referral process clearly defined for the implementation of this strategy. I strongly suggest that this process be defined as one of the technical papers released for consultation. This will greatly help defuse the arguments that the Government will not be open and transparent in this process. Again, I'm thinking about how the government will present the benefit of this strategy to the public and what we will need to counteract the doom's day message that is sure to come from some people.
6. Page 1 of Tech Paper 6 refers to limiting compensation. As you know the BC Government was hit very hard by the Courts on this issue. We face a similar issue with SMA's. I suggest that our Department co-sponsor the preparation of an internal paper on compensation. We have been dealing with Swinton and Company on the Anvil Range issue. They have some experience with the BC compensation issue. If you are in agreement, I can speak to them about undertaking this work on our behalf.
7. One of your paper (I can't recall which one) identify protecting sub-surface rights in YPAS. I would suggest that sub-surface activity be allowed to occur where the process will not require surface activity within a protected area to benefit from the resource. I'm

thinking about directional drilling for Oil and Gas.

If you need us to clarify some of these comments, please don't hesitate to contact me.



Economic Development
Box 2703, Whitehorse, Yukon Y1A 2C6

Our File:
Your File:

June 8, 1998

Memorandum

To: Bob Kuiper
Renewable Resources

From: Scott Milton
Economic Development

Re: Economic Development May 27 YPAS Submission

The Economic Development YPAS group has reviewed the May 27 draft. While we acknowledge that the document has made some substantial progress, we have some large concerns that remain outstanding

The comments are in two parts. First are the "substantive" issues that have been compiled at a departmental level. Second, I am transmitting my own "editorial" comments to suggest wording and other minor changes. Danielle Heon has also undertaken a similar, detailed exercise and her comments were sent under separate cover.

Substantive Issues

1. **Sub-surface resource rights** related to oil and gas should be excluded from protection in cases where no surface activity within a protected area is required for extraction. This point is not discussed in the document but is key to the development of our oil and gas industry.
2. A consistent message from industry groups has been ensuring the integrity of the resource base on which tourism and resource industries are dependent. Unfortunately, this important message is not clearly conveyed in the strategy. **We suggest a principle be included that recognizes the importance of the Yukon's resource base to the economic values held by Yukoners and that the YPAS will be implemented in a way that considers these values.**



3. The description of **resource assessments** requires more work. Resource assessments are key to our participation in the implementation of the strategy. Danielle has provided some wording suggestions that address our concerns.
4. We favour **an approach that treats all sectors equally** and clearly states that the YPAS should serve to enhance, or at least avoid negative impacts to, the Yukon economy. The document continues to include a goal of protecting areas of high value for outdoor recreation and tourism. We have argued consistently that the tourism sector should not be “protected” while mining, forestry, oil and gas and others are impacted negatively by the implementation of the Protected Areas Strategy.

These substantive issues need to be addressed before the document is finalized. I suggest that you and I sit down this week to see if can make some progress on these, subject to the review and approval of our respective Deputies.

Editorial Comments

- **Over-view:**
 - Page 1, 4th para: The concept of “not forgetting about families” should be included as a principle on economic values (see substantive comments).
 - Page 2, past two bullets: Protecting areas of high value for outdoor recreation should not be a goal of the Protected Areas Strategy, which seeks to protect a land-mass representative of eco-systems. The goal of protecting large tracts of wilderness may or may not be required to achieve eco-system representation.
 - Page 3. Include an eighth principle on the importance of the resource base to economic values held by Yukoners (see page 4).
 - Page 8: Reference to access on “most” public lands outside core protected areas should be changed to “non-protected”.
 - Page 8, last para: We would prefer a discussion of the wide range of tools to protect biodiversity, including the Mining Land Use Regulations, Forest Land Use Regulations, CEAA (DAP) and various other legislation and regulations that would be considered before land withdrawal. Land withdrawal should be noted as a measure of last resort.
 - Page 10. The year 2000 commitment really does not mean anything anymore. We should drop it and consider viable targets that measure progress on the YPAS.

- Page 10, 4th bullet: The Parks Canada selection and planning process differs substantially from the process in the YPAS. Our working with Parks Canada on the Wolf Lake NP introduces a third process for establishing protected areas outside of the YPAS process and SMA's. This process should be noted as one the Yukon Government is willing to employ, if necessary, and this should be presented up-front in the public version.
- **Technical Paper 1:**
 - Overall, the paper does a good job of describing roles and responsibilities but some indication of direct costs of establishing protected areas would be helpful for the public in their assessment of the YPAS.
- **Technical Paper 2:**
 - Page 4: The Naturalness criteria includes a discussion of the preservation of past disturbances such as heritage values. These objectives are at odds and the discussion of heritage values belongs elsewhere.
 - Page 4: Ecological viability discusses the ability of ecosystems to be sustained in perpetuity. As a philosophical aside, this seems pretty much impossible as the eco-systems we know of today have evolved over millions of years and millions of years from now (part of the way to perpetuity) they will be replaced by entirely new ones. To talk of perpetual "sustainability" is mixing the temporal scales of biological and geological time.
 - Page 4: Need to define "transitional" and "edge" habitats.
 - Page 7: Economic Development strongly opposes the protection of areas of high value for outdoor recreation and tourism. Protecting tourism above other sectors has been noted as concern in both workshops and through other discussions on the YPAS. Tourism promotion should take place in a parallel fashion with the YPAS, but not a goal of the strategy. The YPAS needs to be implemented on a level playing field for all sectors. As well, it is conceivable that some outdoor recreation and tourism activities will adversely affect the eco-regions where they take place in much the same way as extractive resource activities.
 - Page 8: We have consistently noted our concerns with the protection of large tracts of wilderness. We believe that as much land as necessary to achieve eco-system representativeness should protected - no more or no less.

- **Technical Paper 3:**

- Page 2: We would like a guiding principle included:

“Integrity of the Resource Base:

- Protected Areas will be established in recognition of the importance of resource-based activities to the Yukon economy and that Yukoners have the right to continue to prosper from the development of our resource-based economy.”

- Page 5: Social and Economic Assessments. Considering the economic value of ecosystem functions is pretty shaky stuff, methodologically. If we adopt multiple account analysis as a framework, there is no need to place dollar values on ecosystem functions because they will be accounted for in the ecological accounts, without the need to quantify. The importance of this to the integrity of the MAA framework cannot be understated - it is what makes MAA such a strong decision-making tool.

- **Technical Paper 4:**

- No comments.

- **Technical Paper 5:**

- Page 1, 2nd para: The last line notes that all industries are important to the Yukon economy. Unfortunately, not all are treated the same under YPAS as tourism is protected above all other industries.
- Page 2, 2nd para, last sentence. Delete “Where reasonable options exist,....”
- Page 6. This is a slight variation on MAA as I understand it:
 1. All industries should be lumped together, including tourism, mining, forestry etc.
 2. As noted above, the economic value of ecosystem processes results in a double-counting and is fraught with valuation problems. Any accounting of eco-ecosystem process should be included in the Environmental (ecological) accounts.

- **Technical Paper 6:**

- Page 1, 1st para: Interim protection does affect existing activity in that advanced exploration projects are not likely to proceed with development

capital outlays without the certainty of land access, both for existing operations and future expansion if required.

- Page 2, Subsurface Withdrawal: Two points here:
 - It sounds like this is an explanation of how sub-surface withdrawals are enacted. We need a description of the policy that describes the circumstances when they would be considered. (see substantive comment on sub-surface resource rights). This issues is of critical importance to the oil and gas industry, which our government is heavily promoting at the moment.
 - The description for oil and gas resources is not very clear. This needs to be “plain-talked” so we can understand what is being said here.
- Page 4: We would like to see the compensation issue flagged in the Submission to Cabinet as one requiring further study and one that could represent a sizable financial liability to the Yukon Government in implementing the YPAS.
- **Technical Paper 7:**
 - No comments.
- **Technical Paper 8:**
 - Reviewing the plan should include reference to reviewing management plans for each protected area to ensure that the objectives of the YPAS are being met through each individual Protected Area. This is in addition to a periodic review of the YPAS itself.

I would like to discuss these comments, in particular the substantive comments, with you this week.

Thanks,



Scott Milton

.s's:

Maurice Albert, Jesse Duke, Janet Moodie, Brain Love, Danielle Heon, Glenn Hart