

YUKON PROTECTED AREAS STRATEGY

WRITTEN COMMENTS; Submitted by Mineral Resources Directorate, September ____, 1998

YPAS Technical Paper No. 1: Roles and Responsibilities for Implementation, July, 1998

Interpretation (p.3):

YPAS means a coordinating strategy to implement a number of different types of protected areas. *Nice to see this clearly defined. Note: in other Technical Papers refer to PAS as a “statute”* (Tech. P. No.2, p.7, para.3)

Public Participation (p.4).

How this will be achieved is well outlined and consistent with what was asked for by mineral groups in consultation. Will give all stakeholders a chance to have a kick at the can.

GOVERNMENT RESPONSIBILITIES, Yukon Government (p.5)

YPAS Secretariat.

Outlines the duties of and composition of this group, and goes into detail about its responsibilities.

Of note, it is identified here that the Secretariat, which will be made up of technical government staff, will coordinate technical resource inventories and assessments.

Let us hope that these technical government staff will include representatives from the Yukon Geology Program and/or YTG Economic Development (Mineral Assessment Geologist) so that awareness of where to concentrate Mineral Assessments will be understood very early in the planning process.

Yukon Government:

States YTG WILL participate in planning and management of other types of management regimes for types of “protected areas”.

This is a good step towards avoiding duplicity.

Yukon Government Cabinet (p.5)

Responsible for approving: (1) priority regions, (2) proposed study areas, (3) making requests to federal government for interim protection, (4) approving final protected areas proposals, (5) making requests to the federal government for land transfers, (6) approving PA designations, (7) approving PA management plans, (8) approving annual workplan priorities, (9) approving revisions to YPAS, and (10) approving revisions to territorial PA legislation.

Good to see lots of accountability here. Particularly like the fact that cabinet will have to approve serious moves such as interim protection (more than you see in DIAND)!

First Nation Government (p.6)

Good to see Special Management Areas recognized a “significant contribution towards the completion of a PA network”. Provides certainty that these areas will form part of PAS objectives for protection.

Government of Canada (p.7)

This section fully acknowledges federal legislation and management responsibilities for most of the Yukon's resources and much of the Yukon land base, and that any recommendation affecting the management or regulation of these resources would require approval from the federal government. In addition, any request for subsurface withdrawal of mineral resources must be approved by federal order in council(because of miners rights under the YQMA and YPMA). (These were points elsie raised).

Local Community Governments (p.8)

Outlines under what circumstances these governments will be involved to a satisfactory level, and also commits to holding the majority of planning meetings in the community most affected by the PA proposal.

This is a welcome commitment to local planning and buy in. This will be the forum which allows legitimate stakeholders have a voice in broad planning for areas which will be withdrawn from development.

Mandated Boards and Councils (p.9)

Outlines how six existing, as well as "other" established Boards and Councils will be involved in planning of PAs, and mentions that "2 or 3 groups will be invited to have a representative on Local Planning Teams. *Good effort to involve all interest groups.*

Local Planning Teams (p.12)

Outlines composition of the Team membership and clearly outlines the Team's responsibilities. *This appears to be a clear commitment to establish and coordinate teams involving a broad spectrum of stake holders. This is critical to other resource using having their say about which areas are chosen for study areas,*

GENERAL

Overall, this technical paper does a very thorough job of outlining who will be involved in the planning and management of Protected Areas, and precisely who will do what. This helps ones level of confort, knowing that there will be a clearly defined number of steps involved in selecting areas that are acceptable to all stakeholder groups.

YPAS Technical Paper No. 2 Types of Protected Areas and Criteria for Selection, July, 1998

In the introduction section it is recognized that, although there are various existing types of formal protection of crown land from development, good management through existing regulations and permitting processes are also effective tools to ensure "wise stewardship on public lands". This is consistent with what was stated by industry during public consultation. It also reiterates previously stated commitment in this strategy to avoid duplication of processes (see Technical Paper No.1).

Note: The YPAS also plans to use existing mechanisms to achieve those "Special Places"

outlined in goal 2.

Goal 1: Representative core areas in each Ecoregion

Clearly outlines the level of protection for core areas, and what criteria will define ecoregions including: (1) representativeness, (2) naturalness, (3) ecological viability, and (4) research and education values.

Identifying Ecoregions as a top priority for this strategy is consistent with Mineral Resources (DIAND) and Economic Developments (YTG) position during strategy development. The specifics which define each of the four criteria are explicit and thorough, and it is reassuring to see this information provided.

Somewhat worrisome is the fact that Ecological Viability goes a long ways towards ensuring that the Core Ecoregions will be large. Most of the factors are acceptable but I am skeptical about the provision that Core Areas should be large enough to allow for survival and recovery of ecological functions following natural disturbances. This criteria is extremely disturbing as it would give the YPAS Secretariat a great deal of latitude to ensure core areas are large enough to sustain the largest imaginable forest fire, flash flood, land slides, etc., expanding these areas to unprecedented proportions!

PA designations suitable for Goal 1 (p.7)

Core PAs will restrict access to any resource industries but the strategy fails to recognize that the tourist and outfitting industries are also known to be destructive to delicate ecosystems.

(It is noted that this may be the intent of the ...”other land users that might affect the features being protected, but it is questionable whether this is good enough)..

The PA is referred to a “statute” in para.3). Is this correct?

Goal 2: To protect the special places

Outlines 5 types of places which could fall within this type of PA and identifies existing types of PAs which could meet the objectives of these places. Special Places includes: (1) important vegetation, fish and wildlife, (2) uncommon landforms and natural features, (3) areas of cultural, heritage and spiritual value, (4) areas of high value for outdoor recreation and tourism, and (5) wilderness values.

Mineral Resources position has consistently been that 23 Ecoregions should be an adequate conservation goal of the PAS. The level of discomfort comes from the lack of ceiling for the amount of land which may ultimately become withdrawn under the auspices of the PAS.

For both Types (1) and (5) it would seem that the criteria provided is the same as for values protected under the core areas but presented a second time with a different perspective. The purpose of this section seems to be that if core areas are not big enough, the buffer zones can be achieved through additional designations.

We can understand the logic of having Special Place Types (2) and (3) , but cannot support special consideration for the tourist industry as proposed in Type (4). Type (5), which protects “wilderness areas” with possibly economic potential, should only be included if tourism is to be excluded from the Core Areas as the PAS already clearly supports the tourist industry though the resistance to exclude this group from the core areas.

SUMMARY OF OPTIONS FOR PROTECTED AREAS

Provides outline of the existing Types of PAs, including details such as: (1) the responsible government agency, (2) the enabling legislation, (3) the designation and purpose, (4) the level of protection, (5) the appropriate management bodies, (6) existing examples. The planning and establishment processes in place, or else being proposed in the Strategy, for each respective type of PA also considered.

The types of PAs sited include: (1) Territorial Parks, (2) Territorial Historic Sites, (3) Habitat Protection Areas, (4) Wilderness Management Areas, (5) National Parks, Park Reserves and Marine Conservation Areas, (6) National Historic Sites, (7) National Wildlife Areas, (8) Marine Protected Areas, and (9) Canadian Heritage Rivers.

Factual information that is good to see clearly outlined.

YPAS Technical Paper No.3 - Planning and Establishing Protected Areas

Process Steps: (1) identify broad initial areas of interest, (2) establish the Local Planning Team, (3) identify proposed study areas, (4) government review and approval of proposed study areas, (5) finalize protected area proposals, (6) DAP the final proposal, (7) final government review and approval, (8) designation and final withdrawal of the protected area, (9) management planning, (10) cabinet approval and final management plan.

Step 1 includes a provision to assemble all of the relevant information on resource assessments, third party interests and related social and economic issues. This will be the earliest stage that the department of economic development will hear of the "areas of interest" or will the Mineral Assessment Geologist be part of the YPA Secretariat?

Step 2 will take some time, which gives the Mineral Assessment Team do some work and the mining industry some time to do some lobbying for their preferred areas for withdrawal.

Step 3 includes 5 sub-steps to follow in order to: (1) start the public planning process, (2) evaluate the initial areas of interest and (3) identify a proposed study area.

One of the sub-steps of Step 3 includes a provision to conduct resource assessment in order to identify competing resource interests in the areas of interest being considered. Hopefully this process is well underway from Step 1, and this step is to now focus onto areas of interest.

During Step 4, once a proposed area has been approved, the Yukon government will request the federal government to establish interim protection. Good to see most of footwork done before this occurs.

In Step 5, further consideration is given to a "additional detailed resource assessment as required", but this would occur concurrent with finalization of boundaries and development of

management plans., etc., and would really be to late to significantly the decision to withdraw the area from development.

By the time the process reaches Step (6), Mineral Resource interests will no longer be an issue in the final approval process for a PA.

Technical Paper No. 4 - Protected Areas and Yukon First Nation Final Agreements

This Technical Paper recognizes the paramountcy of the Yukon First Nation Final Agreements and affirms that the strategy will respect all terms and conditions of these agreements, particularly those pertaining to Chapter 10, Special Management areas..

It is good to see the strategy acknowledge the role of First Nations a great idea to include Chapter 10 of the UFA for the readers convenience. There should be a paragraph in this paper which explains where the YPAS Secretariate does come into the picture, which is during the development of management plans for Special Management Areas.

Technical Paper No. 5 - Socio-economic Assessments of Protected Areas

Key Issues (p.4)

“Where reasonable options exist, a priority will be placed on locating protected areas where social and economic benefits can be realized, and where conflicts with resource industries can be avoided.”

Good!

Types of impacts to be assessed (p.5)

Where considering a wide range of impacts the paper considers the potential impacts of restriction mining, timber harvesting or hydro development within Pas, with consideration given to the need for different industries to have suitable access to resources.

Good

Resource assessments (p.7)

Outlines how resource assessment will be done in three stages; (1) when priority ecoregions have been identified, (2) areas of interest have been identified, and (3) during finalization for the PA proposal.

The third stage of mineral assessment occurs once the PA is close to a done deal and only final boundaries are and issue, which may be important in specific cases (ie Tombstone)

Technical Paper No. 6 - Interim Protection and Third-Party Interests

Types of interim protection: Land Reservations (p.4)

Statement that land reservations ...”do not withdraw the area from disposition of sub-surface rights, however applications for permits to perform work on the claim would be measured against the values being protected, and could be denied”.

This statement is a little strong. It should be qualified that work could be detained during the time frame of the interim protection, and that a time frame would be specified.

Technical Paper No. 7 - Work Plan

There are 6 sections in the Workplan (p.3)

Of concern is: (6) preparing management plans for Special Management Areas set up under First Nation Final Agreements completed to date.

(6) Need to explain where PAS takes on responsibility of management planning for first nation agreement packages?

Technical Paper No. 8 - Reviewing and Updating the Strategy

Commitment to review the overall objectives and effectiveness of the PAS every 5 years is a good one.