

Memorandum

To: Glenn Hart
CC: Jesse Duke, Cris Pekarik, Dave downing, Scott Milton
From: Danièle Héon
Date: 04/16/98
Re: PAS March 30 Draft

Here are my comments on the March 30 draft.

GENERAL COMMENTS

The PAS should not be a policy document created to promote tourism. It reads like so in a few places. Its purpose is to fulfill ecological goals, while acknowledging its impact on the economy. It should also acknowledge not only its potential adverse impact on the areas outside of PA's but on the whole territory. Tourism is an economic sector that needs to be considered as a form of development and managed as such. This view was expressed at the workshop not only by resource interests but also by conservationists and very strongly by First Nations.

The inclusion of provisions regarding the consideration of resource interests helps make the document more balanced. To delete these or to water them down would affect that balance.

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Timelines for the workplan need to be revised to be more realistic

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April 15, 1998

M E M O R A N D U M

TO: Bill Oppen, Deputy Minister, Renewable Resources
FROM: Maurice Albert, Deputy Minister, Economic Development
DATE: Wednesday, April 15, 1998
SUBJECT: Protected Areas Strategy, March 30 draft.

Your department has received numerous comments from the Working Group, the Advisory Group and the Steering Committee which, I understand, will lead to considerable changes to the organization and content in the next draft. Given these expected changes, I can offer some general comments that would assist our departments in working together in finalizing the details.

We support the consolidation of the economic development issues into one section that addresses the concerns of the resource industries directly. My department staff will continue to offer assistance to ensure this section achieves the balance sought without compromising the objectives of the PAS.

The best way to address the concerns expressed by industry over potential uncertainty to investors and alienation of the Yukon's resource base is to ensure the process for identifying candidate areas is clearly defined and accompanied by some basic principles. The details of the process need to be clearly spelled out in the strategy.

Also, given the criticism that was shared by many participants at the recent Advisory Committee with respect to the draft not incorporating their suggestions I would encourage you carefully review the recommendations made by the various interests, and ensure there is a clear rationale as to how the comments are addressed.

I also hope you will carefully consider the suggestions and recommendations from my staff which are attached.



April 15, 1998

M E M O R A N D U M

TO: Bill Oppen, Deputy Minister, Renewable Resources
Joy Waters, Chair YPAS Steering Committee

FROM: Jesse Duke, Mining Facilitator F - 1

DATE: Wednesday, April 15, 1998

SUBJECT: Yukon Protected Areas Strategy: suggestions for the next draft

INDUSTRY CONCERNS

The Department of Economic Development has carefully reviewed the concerns of industry during the consultations on the YPAS. The following recommendations, if incorporated into the YPAS should assist in maintaining the support industry has shown for this initiative without compromising the objectives of appropriate protection.

Three main concerns have consistently be repeated:

1. Clear criteria for the selection of Protected Areas to ensure there is a good understanding of what the PA's are trying to achieve. *- need better criteria - review of legislation*
2. Ensuring the Protected Areas Strategy minimizes uncertainty to investors in the process and selection of Protected areas. *Issue of I.P.*
3. Ensuring the Yukon's natural resource endowment base is not alienated without justification.

ADDITIONAL Be Der concerns.

A recommendation for addressing these concerns is offered below:

CRITERIA:

Broad criteria is insufficient to establish the ground rules for selecting areas of interest. Several types of PA's are suggested, which may have differing criteria. This is creating confusion about the intent and objective of the PAS.

→ review of legislation
→ definition of types of PAs + activities permitted or not.

The specific criteria that will be used to identify resource values should be included.

Renewable Resources should provide additional clarity on criteria to be used for eco-region representation. *to establish ecological values which will be used in selecting areas, setting priorities + indicating the activities required to achieve the objectives of the strategy.*

INVESTMENT UNCERTAINTY AND ALIENATION OF RESOURCE BASE:

The process of identifying areas of interest would be clearly defined using the following model:

PROTECTED AREAS PLANNING PROCESS

1. Prioritization of specific eco-regions for consideration.
2. ~~YTG~~ assessment of appropriate areas suitable to achieve goals of strategy.
3. Resources ^{to manage} to complete studies and consultations are identified.
4. Specific candidate areas selected.
5. Interim protection is applied if required.
6. Community and stakeholder committee struck to oversee the study and recommend final candidate area.
7. Final protected area is selected.
8. Interim protection lifted on remaining areas.

Govt
+ community
involve early

DIAND CONCERNS

The Department of Economic Development believes the federal government may wish to see the use of **interim withdrawals**, acceptable **resource assessments** and Full YTG responsibility for **compensation claims** by third party interests addressed before considering transferring any lands to the control of YTG proposed for the Protected Areas initiative.

RECOMMENDATION:

Note: this does not mean YG assess responsibility for these assessments

1. The Yukon Government should ensure adequate resource assessments are completed in any area proposed for withdrawal.
2. A policy on compensation of affected third party interests should be developed. (Economic Development is presently compiling information to assist in anticipation of compensation ~~actions~~ against the Yukon Government. *and undertaking research identify potential liability + initiating a policy on*)
3. Laws of general application should apply to all areas outside of protected areas. The use of buffer zones should be discouraged. *responsibility is not applicable to YG obligations relate to natural resources.*

?

BACKGROUND:

INDUSTRY POSITION ON PROTECTED AREAS:

more work needed.

(The following is a summary of positions as expressed in correspondence from the mineral industry)

ISSUE: LACK OF CLEAR CRITERIA FOR ESTABLISHMENT OF PROTECTED AREAS.

Problem: No clearly understood criteria have been offered for determining ecological values that require protection. No scientific criteria have been established for determining the natural resource values of an area.

Solution: Scientific criteria needs to be agreed upon by all stakeholders to determine the size Protected Areas and the system of determining both resource and environmental values. The short-term costs of developing protected areas and long-term lost economic opportunities need to be addressed.

The Dept of Eco Dev't will be working on a framework for resource assessment along w/ federal + other YG parties.

ISSUE: UNCERTAINTY IN INVESTORS DURING IMPLEMENTATION OF PROTECTED AREAS.

Problem: the PAS introduces uncertainty with respect ^{to} the timing, amount and areas that will be subject to study and potential alienation from resource investment. Industry is very concerned about the impact of uncertainty on investment.

Solution: A process that would increase certainty to industry, reduce conflicts between interest groups and expedite the completion of a PA system is proposed:

1. SMA's under land claims be identified and finalized first. *F.A. completed prior to the dev't of other PAS*
2. Only one region at a time is examined under the YPAS.
3. Three candidate areas at a time in an eco-region are selected
4. YPAS should be public and community based consultation process is established.
5. The selection process is subject to clear scientifically-based criteria.
6. There must be consensus among governments and stakeholders on the final selections.

ISSUE: EXPECTED ALIENATION OF SIGNIFICANT YUKON RESOURCE ENDOWMENT

Problem: ~~Other jurisdictions have faced~~ significant alienation of areas of high mineral potential, and subsequent lost economic opportunities when protected areas are located over areas of high mineral potential. *occur*

Solution: Areas of high mineral potential should not be targeted for protection where reasonable alternatives exist.

OTHER ISSUES AND CONCERNS: *again review of legis.*

Problem: The PAS does not recognize the level of protection the Yukon now has for resource development. It leaves the impression development can occur without any environmental safeguards throughout most of the Yukon.

Solution: The YPAS should recognize the levels of protection that presently exist in the mining legislation, Yukon Wildlife Act, Yukon Waters Act, Territorial Lands Act, Canadian Environmental Assessment Act, Canadian Environmental Protection Act, and other laws of general application.

Problem: YPAS appears to single out the mining industry, without recognizing the potential for sustainable and temporary use of the lands without compromising ecological values.

Solution: The possible co-existence of responsible mining with some types of protected areas ~~could~~ *should* be endorsed. *No single industry should be singled out for promotion or restriction in the PAS. Rather,*

Some of the other concerns raised include: *the principle of evaluating the compatibility of activities with ecological values should be endorsed.*

- the possible creation of a new bureaucracy for protected areas. *ecological values*
- Stakeholders, who ~~have the most~~ *should be endorsed* at stake will be excluded from important decisions. *- which ones*
- The use of "network" for a PA system will result in interconnections that seriously restrict access to resources. *are likely to unnecessarily*
- over-use of Interim-protection for candidate areas will send a negative signal to industry.
- Protected Areas may provide special business opportunities to some individuals and businesses at the expense of other resource opportunities.
- definitions of terms commonly used in the strategy should be supplied to prevent misunderstandings. *assist in a developing a shared understanding of the concepts + purpose of the strategy*

EXPECTED FEDERAL GOVERNMENT POSITION ON PROTECTED AREAS

A federal government decision will be required to transfer the management of lands under the Protected Areas Strategy to Yukon Government control. DIAND Yukon Region is preparing an official position on the YPAS initiative. The following key issues are expected to be presented: *does not endorse may not have*

INTERIM PROTECTION: DIAND will want to see clear and legal certainty. Map notations may not be satisfactory. Interim withdrawals of third party dispositions will be viewed as clear.

RESOURCE ASSESSMENTS : DIAND will want to see balance in decision-making, with resource values taken into account. They will wish to see appropriate resource assessments completed.

COMPENSATION: DIAND will want to ensure YTG has full responsibility for any compensation actions that may result from the creation of a special management area.

?
- or -
protected area

BUFFERS AND CORRIDORS: DIAND will expect the normal land use approval processes to be applied on Crown lands.

Throughout the development of the YPAS, I have attempted to introduce an issue that I continue to see missing from the strategy. I would like to see it included in the draft that goes out for public consultation.

The issue in question is that, withdrawing the subsurface from resource extraction in terms of oil and gas, is not necessary to protect the surface environment. I would suggest that protection of only the surface would accomplish all of the goals and aims mandated.

There are two situations that can exist in terms of oil and gas extraction from the subsurface with respect to a subsurface withdrawal.

OIL AND GAS:

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There are two situations that can exist in terms of oil and gas extraction from the subsurface with respect to a subsurface withdrawal.

An oil or gas accumulation in the subsurface lies completely within a withdrawn area. The oil or gas accumulation could be reached from a surface location outside of the protected area. Provided it is economically feasible, it is hard to see why this resource should be removed from disposal.

An oil or gas accumulation in the subsurface lies partially within a withdrawn area. In this case, the portion of the reservoir outside of the protected area would possibly not be available for extraction. Any removal of oil or gas from the reservoir would draw some portion of oil or gas out of the reservoir in the withdrawn area and thus not be allowed. In effect, a small withdrawn area can sterilize a large area from petroleum development. I do not believe this is a situation we want to create.

Given the fact that in terms of oil and gas extraction, protection of the surface is all that is required to protect ecological diversity, special natural and cultural features, and other aims of the YPAS, there is no need to withdraw the subsurface. Secondly, withdrawing the subsurface can have an unintentional negative impact on petroleum resource extraction outside of a protected area.

In addition, the Government of Yukon can protect an area from petroleum exploration by simply not making the area available for disposition. Under the Yukon Oil And Gas Act, dispositions are sold, typically through a bidding process. If an area is not put out for bid it remains unavailable for disposition.

Hence, the move to withdraw subsurface dispositions with respect to oil + gas is based on flawed assumptions regarding the regime. The consequences of persisting with this flawed assumption are the loss of resources, economic + fiscal potential.

Memorandum

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14 April 1998

MEMORANDUM

To: Jessie Duke
Mining Facilitator

From: David Downing
Oil & Gas Analyst

Subject: Draft Protected Areas Strategy (YPAS)

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In addition, the Government of Yukon can protect an area from petroleum exploration by simply not making the area available for disposition. Under the Yukon Oil And Gas Act, dispositions are sold, typically through a bidding process. If an area is not put out for bid it remains unavailable for disposition.

Specific items within the draft of YPAS that should be changed are:

P.19, Goal #1 Representation of Ecological Diversity.

Paragraph 2 “In areas created for the purpose of representing ecological diversity, no (*surface access for*) industrial resource extraction will be permitted.”

P.20, Goal #3 Diversifying Economic Opportunities In The Yukon

Paragraph 1 “The Government ... resource base. Mining (*and oil and gas*) needs access ...

P.33, Type 2: Full Surface and Subsurface Interim Protection

Paragraph 2 “a restriction to Oil and Gas exploration licences by a ‘withdrawal order’ as per the Territorial Lands Act with reference to the Canada Petroleum Resources Act or Yukon Oil and Gas Act.” This whole bullet should be removed. (it is also no longer technically correct)

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still no budget.

Strategy for advancing position

- suggested
action
plan.
1. Advance comments to RR for next round of revisions (Jesse/ Maurice)
 2. Advise RR that the Action Plan be taken to the Advisory Committee and that other actions be proposed for the development of a government workplan over the coming months. Advise that this work be done with period reports to and input from the Advisory Committee. That the public consultation draft then be taken to Cabinet in August prior to release for public consultation in the Fall (the Advisory Committee is likely to support this, based on their response at the last meeting).
 3. Establish that this department will take the lead in drafting proposals for the questions of interim protection and third party interests, as well as providing a framework for resource assessments. [Timing: after the above approach has been endorsed by RR and the Advisory Cttee]
 4. Meet with RR staff to describe suggestions
 5. Sub-Cttee meeting on DAP—describe approach

To page 7

The Protected Areas Strategy

Identifies....

- The legislative and regulatory requirements to fulfill the objectives of the strategy
- The procedures which will be followed to address third party interests adversely affected by implementation
- The roles and responsibilities of government, advisory bodies

To pps 31-33

Interim Withdrawals: While this section clearly describes the instruments and rationale for use of resource disposition withdrawals, and provides for some broad principles for the application of withdrawals in the development of protected areas, additional issues need to be addressed. For instance, under what circumstances different methods of interim protection apply should be linked to the ecological criteria. Furthermore, specific commitments with respect to interim withdrawals is a very important component of how the strategy will address broad economic objectives, including investor climate and land access. [see below, Action Plan]

Protected Areas Strategy Action Plan

1. Ecological Criteria Development

Goal: to ensure that the criteria for selecting and evaluating candidate sites and the methods of management are clearly and specifically articulated to support the protection of ecological values that are suitable to the Yukon context

Issues: What are the ecological criteria for selection and evaluation? How should criteria used in other jurisdictions be adjusted to reflect the Yukon context?

Result: clear, specific criteria which will allow advisory bodies and government officials to develop plans and recommendations for the priority, sequence/timing, and

selection and evaluation of candidate sites.

Treaty
2. Legislative & Policy Review

Goal: to ensure that adequate legal and regulatory instruments are available to achieve the objectives of the Protected Areas Strategy

Issues: Are the mechanisms that currently exist to designate areas to be managed in such a way that ecological values are protected (Natural Environment Parks, Ecological Reserve, Habitat Protection Areas) adequate when measured against the objectives of the Protected Areas Strategy and the obligations of the First Nations Final Agreements?

Are new regulations, regulatory changes or policy changes required to give effect to the objectives of the Protected Areas Strategy and the Final Agreements?

Are any legislative changes required?

Scope of Review: Parks Act, Wildlife Act, Parks & Outdoor Recreation Policy, 1991

Result: an agenda for legislative/regulatory/policy development that supports the objectives of the Protected Areas Strategy and the Final Agreements.

3. Addressing Economic Interests in the Implementation of the Protected Areas Strategy

Goal: to ensure that the necessary policies and procedures are developed to address broad economic interests in the manner in which the Protected Areas Strategy is implemented.

Issue: How can the PAS be implemented in such a way to minimize economic disruption, including protection of the investment climate and access to resources in the Yukon, during implementation?

How are third party interests, adversely affected by measures undertaken to implement the Protected Areas Strategy, going to be addressed?

Results: A strategy for interim protection and a process for implementation that reduces the overall land base withdrawn at any given time and which limits the duration of any such withdrawals. The strategy will include specific commitments on interim protection and the manner in which withdrawals will proceed. Thresholds for withdrawals will be established either on a total quantum of land withdrawn at any given time in the Yukon, a maximum number of areas withdrawn or areas subject to study, at any given time.

A compensation policy that addresses the interests of third parties in a fair and consistent manner.

*compensation
IP?*

compensation

4. Procedures for Resource Assessments to be used in evaluating Candidate Sites

Goal: To provide a clear and specific framework for completion and use of resource assessments in the implementation of the Protected Areas Strategy.

Issues: What is the scope, how and when will resource assessments be conducted in identifying and evaluating candidate sites? Who is responsible for conducting these assessments? How will the information generated in resource assessments be used in the analytical, advisory and decision-making process?

Result: Clear public policy on resource assessments being conducted in support of the Protected Areas Strategy which directs the work of scientists, planners, advisory bodies and decision-makers.

5. Benefits of Protected Areas

Goal: to set out the manner in which the benefits of protected areas will be examined in the Yukon

Issues: What are the potential benefits of protected areas? What are the particular issues associated with maximizing these benefits in the Yukon?

Result: Clear terms of Reference to guide a research paper on the economic benefits of protected areas in the Yukon. [research to be completed in Fall, 1998]

6. Process and Procedures for Establishing SMAs of new Protected Areas under the Final Agreements, and for addressing FN interests where they are adversely affected by the establishment of new Protected Areas.

Goal: to have a clear policy on the establishment of SMAs pursuant to completed Final Agreements

Issues: How will government go about addressing FN interests in the creation of protected areas?

Result: a clear policy informed by consultation with First Nations on the manner in which FN interests will be addressed—i.e., creation of SMA status and compensation for adverse impacts.

Add to existing comments from Ec Dev:

Ecological Criteria: The ecological criteria presented in the current draft of the Strategy are more specific than those presented in the earlier drafts. However, it appears that these criteria have been incorporated from the BC PAS, and as a next step, we advise that the criteria be the subject of extensive discussion and development, in order to ensure that the final criteria are both specific and address the Yukon context.

Ecoregion Representation: focus on use of ecological values. Ecoregion representation assumes a certain set of assumptions which need, at the very least, to be made explicit. Ecoregion representation is a prescriptive method which has not been rationalized in the context of the Protected Areas Strategy, nor endorsed by Cabinet.

Sorting out the roles of each government should also form part of the Action plan; however, at this stage, too many assumptions are being made about YG's responsibility for assessment, etc.

Compensation

Tourism rationale

C 13

April 14, 1998

Memorandum

To: Bob Kuiper
Chair
Yukon Protected Areas Strategy Working Group

From: Scott Milton
Senior Planner
Yukon Economic Development

Re: Yukon Economic Development Submission on March 30 YPAS Draft

Here are Economic Development's comments on the March 30 YPAS draft

Goal Three

This draft satisfies our concern for the inclusion of a goal that speaks to importance of considering economic values in decision making around protected areas. Goal number three adequately speaks to these interests.

The flowchart on page 23 should include boxes for goals three and four.

Criteria:

The criteria section will require further development, and hopefully the working and advisory group sessions over the next few days come up with some ideas that will address including meaningful criteria.

On *representativeness*, a statement such as "protected areas will be selected to fill gaps in representation in order to represent the characteristic climate,"

On *viability*, we prefer the BCPAS statement " viability is the ability of protected areas, and the values protected with them, to be maintained in perpetuity. Protected areas should be selected, located and designed to establish a network in which the collective viability of the areas can be sustained in the long-term. Considerations will include size, distribution, shape, compatibility of adjacent

land uses, watershed completeness, replication and intended uses and manageability.”

Wilderness:

- The discussion of protecting “wilderness” remains problematic. The PAS should strive to achieve its goals of representativeness, etc. If “large tracts of wilderness” are required to meet these goals, then they should be protected. If large tracts are not required, then they need not be protected.

Legal Instruments:

- The draft needs some assessment of the capability of existing Legislation to achieve the goals of the Strategy. This will identify shortfalls and suggest to the public areas where Legislative amendments may be forthcoming.

Decision Making Process

- Need some clear indication of resource valuations commencing at step two and carrying through step four.

Evaluations:

- Periodic evaluation of the YPAS should be built into the document. This approach was adopted with the Economic Strategy and the Conservation Strategy.
- Economic Development strongly suggest a periodic evaluation of management plans for each protected area. This would ensure that in the long-term, the goals of strategy are being well served by the area and that adjustments can be made where warranted. We suggest that an arm’s length group with balanced interests, such as the Yukon Council on the Economy and the Environment, be tasked and appropriately resourced to carry out these reviews.
- Tourism values should be included as economic values and considered appropriately as the process for selecting protected areas moves along.

Roles and Resourcing:

Not yet addressed.

- The Strategy will create a myriad of responsibilities for various territorial and federal agencies as well as for some yet-to-be-created committees and teams. There is a need to sort this out, even at a very general scale, so that the agencies

Not clear strategy.

involved can begin to consider and plan their involvement in implementation. This also will involve some resourcing of time and money to make it happen.

- The public will be interested in cost implications for establishing protected areas. Is there anything we can offer to address this concern?

- *Interim Protection:*

- Economic Development would like to see the inclusion of a principle that interim protection will be minimized and only applied where necessary and where active study towards the establishment of a protected area is on-going. A reasonable range, say two to four areas, should be the established cap for protection at any one time and to indicate to the public the extent of interim protection measures.

- *Compensation:*

- The Strategy remains silent on the issue of compensation for expropriated resource rights. Is there a statement that can be included in YPAS that speaks to this issue?

- *Conclusion*

- The goals of the Strategy should be re-iterated in the conclusion.

As I am out of the office until May 4, please call Jesse Duke if you want to discuss the issues we have raised.

Thanks Bob.

Scott Milton

.c's Maurice Albert, Jesse Duke, Janet Moodie, Brian Love, Cris Pekarik, Danielle Heon.



Yukon Chamber of Mines

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FAX MESSAGE

Date: April 28, 1998
Fax Message: ~~667-5398~~ 393 - 6232
To: Mineral Assessment Geologist
No. of Pages 6, including cover page
Attention: Daniele Heon

Hi Daniele,

Sorry this took a while. I just talked to Carl Shulze and he confirmed the letters that I am sending you. He has another one he is sending to Joy Waters, one of us can send that to you first thing in the morning.

Regards,

Kim



Yukon Chamber of Mines
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March 30, 1998

The Honorable Eric Fairclough
Minister of Renewable Resources
Government of Yukon
Box 2703
Whitehorse, Yukon, Y1A 2C6

Dear Mr. Minister,

RE: YUKON PROTECTED AREAS STRATEGY WORKSHOP

We are writing to express our concerns regarding the results of the recent workshop on the Protected Areas Strategy (YPAS). The mining industry was well represented at the workshop, and a number of our members were very active in the discussions that took place. Following an in-depth review of the DRAFT workshop report, we are of the opinion that the concerns expressed by the pro-development side of this issue have been, for the most part, largely ignored.

The Chamber has been an active player in this process from the outset. On more than one occasion, we have expressed concern that the balance we have been promised is not evident. This is very obvious in the DRAFT report we have just received.

We will make yet another attempt to have the concerns of the mining industry dealt with and included in the final report of the workshop proceedings. Our comments and observations will be forwarded to the Department of Renewal Resources, and we seek your assurance they will be given full consideration and included in the final DRAFT.

We await your response on this very important issue.

Sincerely,

The Yukon Chamber of Mines

Carl Schulze, Chair
Land Access Committee

cc: Joy Waters
Hon. Trevor Harding



Yukon Chamber of Mines

P.O. Box 4427, Whitehorse, Yukon Y1A 3T5

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March 11, 1998

MEMO

TO: Deana Lemke, Secretary, Yukon Protected Areas Strategy Advisory Committee
cc. Joy Waters, Chair, Steering Committee
Jesse Duke, Economic Development representative, Steering Committee
Eric Fairclough, Minister of Renewable Resources

FROM: Yukon Chamber of Mines
Land Access Committee

**RE: YUKON PROTECTED AREAS,
DRAFT SUMMARY REPORT, FEBRUARY WORKSHOP**

We have reviewed the draft report and wish to bring to your attention the following issues and comments which were made at the various sessions which do not show up in the draft report. We hope that these will be included in the final report in order to ensure that it more accurately reflects the discussions which went on.

1. VISION

Why are we doing a Protected Areas Strategy?

The following comments were made by members of the mining industry and should be included in the report:

Why are we protecting specific areas when most of the Yukon is still pristine wilderness?

The entire Yukon is already protected under existing legislation and regulations or regulations which are soon to come into force (Yukon Waters Act, Canada Environmental Assessment Act, Mining Land Use Regulations, Transportation of Hazardous Goods Act, etc. etc.)

Large areas, representing a significant percentage of the land area of the Yukon, are already withdrawn from any mining activity

Development and resource extraction sustain our quality of life and need to continue

There is no documentation of the 23 ecoregions, how they were created, what values distinguish one from the other or why they were differentiated (except in a CPAWS/Yukon Conservation Society publication)

In order to attract investment in the Yukon, the Yukon must be perceived by outsiders as being open to development (not just mining development). Creation of large new park areas will, and already has sent the message that the Yukon is not interested in attracting investment.

What kind of areas should a completed protected area network include?

Several mining industry members participated in the Vision sessions of the workshop. During that session there was agreement that the word "network" should not be used when describing protected areas. It should be removed from the title of this section of the report and should not be included in the Vision Statement.

Use of the word "network" was again proposed during the plenary sessions following the break-out sessions, but there it reflects the desire of a single individual, not the consensus of the group which worked on developing the statement.

The draft report also states that it is intended to protect "substantial natural resource areas". There was no agreement on the protection of "substantial" areas. Neither was this term ever used in the discussions in the plenary sessions. The term seems to have been added by the facilitator or others who drafted this report. It should be removed from the final report.

The creation of buffer zones along rivers and roads was not discussed in the Vision break-out group. Neither was this brought up in the plenary sessions only as a possible example of a buffer in the general introductory statement of Doug Urquhart. These comments should not be included as kinds of areas to be protected as a result of this workshop.

What principles should guide our decisions on protected areas?

It must again be stressed that the private sector sees the protection of large areas of land as an indication of governmental disinterest in investment and development. Although this will have the most impact on mining, other industries may expect to be impacted as well.

Vision Statement

Again, the use of the word "network" was not the desire of the Vision break-out group and it should be deleted. A great deal of effort was made by this group to develop a consensus on the Vision Statement and their efforts should not be trivialized.

2. PROCESS

The use of acronyms in this section (i.e. TT) is very confusing.

Our major concern is the identification of stakeholders, including the owners of mineral claims, are relegated to being Ancillary members of committees developing protected areas. All members of the Core Group are government employees, or government contractors, who are being paid with public funds to participate, yet those who have the biggest stake in the outcome are excluded.

3. INTERIM PROTECTION

2. Key Questions/Concerns

The section on mining industry concerns indicates that duplication of process was a key industry concern. Mining industry representatives who participated were confused by this remark and do not remember its being discussed in these sessions. This reference should be removed.

However, remarks made by the President of the Chamber of Mines, to the effect that at this point the Yukon Chamber of Mines cannot support **any interim protection** at least until the specifics of the areas being proposed for protection and the justification for these proposals have been presented. These key remarks that the mining industry does not support the withdrawal of lands from access by the industry must be included in the final report.

Also it should be noted that the industry is concerned about the history of land withdrawals for interim protection. It is our experience that these become permanent or at least very long term (in the tens of years, i.e. North Yukon) and are often expanded as the study proceeds. Although these remarks may not have been made in the break-out session, they were stated several times during the plenary sessions.

3. Solutions

The use of simple map notation on mining claim maps and other maps of the Lands Branches was brought up in the plenary sessions as well as in the break-out group. This very important possible solution to the problem of interim protection should be mentioned.

During the plenary sessions at the end of the workshop, Juri Peepre ultimately advocated that map notation should be used to identify areas of interest and that withdrawal should happen only after the study area of greatest interest has been determined.

4. Additional Comments/Concerns expressed by Industrial Interests:

The remarks regarding British Columbia are not adequately explained. It is the opinion of mining industry participants that the process used in B.C. is not being accurately presented by workshop leaders and Renewable Resource employees and consultants. The industry in B.C. was most unhappy about the CORE process used there and the Yukon mining industry would be upset if this example is followed. This development of protected areas has been one of the prime causes of a major decline in exploration spending in B.C. and will have similar negative impacts on the Yukon economy.

In particular, many in the mining industry are concerned that areas of high mineral potential will be targeted for protection.

Also it should be included here, that it seems to those of us who are part of the Yukon's mining industry, that we are the single group being targeted by development of this strategy and who will be excluded from protected areas. Much of the discussion indicated that many workshop participants felt that all other types of activities, including commercial development and business operations, should continue to have access to and use of the protected areas.

If the purpose of protection is to protect wildlife or ecosystems or other biological concerns, then at least some areas should be withdrawn from all human activity.

Several times during the workshop the point was made that mining and exploration must be allowed to proceed unfettered in the buffers and corridors. If it can be justified that mining activity cannot be allowed, then these areas should be considered core areas or whatever other term is used to describe full fledged parks.

4. TYPES OF PROTECTED AREAS

The comments presented at the final plenary session as representing the work of this break-out group were only those developed in the last hour or so of the session. During this time, the discussion was limited by the facilitator to desired values to protect within Core Areas, Buffers and Corridors. At no time during the entire session was there any real discussion of what types of protected areas should be established. It seemed to have been assumed by the facilitator that the types of protected areas, as outlined in the discussion paper and report of the previous workshop, were already established.

The comments recorded are only some of those thrown out by the participants, with highly variable and often opposing opinions and perspectives. They do not fairly represent the range of opinions or comments made by all those present, as many of the pro-development remarks are omitted. They do not in any way represent consensus or a compromise position developed amongst the participants as there was no attempt made to do so. Some type of disclaimer pointing out these results of the group should be made in the final report.

Specific areas of some discussion, noted below should also be included.

In particular the issue of commercial use of protected areas was discussed at some length but does not appear in the summary. In response to the general question: "**What types of protected areas should be considered?**", a mining industry representative pointed out that the desires of an individual or group to see certain areas "protected" in order that a commercial business venture could be established within the protected area should not be one of the types of or reasons for protection. This means that areas should not be protected by a government-initiated and publicly-funded program such as this **Protected Areas Strategy** to allow for the commercial development of areas for river-rafting, or hiking or other business activities. If there is a desire on the part of eco-tourism operators to acquire exclusive use of areas to pursue their commercial activities, it should not be done at public expense.

This led to a heated discussion on what types of activities should be allowed in protected areas. The point was made by several participants, that some areas may be identified which should be protected from any type of human activity, including recreational use, hunting, fishing, trapping etc. The report should include this important issue.

Hunting and trapping within protected areas was also brought up as a concern by several participants. Although some such rights may be guaranteed to Yukon First Nations under the Land Claims agreements, one participant was very vocal in his desire to see that any continuation of such privileges within protected areas, not be based on ethnicity, but rather that it be open to all, or not to anyone.

It was also proposed that the existing criteria for establishing national parks, national wildlife refuges, etc. be used as criteria for at least some types of protected areas.

It was brought up repeatedly by government biologists, YFN members and others in the group that there is a totally inadequate information base for identifying key areas for protection. Information gathering must be a key component of the process of protecting areas. This very important point must be stressed in the report.

5. ACTION PLAN

We wish to make a few comments on the Action Plan. It seems to indicate a rather complex bureaucratic process is being established. Renewable Resource employees and those who may benefit from contract work while the strategy is being implemented seem to be proposing a lengthy job which will guarantee them work for years to come. Every biologist and researcher wishes to see their particular area of interest studied, providing research funds from this project.

The entire Strategy, if it proceeds as is currently being proposed by workshop leaders, and those from whom they take advice, will be an enormous drain on the public purse, while at the same time severely restricting the territory's opportunities for economic development.

We hope that these remarks will assist in the completion of a report which fairly portrays what went on at the workshop.

Thanking you very much for your efforts, I remain

Sincerely,

Carl Schulze
Chair,
Yukon Chamber of Mines, Land Access Committee

SENT BY: BURNS ROAD

; 4-17-98 ; 14:28 ; RENEWABLE RESOURCES-

403 393 6223: # 2 / 8

Yukon

Economic Development

Box 2703, Whitehorse, Yukon Y1A 2C8

Original (by file)

Pool-It Fax Note	7671	Date	17 th Apr 1998
To	Bill Oppen	From	George Duke
Co. Name		Co.	
Phone #		Phone #	3011
Fax #		Fax #	

April 16, 1998

M E M O R A N D U M

TO: Bill Oppen, Deputy Minister, Renewable Resources

FROM: Maurice Albert, Deputy Minister, Economic Development

DATE: Thursday, April 16, 1998

SUBJECT: Protected Areas Strategy, March 30 draft.

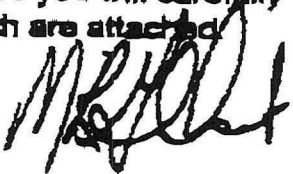
Your department has received numerous comments from the Working Group, the Advisory Group and the Steering Committee which, I understand, will lead to considerable changes to the organization and content in the next draft. Given these expected changes, I can offer some general comments that would assist our departments in working together in finalizing the details.

We support the consolidation of the economic development issues into one section that addresses the concerns of the resource industries directly. My department staff will continue to offer assistance to ensure this section achieves the balance sought without compromising the objectives of the PAS.

The best way to address the concerns expressed by industry over potential uncertainty to investors and alienation of the Yukon's resource base is to ensure the process for identifying candidate areas is clearly defined and accompanied by some basic principles. The details of the process need to be clearly spelled out in the strategy.

Also, given the criticism that was shared by many participants at the recent Advisory Committee with respect to the draft not incorporating their suggestions I would encourage you carefully review the recommendations made by the various interests, and ensure there is a clear rationale as to how the comments are addressed.

I also hope you will carefully consider the suggestions and recommendations from my staff which are attached.



KLONDIKE



Economic Development
Box 2703, Whitehorse, Yukon Y1A 2C6

Our File:
Your File:

April 16, 1998

M E M O R A N D U M

TO: Bill Oppen, Deputy Minister, Renewable Resources
Joy Waters, Chair YPAS Steering Committee

FROM: Jesse Duke, Mining Facilitator F - 1

DATE: Thursday, April 16, 1998

SUBJECT: Yukon Protected Areas Strategy: suggestions for the next draft

After consideration of Yukon Government economic interests and the concerns expressed by industry, the federal government, and First Nations, we are offering the following recommendations for the Protected Areas Strategy.

These recommendations, if incorporated into the YPAS should assist in maintaining the support industry has shown for this initiative without compromising the objectives of appropriate protection.

RECOMMENDATIONS FOR THE YPAS

CRITERIA:

The ecological criteria presented in the current draft are more specific than those in earlier drafts. The final criteria should be specific. Broad criteria are insufficient to establish the ground rules for selecting areas of interest. Several types of PA's are suggested, which may have differing criteria. This is creating confusion about the intent and objective of the PAS.

We would be happy to provide the specific criteria that will be used to identify resource values. This information should be included.

Handwritten notes:
→ make specific
→ clearly define parameters
→ process -
→ what is the objective?
→ character?
→ long
→ how to
→ be clear



INVESTMENT UNCERTAINTY AND ALIENATION OF RESOURCE BASE:

The process of identifying areas of interest would be clearly defined using the following model:

PROTECTED AREAS PLANNING PROCESS

1. Prioritization of specific eco-regions for consideration.
2. Government assessment of appropriate areas suitable to achieve ecological goals of strategy. regional resource assessments also to be used to assist in the selection of appropriate candidate areas.
3. Financial resources and timing to complete detailed resource assessments and consultations are identified.
4. Community and stakeholder committee struck to oversee the study and recommend final candidate area.
5. Candidate areas selected.
6. Interim protection is applied if required. (Per proposed map indicates)
7. Final protected area is selected. ← Resource assessment in details
8. Interim protection lifted on remaining areas.
9. Formal designation of a candidate area as a Special Management Area.
10. Transfer of federal land to the Yukon Government.

VISION STATEMENT

The vision statement should be reviewed to ensure it reflects the discussion and agreement that was achieved at the working groups.

LEGISLATION AND FIRST NATIONS INTERESTS

A legislative instrument for the creation of Special Management Areas outside of the Land Claims agreements with First Nations may be necessary to implement the strategy effectively. A review of the existing legal instruments and obligations under the various Land Claims agreements should be conducted.

INTERIM PROTECTION

It is our understanding there was agreement at the workshops that the following approach would be acceptable:

- A cap of two to three years is established for interim protection of study areas.
- A limit is placed on the number of interim protected areas and any given time.

We recommend there is a clear understanding there will be a limit to the amount of land subject to protection in the Yukon. We note that B.C. has provided a cap of 18% of total land alienated from resource development in their protected areas strategy. An alternative approach would be to identify the amount required for protection on an ecosystem specific basis.

Subsurface rights for oil and gas should not be withdrawn. Horizontal drilling can ensure this resource may be utilized without impacting the ecological values to be protected.

RESOURCE ASSESSMENTS

The Yukon Government should ensure there is a consistent framework for completion and use of resource assessments in any area proposed for withdrawal. Our department would be happy to provide details of this for inclusion in the YPAS.

COMPENSATION

A policy on compensation of affected third party interests should be developed. We believe there may be impacts on third party rights which may trigger legal action directed at the Yukon Government to seeking compensation for damages. Economic Development is presently compiling information and conducting research identifying potential liability and options for an appropriate policy on compensation as it applies to Yukon Government obligations relative to natural resources. Legal advice on this issue is strongly recommended.

BUFFER ZONES

Laws of general application should apply to all areas outside of protected areas. The use of buffer zones should be discouraged. If protection is required, an area should be clearly designated and included as a Protected Area.

Attached you will also find a summary of some of the specific concerns we have tried to address in our recommendations.

SUMMARY OF SPECIFIC CONCERNS BROUGHT TO OUR ATTENTION

MINING INDUSTRY CONCERNS

Three main concerns have consistently be repeated:

1. Clear criteria for the selection of Protected Areas to ensure there is a good understanding of what the PA's are trying to achieve.
2. Ensuring the Protected Areas Strategy minimizes uncertainty to investors in the process and selection of Protected areas.
3. Ensuring the Yukon's natural resource endowment base is not alienated without justification.

DIAND (Federal government) CONCERNS

The Department of Economic Development believes the federal government may wish to see the use of Interim withdrawals, acceptable resource assessments and Full YTG responsibility for compensation claims by third party interests addressed before considering transferring any lands to the control of YTG proposed for the Protected Areas initiative.

OIL AND GAS INDUSTRY CONCERNS

Throughout the development of the YPAS, we have attempted to introduce an issue that we continue to see missing from the strategy. I would like to see it included in the draft that goes out for public consultation.

The issue in question is that, withdrawing the subsurface from resource extraction in terms of oil and gas, is not necessary to protect the surface environment. I would suggest that protection of only the surface would accomplish all of the goals and aims mandated.

There are two situations that can exist in terms of oil and gas extraction from the subsurface with respect to a subsurface withdrawal.

An oil or gas accumulation in the subsurface lies completely within a withdrawn area. The oil or gas accumulation could be reached from a surface location outside of the protected area. Provided it is economically feasible, it is hard to see why this resource should be removed from disposal.

An oil or gas accumulation in the subsurface lies partially within a withdrawn area. In this case, the portion of the reservoir outside of the protected area would possibly not be available for extraction. Any removal of oil or gas from the reservoir would draw some portion of oil or

gas out of the reservoir in the withdrawn area and thus not be allowed. In effect, a small withdrawn area can sterilize a large area from petroleum development. I do not believe this is a situation we want to create.

Given the fact that in terms of oil and gas extraction, protection of the surface is all that is required to protect ecological diversity, special natural and cultural features, and other aims of the YPAS, there is no need to withdraw the subsurface. Secondly, withdrawing the subsurface can have an unintentional negative impact on petroleum resource extraction outside of a protected area.

In addition, the Government of Yukon can protect an area from petroleum exploration by simply not making the area available for disposition. Under the Yukon Oil And Gas Act, dispositions are sold, typically through a bidding process. If an area is not put out for bid it remains unavailable for disposition.



Economic Development
Box 2703, Whitehorse, Yukon Y1A 2C6

Post-It™ brand fax transmittal memo 7671		# of pages > 9
To <i>Danielle</i>	From <i>Jesse</i>	
Co.	Co.	
Dept.	Phone # <i>Call Judith</i>	
Fax #	Fax # <i>3011</i>	

April 17, 1998

M E M O R A N D U M

TO: Bob Kuiper, Sr. Planner, Protected Areas Strategy

FROM: Jesse Duke, Mining Facilitator F - 1

DATE: Friday, April 17, 1998

SUBJECT: Summary of industry Position

The following is my summary of positions as expressed in correspondence from the mineral industry that I promised to provide to you at the last Steering Committee meeting.

Our departments views and recommendations are provided under separate cover.

ISSUE: LACK OF CLEAR CRITERIA FOR ESTABLISHMENT OF PROTECTED AREAS.

Problem: No clearly understood criteria have been offered for determining ecological values that require protection. No scientific criteria have been established for determining the natural resource values of an area.

Solution: Scientific criteria needs to be agreed upon by all stakeholders to determine the size Protected Areas and the system of determining both resource and environmental values. The short-term costs of developing protected areas and long-term lost economic opportunities need to be addressed.



**KLONDIKE
GOLD RUSH
CENTENNIAL**

ISSUE: UNCERTAINTY IN INVESTORS DURING IMPLEMENTATION OF PROTECTED AREAS.

Problem: the PAS introduces uncertainty with respect the timing, amount and areas that will be subject to study and potential alienation from resource investment. Industry is very concerned about the impact of uncertainty on investment.

Solution: A process that would increase certainty to industry, reduce conflicts between interest groups and expedite the completion of a PA system is proposed:

1. SMA's under land claims be identified and finalized first.
2. Only one region at a time is examined under the YPAS.
3. Three candidate areas at a time in an eco-region are selected
4. YPAS should be public and community based consultation process is established.
5. The selection process is subject to clear scientifically-based criteria.
6. There must be consensus among governments and stakeholders on the final selections.

ISSUE: EXPECTED ALIENATION OF SIGNIFICANT YUKON RESOURCE ENDOWMENT

Problem: Other jurisdictions have faced significant alienation of areas of high mineral potential, and subsequent lost economic opportunities when protected areas are located over areas of high mineral potential.

Solution: Areas of high mineral potential should not be targeted for protection where reasonable alternatives exist.

OTHER ISSUES AND CONCERNS:

Problem: The PAS does not recognize the level of protection the Yukon now has for resource development. It leaves the impression development can occur without any environmental safeguards throughout most of the Yukon.

Solution: The YPAS should recognize the levels of protection that presently exist in the mining legislation, Yukon Wildlife Act, Yukon Waters Act, Territorial Lands Act, Canadian Environmental Assessment Act, Canadian Environmental Protection Act, and other laws of general application.

Problem: YPAS appears to single out the mining industry, without recognizing the potential for sustainable and temporary use of the lands without compromising ecological values.

Solution: The possible co-existence of responsible mining with some types of protected areas could be endorsed.

Some of the other concerns raised include:

- the possible creation of a new bureaucracy for protected areas.
- Stakeholders, who have the most at stake will be excluded from important decisions.
- The use of "network" for a PA system will result in interconnections that seriously restrict access to resources.
- over-use of Interim-protection for candidate areas will send a negative signal to industry.
- Protected Areas may provide special business opportunities to some individuals and businesses at the expense of other resource opportunities.
- definitions of terms commonly used in the strategy should be supplied to prevent misunderstandings.

EXPECTED FEDERAL GOVERNMENT POSITION ON PROTECTED AREAS

A federal government decision will be required to transfer the management of lands under the Protected Areas Strategy to Yukon Government control. DIAND Yukon Region is preparing an official position on the YPAS initiative. The following key issues are expected to be presented:

INTERIM PROTECTION: DIAND will want to see clear and legal certainty. Map notations may not be satisfactory. Interim withdrawals of third party dispositions will be viewed as clear.

RESOURCE ASSESSMENTS : DIAND will want to see balance in decision-making, with resource values taken into account. They will wish to see appropriate resource assessments completed.

COMPENSATION: DIAND will want to ensure YTG has full responsibility for any compensation actions that may result from the creation of a special management area.

BUFFERS AND CORRIDORS: DIAND will expect the normal land use approval processes to be applied on Crown lands.

Throughout the development of the YPAS, I have attempted to introduce an issue that I continue to see missing from the strategy. I would like to see it included in the draft that goes out for public consultation.

The issue in question is that, withdrawing the subsurface from resource extraction in terms of oil and gas, is not necessary to protect the surface environment. I would suggest that protection of only the surface would accomplish all of the goals and aims mandated.

There are two situations that can exist in terms of oil and gas extraction from the subsurface with respect to a subsurface withdrawal.

Carl Schulze
35 Dawson Rd
Whitehorse, Yukon. Y1A 5H4
867-633-4807
YCM: 667-2090

Mr. Robert Kuiper
Senior Planner, Yukon Protected Areas Strategy
Dept. of Renewable Resources
Government of Yukon, R-4A
Box 2703
Whitehorse, Yukon Y1A 2C6

April 28, 1998

Re: Comments on March 30 Draft Report

Dear Mr. Kuiper;

The purpose of the participation of the Yukon Chamber of Mines in the Yukon Protected Area Strategy is to ensure that mining and exploration interests within the Yukon will continue to have sufficient access to land, and thus potential mineral resources, to sustain a healthy and economically viable mining and mineral exploration industry.

Together with the Yukon Prospectors' Association, the Klondike Placer Miners Association, and the Yukon Tourism Association, we participated vigorously, and in good faith at the February, 1998 workshop. One of the major features of that workshop was the establishment of a spirit of co-operation and compromise between opposing interests. Industry representatives departed the workshop with a feeling that our interests were acknowledged and respected; indeed the final presentations appear to have reflected our interests considerably.

However, we now feel that our interests and ideas have not been represented in either the memos or the March 30 Draft Report. For example, although at the workshop it was concluded that protected areas and areas of interim protection should be limited in size, the draft report clearly states, under Goal 1, Ecoregion Representation Criteria, for *each* of the 23 ecoregions: "...representative areas will usually be large, and, in some cases, may include representation of large wilderness ecosystems." This does not include areas to be protected under "Goal 2" (the idea of two major "goals" itself was not mentioned, although implied). Thus, we feel that the YPAS strategy is leaning towards protection (meaning exclusion of any industrial development) of so much land that mining and resource based interests will be dissuaded from investing in the Yukon altogether.

Thus, as you are aware, we have been exploring alternatives to the YPAS strategy and have engaged the services of Mr. Ed Hanna, renowned consultant of DSS Management Consultants Inc. who has experience in developing protected area strategies across Canada. His thesis is based on the concept that all areas are protected by adequate, enforceable land use regulations (i.e. the upcoming MLUR regulations), and, if a potential mineral resource is targeted for development, another setting of similar biodiversity and topographical setting must exist, and that disturbed land must be returned to a state that it can return to a natural state. Although certain core areas (i.e. Coal River Hotsprings) may require inviolable protection we feel biodiversity can easily be maintained by careful management of the land using existing regulations. This thesis satisfies criteria for protection of biodiversity laid out in the Whitehorse Mining Initiative, while retaining free entry of land for mineral exploration and development.

The term "Protected Areas" begs the question: "Protected from what?" The inference is that it is from resource industry interests, specifically mining and mineral exploration in the Yukon. Over 75% of the Yukon is currently classified as "wilderness" with most of the remaining 25% has only been minimally impacted by man. The total surface area of the Yukon that has undergone actual mining or intensive development is 0.02%! We feel that Mr Hanna's theories are not exclusionary, whereas those of YPAS are. Mineral resources are the property of all Yukoners, including First Nations people, and not just the property of mining companies; we all benefit from careful exploitation of mineral resources. The YCM doesn't see the need to rush the YPAS process at a time when a number of land use issues, including land claims, are being implemented.

Currently the Yukon is rated by geologists as having a high geological prospectivity for many commodities. This means there is good potential for future discovery of mineral deposits. Furthermore, almost all investment capital comes from "outside"; thus the Yukon must be perceived as "open for business". However, without free access to land for exploration criteria such as favourable geological setting, infrastructure or available work force cease to be pertinent. Land locked away as protected areas equate to a loss of opportunity and results in a net loss to the Yukon economy.

Access to land and "Free Entry" under the Yukon Quartz Mining Act are essential to ensure a healthy mining and exploration industry. Provinces such as British Columbia that have ignored the fundamental requirements of the exploration and mining industry have found this industry to be in decline. We note with considerable interest the new B.C. Mining Amendment Act introduced recently in the B.C. Legislature.

In summary, we urge all those involved in creating the YPAS strategy to consider some of the sensible, and easily implemented alternatives proposed by Mr. Hanna.

Sincerely Yours

Carl Schulze
Vice President, Yukon Chamber of Mines

Memorandum

To: Glenn Hart
CC: Jesse Duke, Cris Pekarik, Dave Downing, Scott Milton
From: Danièle Héon
Date: 04/28/98
Re: PAS March 30 Draft

Here are my comments on the March 30 draft.

GENERAL COMMENTS

The PAS should not be a policy document created to promote tourism. It reads like so in a few places. Its purpose is to fulfill ecological goals, while acknowledging its impact on the economy. It should also acknowledge not only its potential adverse impact on the areas outside of PA's but on the whole territory. Tourism is an economic sector that needs to be considered as a form of development and managed as such. This view was expressed at the workshop not only by resource interests but also by conservationists and very strongly by First Nations.

The inclusion of provisions regarding the consideration of resource interests helps make the document more balanced. To delete these or to water them down would affect that balance.

Criteria for protection are at last mentioned but would need to be more specific. More work is needed on this topic.

There is a problem with using wilderness as a criteria for protection and wilderness areas as types of protected areas. I suggest EcDev not endorse this concept.

Where is the justification that PA's are needed at all? There should be a brief but clear argument made for the need to withdraw significant amounts of land from the land base needed for the livelihood of many Yukoners. And where is the commitment that ecoregions should form the basic unit for representation? The WMI endorsed the need for representing Canada's natural land-based regions. At the time, the Yukon was divided in 8 "landscapes", 2 of which were adequately protected. Now we are told that potentially 23 "large" areas will be withdrawn from development. Maybe the commitments of the mining industry could be revised in the same light.

There needs to be some example of types of protected areas that would allow development activities. The issue is avoided here, we are told that this would be contingent on specific management plans. But the legislative framework of existing types of protected areas does identify in many cases the types of activities that would be limited, this needs to be spelled out in this document. Four types of protected areas are listed as being closed to resource extraction. We need examples of areas that would permit these activities. Buffers aren't good enough.

Timelines for the workplan need to be revised to be more realistic

This version does not represent the results of public consultation and workshop discussion on several important points:

- The process outlined here is not community-based as was advertised and agreed upon in both workshops. The place and extent of community input is not clear and seems minimal if existent at all at the planning stages.
- The vision statement does not reflect anything that came out of the workshop. It is stated as quotes but we do not know where it is quoted from. We can not support it as it is written here.
- There is still no review of existing legislation. This point was identified several times during the workshop as an essential element needed to establish the need for protection. We need this information.
- The timing for interim protection comes in earlier than what was discussed and agreed upon at the working group and in the workshop. It was agreed that the final candidate, the "best bet" would be submitted to cabinet for interim protection, not several study areas for one final candidate.
- There was agreement at the workshop that a cap should be put on the numbers of areas simultaneously under interim protection. Five areas at a time were suggested. The PAS should propose such a number instead of leaving it open ended since the goal of this measure is to provide some certainty.

Yukon Protected Areas Strategy
Summary of Comments - March 30th Draft

TOPIC	ADVISORY COMMITTEE	BOARDS & COUNCILS	GOVERNMENT	FIRST NATIONS	OTHER
GENERAL	<p>CPAWS: ... believes the draft PAS is flawed in both tone and content. The document suffers from an acute identity crisis. Prior to public release, the draft PAS must be restructured and refocused to more accurately reflect existing and future conservation commitments in the Yukon.</p> <p>The PAS can and should serve as an effective long term conservation policy tool to help implement a system of protected area in the Yukon. With a clear focus, the PAS will be an effective way to help strike the balance between conservation and development.</p> <p>The draft PAS is a significant departure from the spirit and content of the extensive public consultation and workshops held during the last year. Failure to adequately incorporate the results of the PAS consultation will negate trust in the process.</p> <p>Avoid using the PAS as an economic development and land use plan for the Yukon. Remove the steady stream of language in the PAS that focuses solely on economic development and resource extraction activities. We acknowledge that other land uses and land users must be addressed in the PAS and recommend that these interests be placed mainly in one location that serves as the context for implementing the strategy.</p> <p>Edit the PAS to be a comprehensive yet</p>	<p>ARRC: The draft is too government top heavy. It should reflect the public more.</p> <p>The draft is not what came out of the committee meetings.</p> <p>FWMB: ... it reads like an internal policy draft and is not suitable for public comprehension or endorsement. The text lacks organization and clarity. At the end, there is no sense of what the first step is or who does what or when or why. This document does not reflect the spirit and intent of YPAS as a publicly endorsed, community-based system.</p> <ul style="list-style-type: none"> • a relapse into conservation biology jargon that is not understood by the general public; • no glossary of terms; • initial recognition of UFA and chapter 10 processes etc. but little or no observance of these in the actual process; • lack of emphasis on a community-based management system coordinated and facilitated by government; <p>No illustrations of key concepts. No schematics of relationships and process.</p> <p>The format of the previous YPAS document was superior and should be maintained for public comprehension.</p>	<p>Parks Canada: It is important the Strategy be supportive ... of our initiative to undertake a national park feasibility study in the Wolf Lake area.</p> <p>Ec.Dev.: We support the consolidation of the economic development issues into one section that addresses the concerns of the resource industries directly.</p> <p>Ensure the process for identifying candidate areas is clearly defined and accompanied by some basic principles. The details of the process need to be clearly spelled out in the strategy.</p> <p>Ag. Branch: "In some cases, these activities will be permitted within protected areas when their operations do not compromise the values being protected" occurs at least four times ... we seem to be laying it on a bit thick.</p> <p>NAP: Concern regarding the inward looking focus of the YPAS and the lack of recognition of the international and national commitments to the protection of biodiversity. Governments commitment to this principles of protected areas needs to be more clearly articulated.</p> <p>ECO: Identify up front areas which will not be considered for protection. It might be wise to recognize this issue in the Strategy and if identifying those areas is not an option within the</p>	<p>Teslin Tlingit Council: To date, we do not feel that all orders of government have been working in unity in developing and implementing the Protected Areas Strategy. It appears that YTG has taken total control over the process. Will this be the pattern of the future of the Strategy?</p> <p>Our government still has many questions and concerns. We would require further consultation in the above matters and any other outstanding issues that we may have.</p>	

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TOPIC	ADVISORY COMMITTEE	BOARDS & COUNCILS	GOVERNMENT	F
	<p>clear guiding policy on how to create new protected areas and how to work towards completion of a protected areas network in the Yukon. Focus the document on conservation goals and objectives.</p> <p>Base implementation on easy to understand choices and logical steps that Yukon's from all regions can understand and use. Reduce the amount of difficult language and lengthy descriptions. Defer some of the technical material to a later companion technical paper that can help guide people actually working on the many details of protected areas identification, planning and management.</p> <p>The document needs a clear and inspirational description at the front that sets out why we are producing a PAS and why we need protected areas.</p> <p>Broaden the reference to economic impacts beyond just resource extraction industries. Throughout the document it is assumed that mining, forestry, and tourism are the only industries. Fishing, hunting, trapping, gathering, recreation, clean water, abundant wildlife, wilderness, quality of life, healthy communities, sustainable stable economies, are all factors to consider.</p> <p>We do not need repeated special references to the mining or forest industry.</p> <p>Remove the unnecessary references in the body of the strategy that allude to political platforms that may have a limited life span.</p>	<p>This is a protected area strategy for the benefit of wilderness, wildlife, and future generations; not industries. If we are to look at economic development, it must be for the optimum long term development.</p> <p>pg. 7... We should also honor the intrinsic value of our wildlands and wildlife. Values ... wildlife as a central principle both in FN cultures (spiritually as well), and Yukon people. Traditional knowledge must be recognized as well as local knowledge. The traditional knowledge is much different from local knowledge. The local knowledge is from the time of contact, while the traditional knowledge is from thousands of years of living on this land and living with all the wildlife.</p>	<p>Strategy, then saying this will be done in a timely fashion (with a specific timeframe attached) might forestall this criticism.</p> <p>No mention of agriculture as a resource-based industry.</p> <p>FORESTCOMM: Readers will want to know what their role is, how they will be involved, and how their interests will be handled. They will also want to be convinced that this initiative is necessary at this time, that this process is linked to other processes, and that, after the sites are designated, they will be properly managed. The current document is too vague <u>on almost every one of these points.</u></p> <p>Please consider using a more functional framework to organize the paper based on the 4 reasons that areas are being set aside:</p> <ul style="list-style-type: none"> • To maintain/represent ecological diversity; • Because of their special natural features; • Because of specific cultural features, and; • Because of the need to maintain connectivity. <p>The paper omits the last reason entirely.</p> <p>Within each reason, consider adopting a format that includes the following:</p> <ul style="list-style-type: none"> • Example; 	

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	<p>Ensure that traditional ecological knowledge is referenced throughout.</p> <p>YFGA: It is imperative that all involved have an understanding of the YFGA's long standing purpose in promoting the interests of hunters and anglers. While these interests have sometimes been considered "recreational" in nature, the reality is that hunting and angling is a way of life for many Yukon residents. While this may not be construed as subsistence in most cases, hunting and angling nonetheless contributes significantly to quality of life through people's understanding and respect of wildlife and wild places and the great food quality of wild game.</p> <p>pg. 7 under the heading "Values" ... add "hunters and anglers"</p> <p>pg. 9 ... add "hunting and angling" as other means of harvesting that are important to our economy ...</p> <p>Further descriptions within the text such as "social values ... existing resource users ... competing resource values ... important values and interests ... wilderness recreation" are vague and can be interpreted in many ways. We have concerns the lifestyles of hunters and anglers may be jeopardized through generalities. This is further substantiated by the unknown facts of what levels of protection will be implemented in any given area.</p>		<ul style="list-style-type: none"> • Important concepts; • Goals/principles/criteria/options;; • Current status; • Process steps/roles/integration with other processes; • Economic opportunities/compensation; • Future management of these sites/ monitoring. <p>The current paper either assumes that people understand the concepts or else states them incorrectly. This undermines the scientific credibility of the whole initiative. The detailed process steps and roles will convince people that someone has thought through the process well and that existing groups and processes are used whenever possible.</p> <p>Additional boxes giving tight biological examples of the conservation biology principles would be helpful.</p>	

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	<p>Throughout the text, the terms “fish” and “wildlife” need to be used more often.</p> <p>The YFGA has always taken a great interest in our wildlife resources and will support measures that conserve wildlife populations, habitat and harvest opportunity.</p> <p>YCS: This document does not support the consultation process to date and is a surprising and disturbing departure from the strong conservation focus clearly voiced during the workshops and public consultation process. The goals and ideals of the strategy have been overridden by redundant and extensive statements advocating protection of resource industries and their land base. The economic benefits ... are outcomes of a strong protected areas network, not one of the goals of this critical process.</p> <p>It is inappropriate to counter almost every statement for conservation of ecological values with discussions on economic concerns.</p> <p>YCS: pg. 7 “Reflects” ... The vision of protecting the integrity of our ecosystems, our wilderness, and wildlife in particular, has been lost in this document.</p> <p>An introduction... does not appear to be included, and should be.</p> <p>“Industry”: The PAS introduces uncertainty with respect to timing, amount and areas that will be subject to study and potential alienation from resource</p>			

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TOPIC	ADVISORY COMMITTEE	BOARDS & COUNCILS	GOVERNMENT	F
<p>VISION STATEMENT</p>	<p>investment.</p> <p>The YPAS should recognize the levels of protection that presently exist in the mining legislation, Yukon Wildlife Act, Yukon Waters Act, Territorial Lands Act, Canadian Environmental Assessment Act, Canadian Environmental Protection Act, and other laws of general application.</p> <p>The possible co-existence of responsible mining with some types of protected areas could be endorsed.</p> <p>The use of “network” for a PA system will result in interconnections that seriously restrict access to resources.</p> <p>Definitions of terms commonly used in the strategy should be supplied to prevent misunderstandings.</p> <p>Adv: Document has too much resource extraction, economic interests, etc. Put all resource/economics references to one section of the draft.</p> <p>Overall tone is inconsistent, and in some areas unacceptable. Strategy doesn't reflect Yukon Conservation Strategy or the Environment Act.</p> <p>CPAWS: Add wilderness and wildlife protection to the vision statement.</p> <p>The vision statement is weak and fails to incorporate some of the ideas that came out of the February PAS workshop. A vision statement should focus on why we</p>	<p>FWMB: Vision needs more definition and a sense of schedule. Something that is measurable. Needs to be down to earth and straightforward. No mention of 2000 here.</p> <p>Statement from the workshop of</p>	<p>Ec.Dev.: The vision statement should be reviewed to ensure it reflects the discussion and agreement that was achieved at the working groups.</p> <p>NAP: Economic development is not the fundamental purpose for establishing</p>	

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TOPIC	ADVISORY COMMITTEE	BOARDS & COUNCILS	GOVERNMENT	FIRST NATIONS	OTHER
<p>STRATEGY HIGHLIGHTS</p>	<p>create protected areas. It should not confuse economic benefits with the underlying goals of conservation. It should be inspirational and evoke the positive spirit of the strategy.</p> <p>Re-work the vision statement to reflect the ideas that emerged from the February workshop. Incorporate the words wildlife and wilderness to capture Yukoner's intent with a protected areas strategy. Refer to the Yukon Conservation Strategy and Environment Act for guidance on the intent of the protected areas vision statement.</p> <p>YFGA: Vision Statement needs to be rewritten. It rambles and does not coincide with what the Goals are (pg. 19).</p> <p>YCS: Removing all references to justifying the establishment of protected areas for their economic benefits. If any mention of economics is included in this statement, it should be the recognition that a stable economy is based on functioning ecosystems. Our responsibility of caring for and protecting the land so that future generations will have a healthy environment to live in and benefit from. The IUCN references should be replaced with something a little more inspiring and visionary.</p> <p>CPAWS: Recognize Parks Canada and the Canadian Wildlife Service as full partners in the implementation and management of a protected areas system.</p> <p>YCS: This section should either be</p>	<p>February 5 is adequate with some modification that recognizes the wildlife and wilderness; and future generations. Also using sustainable economies.</p> <p>FWMB: Strategy Highlights ... pg. 5-10 could be condensed on a page and a half.</p> <p>When government wants to establish a new special management area,</p>	<p>protected areas. Emphasis on the "promotion of a diversified sustainable economy" in the vision statement and throughout the Strategy seems to overstate the importance of economic development as a fundamental goal of the YPAS and raise doubt regarding the commitment to maintaining biodiversity. Economic value of protected areas could be set in context by an introductory statement which acknowledges that strong and sustainable economies are dependent upon functioning ecosystems.</p> <p>Parks Canada: ... it would be extremely helpful if the following statement ... were included as one of the Strategy Highlights "The Government of Yukon will work with Parks Canada and local residents to study the feasibility of</p>	<p>Teslin Tlingit Council: ... you state that the Strategy will "reflect the Government of Yukon mandate to lead the establishment process". Have all other orders of government approved this???</p>	

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	<p>deleted as it repeats what is found in the strategy or should be inspirational and introduce the reader to the various components of the strategy, (i.e. the goals, process, and community involvement).</p> <p>It is unclear why one only “Whitehorse resident” is quoted in the box ... the reference to finding the economic balance is a chronic problem with the entire strategy; this selected quote only adds to the problem. It is recommended that it be deleted.</p> <p>p. 7-8 ... “The Protected Areas Strategy” ... This section could be condensed and included in the strategy highlights and context sections.</p> <p>Defines: guidelines and principles for planning and <i>establishing a variety of different types</i> of protected areas. Elsewhere, reference is made to a multitude of types and reasons for establishing protected areas ... the process outlined in the strategy focuses on protected areas established for preserving ecological integrity and this should be clearly stated.</p> <p>Fulfills: who does “our” refer to? Recognizes: The strategy is not intended to recognize the need to access land and resources. The strategy should recognize that stable and sustainable communities and their economies are dependent upon healthy ecosystems. Any statements of economics must be balanced by recognizing the long term, sustainable economic value of protected areas. Values: Use plain language such as</p>	<p>renewable resources councils must be involved (section 10.3.3). Rights of FN must be recognized (section 10.4.0). Government must follow the UFA, if there is another advisory board established, FN must have equal representation (section 10.5.7).</p> <p>Renewable Resource Councils are the main bodies in the communities that must be consulted. What will determine if the proposed area will adversely affect FN or not? According to who?</p>	<p>establishing a new national park in the Wolf Lake area. It is expected that the study will take about two years to complete”. It is not essential that these exact words be used, but the commitment on the part of the Government of Yukon should be as clear as possible.</p> <p>NAP: This section does not provide a balanced view of the main elements of the strategy.</p> <p>p.5,para.1 ... prefer the word “framework” as a synonym for “strategy” rather than “plan”.</p> <p>p.5, para.3 ... it may be better to say that the section provides a process for the establishment of SMAs after claims are settled, but that some SMAs are/have been established through the claim itself.</p> <p>p.5, para.7 ... equal distribution of the benefits of protected areas may be difficult to achieve because features themselves are not equitably distributed.</p>	<p>“Government will also ensure that protected areas planning respects the need for maintaining a suitable land base for industries such as mining, oil and gas, timber harvesting, and hydro development”. What is the purpose of a Protected Areas Strategy if all this development could be allowed?</p> <p>PAS states that it will “reflect the need to balance environmental, social, and economic objectives”. Our government operates using Traditional Knowledge which covers the above aspects, however, we do not feel that Traditional Knowledge has been addressed or incorporated into the Strategy.,</p> <p>It states that the strategy will “reflect existing government policies and commitments”. Are we speaking of all orders of governments policies and commitments, or just YTG’s??</p>	

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TOPIC	ADVISORY COMMITTEE	BOARDS & COUNCILS	GOVERNMENT	FIRST NATIONS	OTHER
<p>GUIDING PHILOSOPHY</p>	<p>wilderness, plants, and animals. This heading deserves to be given more priority. Verifies: The environmental and social costs of not establishing protected areas must be clearly acknowledged in this strategy.</p> <p>CPAWS: The guiding principles ... must address traditional knowledge, cultural, intrinsic, and spiritual values of wilderness etc.</p> <p>YFGA: ... under Guiding Philosophy, last paragraph, “non-government organizations (NGOs)” should be included.</p> <p>YCS: ... strongly supports the statement that “the strategy is guided by the principles of conservation biology and ecosystem integrity. The human element is not valued nor does it play a large role in the process. Nothing has been said for how these principles will be applied. Who in the process is knowledgeable of conservation biology and how will this voice factor into the process? We need to include conservation biology practitioners who will not only contribute to the process, but will also educate other members of the working teams and the public.</p> <p>The second to last paragraph in this section must go. Discussing the need for industrial development inside protected areas does not belong as part of guiding philosophy. The last paragraph should be</p>	<p>FWMB: pg. 17 ... these principles <u>do not</u> indicate <u>how</u> the vision will be turned into action. This could be eliminated.</p> <p>pg. 18 ... “Public Consultation...” this is an extremely watered down version of the spirit of the public consultation and workshops.</p> <p>This should also mention respecting wildlife, and this process is protecting some land for the use and benefit of the wildlife and future generations.</p> <p>Monetary value must not out balance any other interest.</p> <p>Traditional knowledge and local knowledge must be given full consideration when decisions are being made (sections 10.5.5; 10.3.3; 10.5.7). Consultation must begin at the community level in the Traditional Territory.</p>	<p>NAP: Lacking in the Strategy is significant discussion of the ecological principles underlying government commitment to protected areas. This section would provide an opportunity to elaborate on the relationship of protected areas to conservation biology (i.e. core areas, corridors, buffers) and an ecological approach to land and resource management including the precautionary principle. A more detailed explanation of ecological principles would provide context for further explanation of how different types of protected areas and the use of regulatory measures may achieve protection goals. This would be of fundamental importance.</p> <p>It may be clearer to state that protected areas may be established on federal, territorial, municipal, and First Nation’s lands. In the discussion of partnerships and decision making responsibilities, it should perhaps be noted that final decisions regarding the establishment of protected areas lie with the respective land owners.</p>		

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<p>YUKON FIRST NATION FINAL AGREEMENTS - SMAs</p>	<p>strengthened to reflect the philosophy of being committed to community-based processes. The current wording is dry and vague.</p> <p>CPAWS: The draft PAS appears to have inconsistencies with the provisions and/or spirit of the UFA. Ensure that the PAS fully reflects the provisions in the UFA on consultation, mandated boards and councils, relations with First Nations, Special Management Areas, the Development Assessment Process, and other related chapters.</p> <p>YCS: The relevance of the UFA provisions could also be included in a context section.</p> <p>These sections should be mentioned early in the document but the details of the provisions should be included in the relevant sections.</p> <p>Adv: Still some confusion ... want assurances in the draft that outstanding land claim agreements will contain SMAs.</p> <p>AYC: What happens if a designation is considered for Whitehorse or bordering on Whitehorse? Does the City have any say or influence? Is there special or different funding for the areas designated?</p>	<p>FWMB: pg. 10 ... "Who Makes Decisions..." This is the beginning of a prevailing theme in this document that sets the government in the centre and puts "the public" on a side bar. Who makes decisions? The public does with a lot of support from government.</p> <p>pg. 10 ... "Definition of a Protected Area" ... This definition must be expanded with examples. No attempt has been made in this document to distinguish between "Core" and "Buffer" area ... these concepts should be given a thorough treatment.</p> <p>Yukon protected areas strategy will not be used to substitute for Special Management Areas during negotiations.</p> <p>pg. 10 ... "Definition of a Protected Area" ... How will First Nation hunting rights be affected in a new protected area?</p> <p>pg. 11 ... Rights of First Nations on protected area lands must meet the Delgamuukw decision. Full consultation, oral history recognized, in some areas FN have veto power over the type of use of some land.</p> <p>pg. 12 ... Government commitment</p>	<p>Proposed SMAs will be DAPed, per UFA 10.6.1.2, as Plans (as defined in chp. 12). The draft refined boundaries of a proposed SMA and its management plan will be submitted to YDAB.</p> <p>NAP: p. 10 ... Who Makes Decisions ... Revise along the following lines: "Protected area proposals on Crown Land require the approval of DIAND upon the recommendation of the appropriate federal, territorial agency or First Nation in accordance with the provisions of the UFA and First Nation Final Agreements".</p> <p>ECO: There is concern that the difference between the message that this Strategy portrays, that protected areas and SMAs are the same thing, and the message that the Government Leader has given First Nations, that SMAs and the YPAS are consistent but different. The YPAS is not intended to replace the negotiation of SMAs post claims, or as part of the Parks System Plan currently in place, but instead the YPAS will provide a complementary framework to knit the various initiative together to achieve the objectives of protected areas.</p> <p>p. 5 ... should say that protected areas <u>may</u> meet the definition of SMAs as set</p>	<p>Teslin Tlingit Council: We do not feel that the Strategy is giving adequate recognition to Chapter 10 - Special Management Areas of the Umbrella Final Agreement. We feel that there needs to be further consultation and clarification on this particular subject.</p>	

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		<p>needed to ensure an area will be protected first before any development, looking again at the long term objective.</p>	<p>out in the UFA, but not necessarily in all cases.</p> <p>p.5 ... if a protected area is established in traditional territory of a FN that has in place a final agreement, the government must consult with that First Nation.</p> <p>p.11 ... A FN may request a negotiation before an SMA is established and if that is not successful, the parties <u>must</u> go to mediation.</p> <p>p. 11 ... the fourth paragraph should be clarified because 10.4.9 provides that the parties may agree to attach agreements concluded under 10.4.1 to the Final Agreement and this may result in an SMA established after the Effective Date having constitutional protection.</p> <p>p.8 ... cite Chapter 13 in addition to 10 – 12 ...</p> <p>p. 11 ... You may want to make reference to the fact that FN people will have the same right of access ad non-FN people, if this in fact is the case. The right of access and uses permitted in protected areas will be something that many Yukoners will be looking for in this Strategy, and the only reference given is in regards to FN people.</p> <p>JUSTICE: Instead of saying that “[a]ll protected areas are Special Management Areas within the context of the Umbrella Final Agreement”, the Paper could perhaps say that “it is expected that most Protected Areas will</p>	

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			<p>fall under the definition of Special Management Areas. The establishment of these Protected Areas must be consistent with the obligations set out in Chapter 10 of the UFA.</p> <p>In order to avoid confusion, I recommend that whenever the Paper is referring to an SMA created under a Final Agreement, the term "SMA" should be used. Whenever the Paper is referring to a Protected Area created under the Strategy, the term "Protected Area" should be used.</p> <p>SMA's created under Final Agreements are constitutionally protected; Protected Areas created under the Strategy and not part of a Final Agreement will not be constitutionally protected. Final Agreements contain "specific provisions" regarding the establishment, boundary determination, and management planning of the SMA's created under those Final Agreements. Although the establishment of Protected Areas under the Strategy is to be consistent with the general obligations set out in Chapter 10 of the UFA, Protected Areas are not subject to the "specific provisions" that only apply to the SMA's created under the Final Agreements.</p> <p>The point concerning the applicability of "specific provisions" does not appear to be mentioned. Perhaps it should be.</p> <p>The Paper sets out some of the obligations contained in Chapter 10. However, it does not set out all of the</p>	

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<p>IMPLEMENTATION PRIORITIES</p>		<p>FWMB: It is hard to conceive of government establishing a protected area <u>without</u> First Nation consent. This statement is inappropriate and contravenes the whole cooperative theme of the strategy.</p> <p>Implementation priorities could be part</p>	<p>major obligations in Chapter 10. Under 10.3.3 and 10.3.4, where Government proposes to establish an SMA, Government must refer the proposal to the Renewable Resources Council or Yukon Historic Resources Board. Under 10.5.2, Protected Areas will require management plans and under 10.5.5 these management plans must be reviewed by the Renewable Resources Council or Yukon Historic Resources Board. The Paper makes no mention of Government's obligations under 10.3.3, 10.3.4, 10.5.2, and 10.5.5. Perhaps it should.</p> <p>p.5 ... 10.1.1 of the UFA is incorrectly reproduced. It should read "The objective of this chapter...". Alternatively it could read "The objective of [special Management Areas] ..."</p> <p>p.10 ... The definition of Special Management Area from the UFA is incorrectly reproduced.</p> <p>p.10 ... It should read "Future SMAs shall be subject to the provisions of Chapter 12 ..."</p> <p>Parks Canada: The criteria listed in the second priority should be broadened to include those protected areas which may be proposed from time to time by any federal department, including national wildlife areas, migratory bird sanctuaries, national parks, national historic sites, etc.</p>	

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		<p>of the Vision Statement.</p>	<p>Ec.Dev.: A legislative instrument for the creation of Special Management Areas outside of the Land Claims agreements with First Nations may be necessary to implement the strategy effectively. A review of the existing legal instruments and obligations under the various Land Claims agreements should be conducted.</p> <p>NAP: Presently, it is not clear if the Wolf Lake proposal which meets Parks Canada's criteria for representation in Natural Region #7, would also serve to meet the Yukon Government's objectives under the YPAS (i.e. representation of the Pelly Mountains ecoregion). DIAND would support clarification of this issue as an immediate priority to reduce the period of uncertainty for the mining industry and to support Canada's commitment to establish National Parks in each of Canada's natural regions.</p> <p>ECO: The '97 Discussion Paper also stated that the Strategy would determine an implementation plan which will identify actions, timing, and resources required to follow through on commitments made. Again, while the present draft identifies actions, it does not explain timeframes or resource requirements in any detail.</p> <p>JUSTICE: Considering that the Strategy purports to be an "umbrella" process, consistency under the relevant pieces of legislation regarding the establishment</p>	

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<p>MEASURING PERFORMANCE</p>	<p>CPAWS: Pg. 13 is dense and hard to understand ... needs to be revised and communicated more effectively. Performance targets should be as specific as possible ... the commitment to work towards completing as many representative areas as possible by the year 2000 should remain intact.</p> <p>YFGA: on pg. 13, PAS Performance Indicators ... this text is quite complex and difficult to understand ... its headings "Qualitative" and "Quantitative" should be reconsidered and timelines should be included. The current level of intergovernmental and public support should be increased.</p> <p>YCS: This section should come much later in the document. The first paragraph sets a negative tone by stating the original target of completing a network of protected areas by the year 2000 is unrealistic.</p> <p>These negative statements are no way to begin this section. The PAS must use words that make commitments to moving at a steady and productive rate.</p> <p>Para. 3, line 1 ... It's confusing to flip flop between use of the terms "protected area" and "special management area".</p> <p>The last paragraph in this section belongs in the introduction or at the outset of the</p>	<p>FWMB: Measuring performance should be part of the Vision Statement. Third paragraph is unnecessary.</p> <p>pg. 13 ... Performance Indicators ... this is overcomplicating the strategy and should be left out.</p> <p>Chart should be explained better.</p>	<p>and management of Protected Areas may be desired during the implementation of the strategy.</p> <p>Parks Canada: pg. 12 ... reference the role of national parks in Yukon's family of protected areas, the commitment by the federal government to complete Canada's system of national parks by the Year 2000, and to refer to the National Parks System Plan.</p> <p>NAP: Federally, we are committed to making best efforts to complete Canada's network of protected areas representative of natural regions by the year 2000.</p> <p>This section indicates that the Strategy is an umbrella for all new SMA's and indicates that national parks, heritage rivers, and historic sites all have their own criteria and processes that must be followed. To follow through on this point, we would propose that a fourth section be included under Appendix #1, Work Plan Priorities, which identifies our (whose? Government of Canada?) priorities and work in progress in these other processes.</p> <p>p. 13 table is ... hard to follow.</p> <p>ECO: p.12 ... add FNs currently negotiating Final Agreements to the list of "howevers" which have their own criteria and process.</p>	

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	<p>process section.</p> <p>Performance Indicators ... preserving ecological integrity must be stated clearly as the goal that is being measured. Performance indicators should include the stages at which the indicators should be applied and assessed. Many of the “qualitative” indicators are in fact “quantitative” in nature and vice versa. The rationale for grouping the indicators is unclear.</p> <p>“Number of resource interests” is a weak indicator at best. People experienced in the auditing of processes should review this section to strengthen its usefulness.</p> <p>Adv: “Performance Indicators” ... difficult to understand.</p>			
OVERVIEW	<p>YCS: This first half of this section should be combined with other introductory aspects. The range of levels of protection in relation to conservation goals is missing. The last paragraph (p. 14) belongs in the section on process.</p>	<p>FWMB: pg. 14 ... Last paragraph is weak lip service to “the public” and “traditional knowledge”. This passage missed the train on community-based management.</p>		
HOW THE STRATEGY WAS PREPARED	<p>YCS: This section is not really relevant to content of the strategy. Placing it on the inside front or back cover or, within a shaded or boxed area.</p>			
GUIDING PRINCIPLES	<p>YCS: This section should be up front in the document. It should be linked with the Guiding Philosophy. Much of this section has little to do with “principles”. There is no principle of accountability and transparency of the decision making process.</p>		<p>NAP: This section duplicates information on page 7.</p>	

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<p>THE GOALS FOR PROTECTED AREAS</p>	<p>Ecological Integrity: What is meant by “essential ecological processes” and how will they be determined.</p> <p>Balance of Interests: As a conservation strategy, the preservation of wilderness and the maintenance of fully functioning ecosystems should remain in the forefront throughout this document. The balance of interests is presented in a biased way toward the protection of resource extraction industries. Points 2,3 and 4 are redundant in stating the importance of incorporating resource values into the decision process. Point 4 ... seems to imply the degree of protection will reflect the value of the resource and not the first guiding principle.</p> <p>Acknowledging the economic benefits of protected areas as well as the unknown long-term environmental benefits, and removing redundant statements about assessing renewable and non-renewable resource values.</p> <p>Public Consultation and Partnership: This section falls short of the promise of partnership, except with other governments. There is the need to empower communities to act and take leadership.</p> <p>Adv: Greater emphasis on role of traditional knowledge required.</p> <p>CPAWS: The draft PAS avoids reference to wildlife and wilderness in the vision</p>	<p>FWMB: pg. 19-21 ... were these goals ever discussed at workshops or public</p>	<p>Ag. Branch: Make it crystal clear that this listing is in order of priority.</p>	

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<p>GOAL #1: REPRESENTATION</p>	<p>statement, and wilderness is not mentioned in any of the goals. Conservation of wilderness and wildlife are among the primary reasons people support protected areas.</p> <p>YFGA: that “watersheds” be added to The Goals for Protected Areas: Goal #2.</p> <p>YCS: pg. 19 ... The Goals of Protected Areas states that “In areas created for the purpose of representing ecological diversity, no industrial resource extraction will be permitted”. This point should be expanded, clearly and strongly stated in this section.</p> <p>This section should appear earlier. Only the first two goals are specific goals of the protected areas strategy. Goals 3 and 4 may be positive outcomes, but are not the purpose of the strategy. The intent of these two “goals” can be integrated into statements in the introduction and context.</p> <p>Adv: ... goals & criteria ... #3 isn't a goal ... at the very least, should not be ahead of goal #4.</p> <ul style="list-style-type: none"> • Wildlife should be recognized as a resource value. • Only seems to look at short term goals, and not long term. • Needs greater emphasis on wilderness values. • Excludes subsistence use by Yukoners. <p>CPAWS: Acknowledge the strong</p>	<p>meetings? Are they necessary? Should they appear early on to establish a logical sequence?</p> <p>Within the natural diversity of the Yukon, wildlife must be mentioned, as well as the interrelationships between the land, animals, and people.</p> <p>First Nation’s traditional values are deeper than just mere appreciation of the natural environment. It is how First nations survived for countless of thousands of years. Perhaps this section could be better explained by a First Nation person.</p>	<p>NAP: Confusion remains regarding what are legitimate goals of the YP AS. A concise and comprehensive list of PA objectives from the national perspective is stated in the CBS. It may help to draw from these and other sources (if any) to define the Strategies objectives and to recognize their complimentary nature. Economic development could then be more clearly understood as a territorial priority. Other resource values and users would be separate from the goals of the Strategy but important to the process to implement it.</p> <p>Including reference to strategic principles 1.19 and 1.20 as outlined in the CBS.</p> <p>Biodiversity should be “maintained” not “preserved”. Ecosystems naturally change and the diversity of organisms change too.</p> <p>p. 19 ... box ... What are legitimate land uses within various types of protected areas? This is not clarified in the section on Different Types of Protected Areas.</p> <p>Ag. Branch: pg. 19 ... “It also <i>reflects</i></p>	

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<p>OF ECOLOGICAL DIVERSITY</p>	<p>connection Yukon's have to wilderness and wildlife. Use the tools of science to help support the strong sentiment for protection, for example with representative protected areas. Recognize that wilderness protection does not require scientific validation - wilderness has intrinsic value and is important for cultural, spiritual, life style, and economic reasons, over and above its importance for the conservation of biodiversity.</p> <p>YCS: Plain language edit is needed. Use words such as wilderness and wildlife, plants and animals. Explain what an ecoregion is and why is it important to have at least one representative sample in each of them. Explain why it is important to protect viable, representative examples of the natural diversity of the Yukon. Explain what is meant by "representation".</p> <p>"Interconnected" should be added to the goal statement. Types of activities allowed within areas protected for ecological reasons must be discussed and clearly defined.</p>		<p>traditional First Nation's values..."</p>	
<p>GOAL #2: PROTECTION OF SPECIAL, NATURAL AND CULTURAL FEATURES</p>	<p>YCS: Elaboration of this goal will strengthen the document. The examples are helpful. Explain existing mechanisms for protection.</p>	<p>FWMB: Watersheds should also be protected as one of the examples of the Yukon's special natural and cultural features.</p>	<p>Ec. Dev.: pg. 26 "Economic Values" ... The Yukon Government should ensure there is a consistent framework for completion and use of resource assessments in any area proposed for withdrawal. Our department would be happy to provide details of this for inclusion in the YPAS.</p> <p>ECO: p.26 ..."Economic Values" ... ECO was under the assumption that the Economic Values and Social and</p>	

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<p>GOAL #3: DIVERSIFYING ECONOMIC OPPORTUNITIES IN THE YUKON</p>	<p>CPAWS: Broaden the scope of economic development and economic health references to include such activities as fishing, hunting, trapping, subsistence uses, recreation and the far-reaching economic benefits of clean waters, abundant wildlife and healthy ecosystems. Use language that refers to healthy communities and sustainable economies.</p> <p>Goal #3 is ahead of Goal #4. The order is unacceptable ... we question whether employment by the resource extraction industry and tourism is a legitimate primary goals of the PAS. Employment in tourism is an important benefit but is not the main purpose behind conservation. Concerns about employment are addressed in the assessment and review process and do not belong in a goal statement. If there is a goal statement that alludes to the economy, it should speak to sustainable communities and a healthy economy, not just to resource extraction industries. Economic benefits arise from protected areas but are not the chief goal.</p> <p>Remove Goal #3 and rewrite it as the fourth goal, after intrinsic values, to encourage sustainable communities and a</p>		<p>Cultural Values would be stated as Goals 3 and 4. As is, they are add ons which do not really have a place in the criteria process.</p> <p>p.27 ... list access corridors ... to protect government interests in this type of development.</p>	

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<p>GOAL #4: CONTRIBUTION TO YUKON QUALITY OF LIFE</p>	<p>healthy economy. Eliminate the repetitive language on economic development as a goal except for possibly a revised version of the last two paragraphs now in the document.</p> <p>YFGA: on pg. 20, to be included with Goal #3, recognizing again the importance of hunting and angling to our economy ...</p> <p>YCS: This "goal" should be deleted and some of it integrated into other sections. Remember that sustainable communities and healthy economies are dependent on fully functioning ecosystems. A goal of economic diversification and industry dominance should be discussed as part of an economic policy process, not a conservation strategy.</p> <p>"Industry": Protected Areas may provide special business opportunities to some individuals and businesses at the expense of other resource opportunities.</p> <p>CPAWS: Broaden the scope of economic development and economic health references to include such activities as fishing, hunting, trapping, subsistence uses, recreation and the far-reaching economic benefits of clean waters, abundant wildlife and healthy ecosystems. Use language that refers to healthy communities and sustainable economies.</p> <p>YFGA: on page 21, to be included with Goal #4, that hunting and angling plays a significant role to Yukoner's quality of life, at least equal to recreation, health, and</p>	<p>YFWB: The Quality of Life is more important than the Economic opportunities. There is too much emphasis on the economic opportunities. Let's recognize the optimum long term benefits. If development is to take place, the consultation obligation must be met. Contribution of Yukon Quality of life must recognize that wildlife and wilderness is central to the culture of Yukon First Nations.</p>		

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<p>PLANNING AND ESTABLISHING PROTECTED AREAS</p>	<p>educational values ...</p> <p>YCS: ...describes the values and emotional connection of the people of the Yukon have for wilderness and wildlife. These are important to the guiding philosophy and principles of the strategy, but are not goals.</p> <p>YCS: We support a strategy that provides territorial leadership with a community-based process.</p> <p>Communities, individuals, and interest groups must be encouraged to initiate and contribute to all stages of the process. As the strategy is currently worded, the role of the public is limited to providing comments to the outcome of a process mainly involving government.</p> <p>While looking at the big picture is lauded, this long-term approach could slow down progress towards on the ground protection. Make sure that this territory scale approach will not slow down efforts to address some pressing situations that require immediate planning and action.</p> <p>Reference to competing interests on Level #2 and #3 puts a negative light on protection our land. "Identifying the range of interests and values" may be more appropriate.</p> <p>The frequent use of "resource values" and "resource assessments" is problematic as it typically indicates something of use to humans. Intrinsic values or ecological values (and environmental "services") are</p>	<p>FWMB: pg. 22-23 ... these levels do not reflect the previous frameworks discussed and only serve to confuse the strategy ... all kinds of <u>work</u> are alluded to but not means of doing it is identified. This section should be omitted and presented in a clean process section.</p> <p>pg. 23 ... this process is unclear and skips all the most important stages. It does not reflect the process worked out and accepted in the workshop.</p> <p>The planning and establishing of protected areas process must be community driven with the assistance for all Governments. Traditional knowledge is from the First Nations, and local knowledge is from non-First Nation.</p> <p>Planning and establishing protected areas must follow the consultation process both formally and informally. Renewable Resources Councils must be fully involved in the planning process, as traditional territories cover the whole Yukon.</p> <p>Local participation must be allowed in</p>	<p>Ec.Dev.: The process of identifying areas of interest would be clearly defined using the following model:</p> <p>Protected Areas Planning Process:</p> <ul style="list-style-type: none"> • <u>Prioritization</u> of specific eco-regions for consideration; • <u>Government assessment of appropriate areas</u> suitable to achieve ecological goals of strategy ... regional resource assessments also to be used to assist in the selection of appropriate candidate areas; • <u>Financial resources and timing</u> to complete detailed resource assessments and consultation are identified; • <u>Community and stakeholder committee</u> struck to oversee the study and recommend final candidate area; • <u>Candidate areas</u> selected; • <u>Interim protection</u> is applied if required; • <u>Final protected area is selected</u>; • <u>Interim protection lifted</u> on remaining areas; • <u>Formal designation</u> of a candidate area as a Special Management 	

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<p>CRITERIA FOR IDENTIFYING AND EVALUATING AREAS OF INTEREST</p>	<p>lost.</p> <p>What would be included in a “review of resource values”? Would an overview of an old growth forest area include a review of the diversity of bird species in the area in addition to timber values?</p> <p>Adv: Not enough local involvement at community level.</p> <p>More involvement required by FNs and YFWMB.</p> <p>YCS: Economic, social, and cultural values do not belong in this section. These are valid <i>considerations</i>; they should not be included as criteria for the establishment of protected areas. Environmental values are noted at the end of the list. It is unclear how these values will be measured against other values which all have a potential dollar figure that can be assessed. Environmental values must be treated separately or else they will be overshadowed by economic accounting processes.</p> <p>There is work in the area of estimating the value “environmental” which may be</p>	<p>the general planning process.</p> <p>FWMB: pg. 24-27 ... Criteria section should appear as an Appendix and be referred to in the <u>Process</u>. Criteria should refer not to <u>Goals</u> but to types of areas to be protected.</p> <p>pg. 27 ... at the workshop it was agreed (including industry reps.) that detailed assessments were inappropriate for most cases. This section gives not indication of how assessments will be applied to what degree and when.</p>	<p>Area;</p> <ul style="list-style-type: none"> • <u>Transfer of federal land</u> to the Yukon Government. <p>NAP: Recognition that ecoregions provide the framework for the application of criteria and for measuring performance/monitoring would contribute to the clarity of the Strategy.</p> <p>It may be useful to list criteria that will be considered in determination of final boundary recommendations.</p> <p>FORESTCOMM: The ecosystem based management chapter of the Forest Strategy speaks to the linkage to representative area protection with land use planning at the ecoregion level, linkages to protected corridors, and areas at the sub-watershed level, and to protection within specific areas at the site level.</p> <p>H&SS: Is there any expectation that the Department of Health & Social Services will be involved in any form of monitoring or assessment of “health” or “mental health” values? If there is an expectation, then we need to discuss. If there is no expectation on our part, then we have no comments on the draft.</p> <p>Ec.Dev.: The ecological criteria presented in the current draft are more specific than those in earlier drafts. The final criteria should be specific. Broad criteria are insufficient to establish the ground rules for selecting areas of interest. Several types of PA’s are</p>	

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<p>GOAL 1: ECOREGION REPRESENTATION CRITERIA</p>	<p>incorporated into this list of considerations.</p> <p>Wildlife values should be added to this list. Add subsistence values to this list.</p> <p>“Industry”: Scientific criteria needs to be agreed upon by all stakeholders to determine the size of Protected Areas and the system of determining both resource and environmental values.</p> <p>AYC: The evaluation criteria for determining a protected area needs to be further defined.</p> <p>CPAWS: ...large landscape scale wilderness should be recognized as a key element in the conservation of biodiversity</p>		<p>suggested, which may have differing criteria. This is creating confusion about the intent and objective of the PAS. We would be happy to provide the specific criteria that will be used to identify resource values. This information should be included.</p> <p>NAP: Only two of the four goals are repeated here. The effect is confusing.</p> <p>p.25, 1st point ... “highly productive <i>wildlife</i> habitats eg. <i>wetlands</i>”</p> <p>Representativeness: delete 2nd point ... All ecosystems “play an important role in maintaining the ecological functions of the ecoregion”.</p> <p>Naturalness: 1st point should read “...minimal degree of development and human disturbance”. 2nd point ... We should perhaps specify that an area must have the ability to recover in a reasonable length of time.</p> <p>Ecological Viability: This section would benefit from inclusion of more detailed criteria to determine priority candidate areas (see CBS p. 24, 1.16). 1st point ... It has been suggested that protected areas should be 2-50 times the largest natural disturbance that may occur, eg. fire.</p> <p>Ec. Dev.: pg. 25 “Ecological Viability” ... Laws of general application should apply to all areas outside of protected areas.</p>	

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<p>GOAL 2: SPECIAL NATURAL AND CULTURAL FEATURES REPRESENTATION CRITERIA</p>	<p>under "naturalness".</p> <p>"Industry": The short-term costs of developing protected areas and long-term lost economic opportunities need to be addressed.</p> <p>Areas of high mineral potential should not be targeted for protection where reasonable alternatives exist.</p> <p>AYC: p.26 The people who will administer and manage the Protected Areas likely reside in a municipality as do the adventure tour operators, the suppliers and the resource industry to name a few. Perhaps the PAS may result in an enriched and more stable community.</p> <p>p. 26 ... How can we accommodate the impacts and the benefits and support the support industries?</p> <p>p. 26 ..."Outdoor Recreation Values" ... Concerns were to increase access to protected areas. This would foster increased business opportunities and outdoor recreation opportunities for the community.</p>	<p>FWMB: These protected areas must be large enough so that natural ecosystem functions will be sustained indefinitely. Research must be based on Traditional knowledge, historical as well as scientific. The protected areas must be identified through the Traditional knowledge as well as scientific knowledge.</p> <p>The cultural and heritage values of the Yukon must reflect the First Nation and non-First Nation.</p> <p>pg. 27 ... Resource assessments must recognize the subsistence values of the First Nations. Wildlife values must also be included. Traditional medicines also have a value.</p>	<p>The use of buffer zones should be discouraged. If protection is required, an area should be clearly designated and included as a Protected Area.</p> <p>NAP: pg. 26 ... Economic Values ... DIAND supports the use of regional mineral resource assessments to assist in the identification and selection of candidate area alternatives. Concern has been expressed that they be carried out in accordance with recognized methodology.</p> <p>DIAND will support the mineral assessment process through the provision of available expertise. Coordination with protected area planning will be required to ensure resource assessments can be completed within proposed time frames.</p> <p>Resource assessments should also include evaluations of the direct and indirect economic benefit of natural ecosystems and the wildlife and human populations they support. This would include the economic evaluation of ecological benefits including: water flow rate control and filtration, oxygen production, nutrient recycling, fish and wildlife populations, edible and medicinal plants and fungi. The direct and indirect cultural benefits (heritage, social, and recreational) should be included in this evaluation.</p> <p>FORESTCOMM: "Economic Values"... The discussion of economic opportunities speaks to the need for</p>	

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<p>PROTECTED AREA DECISION MAKING PROCESS</p>	<p>CPAWS: The draft PAS promotes a top-down fairly autocratic approach to protected area planning. It implies that the territorial government will initiate most if not all planning ... and it downplays the importance of traditional knowledge. This does not reflect the UFA, nor the broad support for community-based planning.</p> <p>pg. 29 ... does not reflect the role of First Nations, communities and non government organizations. The potential role of RRCs and Land Use Planning Commissions is somewhat unclear ... a better connection between pgs. 29 & 30 is warranted.</p> <p>Reference to assessing the management plans of protected areas and the desirability of avoiding duplication of effort should be made.</p> <p>p. 29 ... modify the planning process in the PAS to ensure that territorial <i>leadership</i> is balanced by community-based planning. Allow for the initiation of protected area</p>	<p>ARRC: There needs to be more First Nations consultation.</p> <p>FWMB: pg. 29 ...</p> <ul style="list-style-type: none"> • lack of emphasis on a community-based management system coordinated and facilitated by government; • lack of recognition of Traditional Territories as being the primary planning unit; <p>pg. 27 ... this needs a bigger heading and more prominent placement. The relationships between the government and the public are incorrect. It creates an "US" and "THEM" atmosphere.</p> <p>pg. 29 ... this figure does not accurately reflect the process developed in the workshops. it is misleading and contrary to the cooperative spirit of the strategy. It implies that this process will be used for <u>all</u> protected areas, which is not the</p>	<p>studies, enforcement, participation in groups who will manage the sites, and the types of non-extractive employment that will be possible and types of development that may be allowed. In this way you can stress that big game outfitting and trapping may persist, etc.</p> <p>JUSTICE: p. 26 ... The italics should only be on "<i>Historic Resources Act</i>" and on "<i>Environment Act</i>". The Yukon <i>Environment Act</i> includes provisions which permit the creation of wilderness management areas".</p> <p>NAP: DIAND supports the statements regarding intergovernmental partnerships. Greater clarity is required regarding our respective roles in the planning and decision making process.</p> <p>This section does not reflect the federal role or responsibilities in the planning and establishment of protected areas. It should reference that federal decisions are required to apply interim protection measures and to transfer land for protected areas. It could also reference that DIAND must undertake environmental assessments under CEEA in support of these processes.</p> <p>Fig. #2 ... the first point in Step 2 could perhaps be included in Step 1. Reference the evaluation of social and economic benefits and costs rather than implications.</p> <p>Indicate that areas of interest identified in other planning processes would enter</p>	

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	<p>proposals by communities, First Nations, and non-government organizations as well as territorial and federal government.</p> <p>p. 27 ... the draft lacks clarity on how local areas such as small Habitat Protection Areas nominated by Renewable Resource Councils, will be handled.</p> <p>YCS: p. 27 ... While government is the central decision maker in the process, the process itself must be more community-based.</p> <p>YCS: First sentence needs to more clearly indicate that the following process only relates to protected areas being established to meet representative areas of our 23 ecoregions.</p> <p>What appears to be missing is how management plans or protection area boundaries may be changed down the road. Substantive amendments to a plan and to boundaries should not be left to Cabinet. There is a need for legislative protection of these representative protected areas so that they can be more resistant to short term interests.</p> <p>The process downplays the role of communities in this process. The lack of any statements indicating the community-based nature of these processes is problematic.</p> <p>The process may slow to a halt In the process of collecting information, identifying gaps, analyzing options, and so on. There needs to be accountability for</p>	<p>case. These problems were covered in detail at the workshop with a whole variety of approaches worked out for specific situations. No coordination with any other planning initiative is even referred to in this process.</p> <p>The decision making process must be community driven. RRCs, boards and committees must be involved. Traditional knowledge must be recognized as well as local knowledge.</p>	<p>the YPAS process in Step 3 or Step 4 depending on the need for further work or public consultation.</p> <p>It is incumbent upon governments to clarify when in the process a decision on the taking of a resource interest may occur and to establish appropriate compensation policies.</p> <p>Coordination of planning processes may benefit from a closer look at how coordination may be undertaken at each step of the planning process outlined on page 29.</p> <p>FORESTCOMM: p.29 ... Information on future management of the sites will give people an understanding that they will have an ongoing role and that there is flexibility and adaptability built in. A big part is participatory management of the buffer and core areas.</p>	

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<p>ROLES AND RESPONSIBILITIES FOR PROTECTED</p>	<p>how quickly the process will move from Step 1 to Step 7 and 8. What timeline is there? Where is the commitment of resources to implement this process and resulting management plans? This should be incorporated into the guiding principles.</p> <p>“Industry”: p.29 ... Stakeholders who have the most at stake will be excluded from important decisions.</p> <p>Adv: p. 29 ... Need to work DAP into the process. Great deal of misunderstanding of the role of the FN, RRC, FWMB, and other processes, as set out in the UFA/FNFAs. Need to clarify.</p> <p>AYC: p. 29 ... The success of this process is dependent on community participation and establishing partnerships with local governments.</p> <p>p.29 ... Comprehensive baseline data will be compiled and mapped. Will this information be made available to the partners? Can we use it for our Greenways or City planning processes? How is it accessed?</p> <p>p.29 ... It appears that there is a commitment to public review and comment but little commitment to stakeholder or interest group comment. I would like to see the decision making process include more than the public aspect.</p> <p>“Industry”: The possible creation of a new bureaucracy for protected areas ...</p>	<p>FWMB: pg. 30 ...</p> <ul style="list-style-type: none"> • lack of clarity on the real activities 	<p>DAP Commission wants to see reference to DAP in the steps in the</p>	

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<p>AREAS</p>	<p>AYC: p.30 ... The role of municipalities has not been clearly defined. There is an expectation that we will cooperate and participate and be full partners. A structure for joint planning and discussions is needed to ensure the strategy is appropriate for our citizens and the people at large.</p> <p>relationship,</p>	<p>and purpose of the Central Steering Committee;</p> <ul style="list-style-type: none"> no recognition of primary or community decision-making mechanism to ensure communities are not swamped by stronger outside interests; no recognition of central role of RRC's; <p>pg. 30 ... This section only vaguely reflects the relationship developed by the RRCs and gives no clear idea of how the process operates. The relationship between the local teams and the RRCs has been lost.</p>	<p>Role of Government, Figure #2, page 29, possibly following Step 3 but certainly before Step 7.</p> <p>ECO: p.30 ... Concerns about the Senior Steering Committee directing protected areas staff and making recommendations to Cabinet. Inter-governmental group should not direct staff. The Minister <u>will</u> make recommendations to Cabinet.</p>

territory
of the Senior Steering Committee
Ecoregion "Core"
local teams has been
concept of the Senior Team
establishing terms of reference
overall guidelines has been lost.

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<p>RESOLVING CONFLICTING VALUES AND INTERESTS</p>	<p>It is not possible to have both compromise and consensus as noted in one of the bullets. The final process will need to be clear and well-facilitated.</p>	<p>There is no concrete definition of roles/responsibilities in relation to process here. This is not a system that can be activated. In the workshop, clear duties of the Senior Team and the Local teams were determined. These do not appear here.</p> <p>The roles and responsibilities should also recognize the authority of local governments, renewable resources councils, and First Nations.</p> <p>FWMB: pg. 31 ... A better slant is to say that a process will be worked out for resolving conflicts at the community level. Likely this would be an evolving approach as it is tested under real circumstances. Most resolution of conflicts should happen during the "planning" phase in each Traditional Territory - that is the essence of community-based management. A more formal system could be worked out by the Senior team in consultation with the Renewable Resources Councils and First Nations, etc.</p> <p>Traditional knowledge must also be recognized as well as local knowledge. Optimum long term planning must be used to resolve conflicting values and interests. All affected stakeholders must include future generations. Long term goals should be considered when looking at economies.</p>	<p>JUSTICE: p.31 ... the Paper could mention First Nation Traditional Knowledge as another form of information which, depending on the circumstances, may have to be treated in a confidential manner.</p>	

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<p>INTERIM PROTECTION</p>	<p>CPAWS: ...pg. 31 refers to impacts on the economy without an equal statement on the potential ecological impacts on candidate protected areas and related foregone opportunities if interim protection is not implemented. While "Type 2" must include all areas being considered for full protection, it should also leave room for interim protection of those areas where the type of protection will be determined through management plans. For example, in Habitat Protection Areas, there may be some that require full protection or zones within that require permanent protection - such protection options should be reflected in the interim protection measures.</p> <p>YOA: If there must be interim protection, then the rules must be very clear. What happens to existing users? What must potential users do and how long must they wait? What happens if we need a lease for a new camp? We are existing users but the application would be a new one. Recommend that much more work be done on "Interim Land Protection".</p> <p>YCS: ... strongly supports the need for interim protection of study areas and accepts the need for a time limit to be imposed on this protection.</p> <p>Division of interim protection into two categories does not work for mining. Map notations are not of any use in preventing mineral claim staking and exploration. In areas where mining may be a disruption and cannot be regulated, withdrawal must be in place all year round.</p>	<p>FWMB: pg. 31 ... Both this and the resource assessment section do not reflect the full and detailed discussions of the workshop where it was agreed to:</p> <ul style="list-style-type: none"> • determine candidates at an all inclusive traditional territory workshop; • apply a "map notation" to each "Core" candidate so industry will know where they are; • undertake "relevant" resource assessments etc. of "Core" candidates; • undertake full/fair community consultation to determine a final candidate; • recommend <u>one</u> candidate to Cabinet; • with Cabinet approval, determine a "Study Area" (larger than the candidate area) • then and only then, withdraw the area from all development for as long as it takes to complete studies and define boundaries of protected areas. <p>pg. 32/33 ... splits the relationship of two levels of interim protection, whereas one was really a precursor to the other. In many cases, <u>no interim protection</u> (e.g. habitats) is required.</p> <p>Are we compromising the area from protection by setting such a timeline on the area?</p>	<p>Ec. Dev.: A cap of two to three years is established for interim protection of study areas. A limit is placed on the number of interim protected areas at any given time.</p> <p>We recommend there is a clear understanding there will be a limit to the amount of land subject to protection in the Yukon. We note that B.C. has provided a cap of 18% of total land alienated from resource development in their protected areas strategy. An alternative approach would be to identify the amount required for protection on an ecosystem specific basis.</p> <p>Subsurface rights for oil and gas should not be withdrawn. Horizontal drilling can ensure this resource may be utilized without impacting the ecological values to be protected.</p> <p>Ec. Dev. [for Oil & Gas Industry]: Withdrawing the subsurface from resource extraction in terms of oil and gas is not necessary to protect the surface environment. I would suggest that protection of only the surface would accomplish all of the goals and aims mandated.</p> <p>(examples: An oil or gas accumulation in the subsurface lies completely within a withdrawn area. The oil or gas accumulation could be reached from a surface location outside of the protected area . Provided it is economically feasible, it is hard to see why this resource should be removed from</p>	

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	<p>The statement that interim withdrawal orders require an environmental assessment should be checked. The process can also be done in a matter of weeks or days. It is not productive to solely emphasize the barriers.</p> <p>“Industry”: Over-use of interim protection for candidate areas will send a negative signal to industry.</p>		<p>disposal; An oil or gas accumulation in the subsurface lies partially within a withdrawn area. In this case, the portion of the reservoir <i>outside</i> of the protected area would possibly not be available for extraction. Any removal of oil or gas from the reservoir would draw some portion of oil or gas out of the reservoir in the withdrawn area and thus not be allowed.)</p> <p>In effect, a small withdrawn area can sterilize a large area from petroleum development. I do not believe this is a situation we want to create.</p> <p>Given the fact that in terms of oil and gas extraction, protection of the surface is all that is required to protect ecological diversity, special natural and cultural features, and other aims of the YPAS, there is no need to withdraw the subsurface. Secondly, withdrawing the subsurface can have an unintentional negative impact on petroleum resource extraction outside of a protected area.</p> <p>In addition, the Government of Yukon can protect an area from petroleum exploration by simply not making the area available for disposition. Under the Yukon Oil and Gas Act, dispositions are sold, typically through a bidding process. If an area is not put out for bid, it remains unavailable for disposition.</p> <p>NAP: It would be more correct to reference only one type of interim protection, ie. Type 2. Following the discussion of interim protection, the use</p>	

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			<p>of map notations and reservations could be discussed as follows:</p> <p>“Prior to the establishment of interim protection, DIAND will apply the discretion available to it, under legislation, to ensure that protected area values on federal Crown land are considered in the review of applications for land and land use. DIAND has discretion, under the Territorial Lands Act and related regulations, to approve, deny, or defer applications for the disposal of land for surface uses including those for rural residential, commercial, agriculture, trapping, big game outfitting, and oil and gas exploration and development.</p> <p>Applications for land use can also be reviewed to determine if the proposed activity is compatible with the purpose of a candidate protected area. Where an activity is thought to be incompatible, alternative locations would be sought for the activity, or the use may be accommodated with restrictions.</p> <p>Map notations and reservations are not, in themselves, forms of interim protection. However, they may be recorded on Territorial Resource Base Maps (TRBMs), as needed, to identify the location of candidate protected areas” (see Step 2: Protected Areas Decision Making Process).</p> <p>Interim protection prohibits the issuance of dispositions issued pursuant to the Territorial Lands Act and the two Yukon</p>	

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			<p>mining acts, <i>not activities</i>.</p> <p>2nd bullet ... Interim protection will <i>only</i> be applied to <i>cabinet</i> approved</p> <p>3rd bullet ... we would prefer that the Strategy emphasis that interim protection be time limited for a period realistically required to undertake the feasibility study ie. 2-5 years. The process to amend withdrawal and prohibition orders is a time consuming process for DIAND. The need to amend OIC orders should not be built into the process to satisfy a commitment to an arbitrary or unrealistic time period. The Strategy indicates that candidate areas will be recommended in a public process which utilizes agreed upon criteria and information from resource assessments and is approved by the Yukon Government Cabinet. The process should indicate that the Yukon Government will include a recommendation for the period of interim protection with its request to DIAND, for interim protection.</p> <p>In order to track the amount of land withdrawn for protected areas, government should maintain an accurate record of the amount of land that has been withdrawn from development for the purposes of establishing SMAs/PA's, by ecoregion, and on a territorial wide basis.</p> <p>5th bullet ... assure industry that their interests will be considered in the process to determine the period of</p>	

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			<p>interim protection. Requests for withdrawal and prohibition orders must include an explanation of public consultations undertaken and the views and positions of affected parties.</p> <p>p.32 ... box ... should reference dispositions not activities under the respective land, quartz, placer, and oil and gas acts.</p> <p>p. 32 ... map notations are noted, not registered on federal Territorial Resource Base Maps.</p> <p>p. 32 ... Land Reservations ... The 2nd sentence should indicate that reservations provide the reserving agency a greater degree of control to deny applications that are incompatible with candidate area values. Applications for a reserve are reviewed by the Federal Territorial Land Advisory Committee and an environmental assessment is required under CEEA. The process to establish a reservation normally takes two months.</p> <p>p.33, 2nd para. ... 1st bullet should reference a Federal Order-in-Council for the withdrawal of surface lands from disposition under the Territorial Lands Act and the Canada Petroleum Resources Act.</p> <p>2nd bullet should reference a federal Order-In-Council for the prohibition from entry on lands for the purpose of exploration and staking a mineral claim under the Yukon Quartz Mining Act and</p>	

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			<p>the Yukon Placer Mining Act.</p> <p>p.33, para4. The Yukon Government makes recommendations to DIAND for withdrawal and prohibition orders. The Government of Canada must carry out an environmental assessment under CEEA and make its decision regarding the area and time period of the order, and legislation to be referenced.</p> <p>JUSTICE: It appears that the Government is not only contemplating restricting <u>new</u> resource development in Protected Areas, it is also considering limiting <u>existing</u> resource development. This could raise issues of compensation.</p> <p>The Paper's discussion of the "Interim Protection" process severely downplays the role of the Federal Government. Most of the Interim Protection will occur as a result of actions taken by the Federal Government. This should be rectified.</p> <p>p.32 ... the Yukon <i>Oil and Gas Act</i> is not yet in effect. Under the current federally controlled system, oil and gas exploration requires authorization under both the <i>Territorial Lands Act</i> as well as the <i>Canada Petroleum Resources Act</i>.</p> <p>p. 32 ... Land Reservations ... It could be noted that the environmental assessment requirements are federal environmental assessment requirements.</p> <p>p. 33 ... The Paper could note that the</p>	

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<p>COORDINATION WITH OTHER LAND AND RESOURCE MANAGEMENT PROCESSES</p>	<p>YCS: Coordination with other planning processes should not hold up the process. The chronic problems with the Land Use Planning Council should not serve to delay this process. Coordination should be done “where possible and practical”.</p> <p>AYC: p. 33 ... Long term protected area strategies may be in conflict with planning and development in the City. How will these be coordinated and managed? Who has the final authority?</p> <p>It is critical that the City of Whitehorse and YTG get together to ensure our directions are compatible with the YTG approach. The PAS and Greenways need to be linked. The City will take the lead for the Greenways process.</p> <p>Coordination with other land and resource management processes is key. I hope that these are looking at including the City in this and that we can access their data base for our research and planning purposes.</p> <p>Municipalities under the enabling legislation of the Municipal Act are given the mandate to control land use, zoning, and subdivisions. This is not mentioned and requires clarification. In the Municipal Act, the City has jurisdiction over city land not land owned by YTG. Agreements for</p>	<p>FWMB: The detailed process worked out at the workshop accommodated other planning processes through early notification and in some cases, absorption of YPAS or parts of it where appropriate into other processes (ie. Land Use Planning). Merely listing other processes and promising to coordinate is not enough.</p> <p>The YPAS will be jeopardized if it has to wait for the other resource management processes.</p>	<p>Yukon <i>Oil and Gas Act</i> is not yet in effect. The environmental assessment requirements are federal environmental assessment requirements.</p> <p>Process will need to include a reference to the Protected Area plan being submitted to YDAB for review prior to it going to Cabinet for your Step 8.</p> <p>NAP: While federal departments support the establishment of protected areas, our combined effort must be coordinated with other priorities. Intergovernmental participation in the process is required to establish study area priorities and to determine the appropriate level of departmental involvement for each area.</p> <p>Reference to the points where candidate area proposals from different processes enter the YPAS process, and why, would help to illustrate the relationships between the various planning and resource management processes.</p>	

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<p>WORKPLAN</p>	<p>land management and control are required for any area (greenbelts, buffers) if the bylaw is to be effective.</p> <p>CPAWS: Incorporate the Wolf Lake national park feasibility study into the PAS Action Plan as one of the highest priorities for 1998.</p> <p>In the Action Plan, add the national park feasibility study in the Wolf Lake area as a high priority. Allow for the more rapid movement on assessing areas of interest where Renewable Resource Councils and/or First Nations are ready to act on proposals.</p>	<p>FWMB: No reference to prioritization of areas in Yukon based on criteria such as greatest risk, most work done, land claims settled etc.</p> <p>This was never discussed in public consultation or workshop. It does not follow the Process format articulated at the workshop. It does not indicate the role of the Yukon wide Steering Committee or the Local Teams. It gives no sense of priority. The initiatives presented here convey a sense of a haphazard approach to what was supposed to be a highly coordinated plan. Are these all on-going projects? If so, they should be presented merely as projects that will be factored in to the grand scheme of things. Otherwise it looks like the existing government agenda is being advanced irrespective of the coordinated planning process that was set forth at the workshop. Another option is to omit this entirely and submit the ongoing projects to the overall process as appropriate.</p> <p>Workplan must recognize that this is a community driven process, through First Nations or Renewable Resources Councils; they know their respective areas better than anyone.</p>	<p>NAP: Inclusion of a fourth section on Other Planning and Resource Management Processes, would help to illustrate how the YPAS relates to other planning processes which may also serve to identify and study candidate protected areas. This would facilitate a more comprehensive view of work and progress on PA initiatives.</p> <p>The strategy does not indicate how progress will be monitored. The use of ecoregions as a framework for monitoring progress against goals would likely serve well.</p> <p>ECO: Appendix #1 has a selective list of SMAs.</p> <p>JUSTICE: Not all SMAs created under the Final Agreements are mentioned. Under the NNDFFA section there is no mention of the possible establishment of the Peel River Watershed SMA nor is there mention of the Bonnet Plume River. Under the CAFNFA there is no mention of Kluane National Park, nor is there mention of Sha'washe. Under the VGFNFA there is no mention of Vuntut National Park, nor is there mention of the Old Crow Flats area. There is no mention of the Nisutlin River Delta National Wildlife Area established under the TTCFA.</p>	

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			<p>“Ddhaw Ghro” is misspelled. For Ddhaw Ghro review and approval is by YTG, NND, and SFN although the Minister does have the final say.</p> <p>Under the LS/CFNFA it is the Nordenskiold Wetland Habitat Protection Area. Mandanna Lake was not intended to be an SMA.</p> <p>Under the THFA it is the Forty Mile, Fort Cudahy and Fort Constantine Historic Site. The Forty Mile Caribou Herd was not intended to be an SMA. It is Tr’o-ju-wech’in Heritage Site.</p> <p>Under the White River First Nation Final Agreement section, the correct names are Scottie Creek Habitat Protection Area, Wellesley Lake Special Management Area, Klutlan Natural Environment Park and Pickhandle Lakes Habitat Protection Area. With regard to Scottie Creek Habitat Protection Area and Wellesley Lake Special Management Area, the language of the provisions is still subject to review, and with regard to Klutlan Natural Environment Park and Pickhandle Lakes Habitat Protection Area, the language of the provisions is still subject to negotiation. Wellesley Lake Special Management Area is subject to overlap with SFN and KFN. Klutlan Natural Environment Park is subject to resolution of overlap and joint negotiation with Kluane First Nation, and the lead role will be carried out by YTG, KFN and WRFN. Pickhandle Lakes Habitat Protection Area is subject to</p>	

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<p>FORMAT AND WRITING</p>	<p>CPAWS: The draft suffers from difficult language, confusing and sometimes contradictory statements.</p> <p>YFGA: The document in its entirety should be rewritten in condensed, concise, and easy to understand language.</p> <p>YCS: Document is poorly organized, repetitive, and difficult to read.</p> <p>There is a need to present the information in a logical framework and to write it in plain language. The following approach is suggested:</p> <ul style="list-style-type: none"> • What we are trying to achieve and why (Vision, Principles, and Goals); • What is the situation (Context: land claims, current protection, commitments, economic and social considerations); • How do we do it (process, including planning, criteria, roles and responsibilities, interim protection); • How do we know we've done it? (Measuring performance); • Conclusion. 		<p>resolution of overlap and joint negotiation with Kluane First nation and the lead role will be carried out by YTG and two RRCs.</p> <p>NAP: The paper needs to be reorganized to eliminate redundancy, to clarify the fundamental purpose of the strategy, and the process to achieve it.</p>	
<p>DIFFERENT TYPES OF PROTECTED AREAS</p>	<p>CPAWS: The PAS should be very clear on the minimum standards for protection and in what types of protected areas these standards apply.</p>	<p>FWMB: pg. 15 ... mention of "buffer" here with no further explanation does not reflect extreme public concern and confusion over this concept. There is</p>	<p>NAP: This section would benefit from a more detailed explanation of how protected areas relate to the goals, and the levels of protection that would</p>	

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	<p>Make clear statements on what types of areas are fully protected and which ones may not be. Establish clear standards for protection based on the Whitehorse Mining Initiative and the International Union for the Conservation of Nature.</p> <p>YOA: The issue of what limitations will be placed on any designations Protected Areas has not been fully addressed.</p> <p>YFGA: on pg. 15, Summary of Different Types of Protected Areas ... besides the "Reasons for Establishment" there should be an explanation of levels of protection and guidelines for potential uses.</p> <p>YCS: It is very important that the strategy is clear in stating that if an area of wilderness is protected to ensure its long-term ecological viability, <u>all</u> industrial activities (hydro electric development, mining, logging, and industrial roads) will not be allowed.</p> <p>Include the additional column which outlines the range of uses.</p> <p>Adv: Would like to see the process more clearly laid out for all types of protection, including habitat protection areas.</p> <p>Important that the size be large enough to be representative wherever possible.</p> <p>Needs to be more detail on types of protected areas, and the potential range of uses for each type.</p>	<p>no mention of "corridors" which are key to the "network" concept and required detailed explanation.</p> <p>Table #1 is not very informative. No indication of strength of legislation, what can be done or not done in each type of area.</p> <p>Summary of different types of Protected areas must also recognize the jurisdiction of First Nations, on First nation land; and the obligation of consultation outside of selected land within the traditional territories.</p>	<p>normally apply.</p> <p>Further discussion is needed to determine the extent and manner to which the territorial and federal governments can cooperate to establish corridor and buffer areas through the use of Habitat Protection Regulations and other regulatory mechanisms.</p> <p>ECO: The November 1997 Discussion Paper stated that the Strategy would clarify the role of policy and legislation in determining which activities will be permitted or restricted within different types of Protected Areas. The present draft does not do this in any substantive way.</p> <p>Table #1 ... identify allowable uses for each type of protected area ... also provide some approximate timelines.</p>	

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<p>TIMELINE FOR COMPLETION</p>	<p>Not enough emphasis on habitat areas.</p> <p>AYC: The City is engaging in a Greenways Planning process which will identify and designate parks, recreation areas, trails, conservation areas, special recreation areas, develop strategies for greenbelt, greenspace management and establish standards for greenbelts and buffers.</p> <p>Will trails and access be assured in the Protected Area Strategy? These connections need to be considered.</p> <p>YOA: The scope of this document is all encompassing. The long term ramifications could have widespread effects on all industrial users. The May target for Cabinet approval is unrealistic and much more time must be given to acquire user input. Recommend that the process be extended for, at the very least, another six months.</p> <p>YFGA: Consideration should be given to extending the final document completion to autumn/early winter.</p> <p>Adv: Concerns that process is moving too quickly ... not enough understanding in the general public of the implications of a protected areas strategy</p> <p>... important to get on with the implementation of the Strategy.</p>	<p>ARRC: The timeline for the strategy is far too short. The average Yukoner has no idea of the scope of the strategy or how it will affect them in the years to come.</p> <p>The committee doesn't feel like it is being an advisory board at the moment; more like a sounding board. The whole process is far too rushed. This strategy will be around for years to come so doing it properly is far more important than keeping a campaign promise.</p>	<p>Ec. Dev.: Carefully review the recommendations made by the various interests, and ensure there is a clear rationale as to how the comments are addressed.</p>	
<p>COMPENSATION</p>	<p>There is a requirement to include</p>		<p>Ec.Dev.: A policy on compensation of</p>	

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<p>RESOURCE ASSESSMENTS</p> <p>CONCLUSION</p> <p>REVIEW PROCESS</p>	<p>provisions for what will happen IF restrictions impact an existing user group (ie. trapping, mining, outfitting). Cabinet should know there may be costs with the implementation of such a Strategy. Recommend that compensation for affected user groups be addressed as part of the PAS.</p> <p>Adv: Issue of compensation ... Needs to be more recognition of potential impact on other interests – outfitters, resident hunters, trappers, commercial wilderness operators, agricultural industry, etc. Too much emphasis on impact to resource extraction industry only.</p> <p>YFGA: ... on pg. 27, under Resource Assessments ... add “hunting and angling values”</p> <p>YCS: Conclusion needs to place the emphasis on protecting our land and water, plants and animals, instead of our wallets. This is the place to reaffirm the vision statement and the commitment to <i>implementing</i> the strategy. It needs to be more inspirational.</p> <p>YCS supports the need for a review period being built into the strategy as it holds the government accountable from one government term to the next. There must be clear goals to review the strategy against.</p> <p>A few thoughts for what should be reviewed:</p>		<p>affected third party interests should be developed. We believe there may be impacts on third party rights which may trigger legal action directed at the Yukon Government to seeking compensation for damages. Legal advice on this issue is strongly recommended.</p> <p>ECO: Compensation ... has been raised by a number of resource based business owners during the public consultation. This issue must be acknowledge in the Strategy, if not decided.</p> <p>FORESTCOMM: Conclude with a long question and answer section at the end that addresses the many points in the text. Consider a chronological sequence linked to the flow of the planning work, so that all readers have a chance to become educated on the concerns that others raised.</p>	

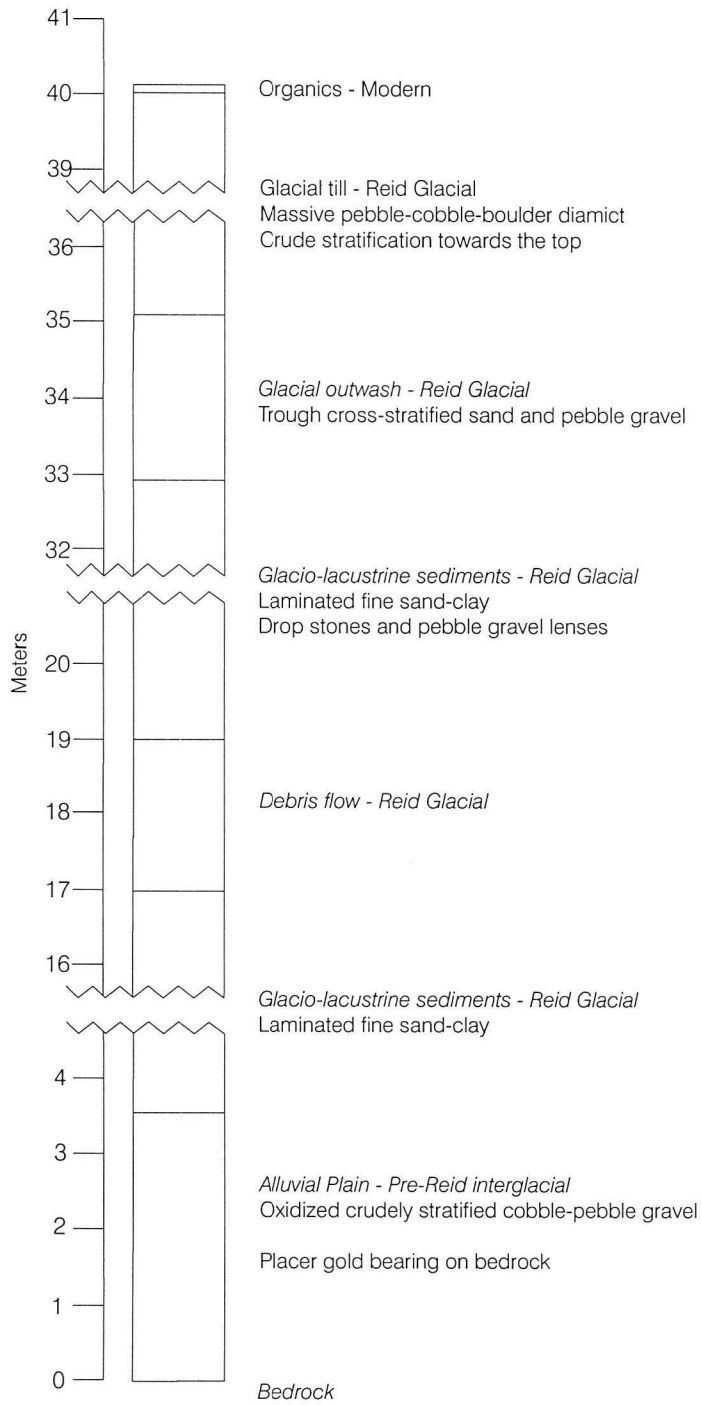
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Summary of Comments - March 30th Draft

TOPIC	ADVISORY COMMITTEE	BOARDS & COUNCILS	GOVERNMENT	F
<p>ADVISORY COMMITTEE PROCESS</p> <p>OTHER PROCESS RELATED CONCERNS</p>	<ul style="list-style-type: none"> • Are the roles and responsibilities of steering committee, technical teams, and regional advisory teams being met? • Is the progress of the decision making process moving at an acceptable rate? Is there an impediment to the process and How can this be eliminated? • Are we meeting our timeline objectives? • What is the public, on the ground, feedback to the effectiveness of the strategy? • Have any interests fallen through the cracks? • Are there any stages or process that have been added to the process? • In actual fact, who is involved and how? <p>Adv: The group wants to review the revised draft before it goes to the public.</p> <p>Adv:</p> <ul style="list-style-type: none"> • Needs to spell out in more detail the community process – number of people involved in group/timelines for each community process/who participates; • Too convoluted – not clearly understood what the process will be; • Clarify role of municipal governments in relation to boards, councils, FNs; • Not clear what assessments will be done and when; • What is the role of the YFWMB? Steering Committee? Local processes?; 			

Yukon Protected Areas Strategy
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	<ul style="list-style-type: none"> • Needs to be clear that others can bring forward candidate areas other than mandated boards/councils, governments (FN, YG, Fed) or as a result of community planning process; • Needs to be clear what kinds of things will be dealt with as part of management planning; • Where's Canada in the process? 			

Lower Highet Creek



no source mentions:

Yukon Protected Areas Strategy

Condensed Version of Matrix

The following key points have been condensed from the "Comment Matrix" on the March 30th Draft of the Yukon Protected Areas Strategy.

GENERAL

- flawed in both tone and content
- the draft is a departure from the spirit and content of the consultation and workshops
- too government top heavy
- not suitable for public comprehension
- no illustrations of key concepts
- should consolidate economic development issues into one section
- lack of recognition of the international and national commitments
- identify up front areas which will not be considered for protection
- all orders of government have not been working in unity in developing and implementing the Strategy
- we [First Nations] require consultation in outstanding issues that we may have
- focus the document on conservation goals and objectives
- needs a clear and inspirational description at the front that sets out why we are producing a PAS and why we need protected areas
- should honor intrinsic value of our wildlands and wildlife
- traditional knowledge must be recognized
- boxes giving examples of conservation biology principles would be helpful
- the vision of protecting the integrity of our ecosystems, wilderness, and wildlife has been lost
- the PAS introduces uncertainty with respect to timing, amount and areas that will be subject to potential alienation
- YPAS should recognize the levels of protection that presently exist
- document has too much resource extraction, economic interests, etc.

VISION STATEMENT

Yukon Protected Areas Strategy

Condensed Version of Matrix

- add wilderness and wildlife protection
- vision should focus on why we create protected areas
- reflect the ideas from the February workshop
- remove references to the establishment of protected areas for economic benefits
- vision needs more definition and a sense of schedule
- recognize obligations to future generations
- ensure it reflects the discussion and agreement of the working groups
- economic development is not purpose for establishing protected areas

STRATEGY HIGHLIGHTS

- recognize Parks Canada and the Canadian Wildlife Service as full partners
- this section could be condensed
- could be condensed
- commit to work to study the feasibility of establishing a new national park in the Wolf Lake area
- have all other orders of government approved this?
- what is the purpose of a Protected Areas Strategy if development could be allowed?
- more recognition of Traditional Knowledge is required
- preserving ecological integrity ... should be clearly stated
- should recognize that communities and economies are dependent upon health ecosystems
- recognize the long term, sustainable economic value of protected areas
- the environmental and social costs of not establishing protected areas must be acknowledged

GUIDING PHILOSOPHY

- must address cultural, intrinsic, and spiritual values of wilderness, etc.
- support for the principles of conservation biology and ecosystem integrity

Yukon Protected Areas Strategy

Condensed Version of Matrix

- these principles do not indicate how the vision will be turned into action
- public consultation is extremely watered down
- protect land for wildlife and future generations
- more discussion of the ecological principles underlying protected areas is required
- should elaborate on the relationship of protected areas to conservation biology (ie. core areas, corridors, buffers) and an ecological approach to land and resource management
- the need for industrial development does not belong as part of guiding philosophy
- monetary value must not out-balance any other interest
- traditional knowledge and local knowledge must be considered
- consultation must begin at the community level in the Traditional Territory

YUKON FIRST NATION FINAL AGREEMENTS - SMAs

- ensure that PAS reflects the provisions in the UFA
- definition of a Protected Area must be expanded with examples
- it should be noted that final decisions regarding the establishment of protected areas lie with the respective land owners
- proposed SMAs will be DAPed, per UFA 10.6.1.2
- we do not feel that the Strategy is giving adequate recognition to Chapter 10
- ... there needs to be further consultation on this subject
- want assurances that outstanding land claim agreements will contain SMAs
- how will First Nation hunting rights be affected?
- full consultation and oral history must be recognized
- protected areas may meet the definition of SMAs as set out in the UFA, but not necessarily in all cases
- if a protected area is established in traditional territory that has a final agreement, the government must consult with that First Nation
- FN people will have the same right of access as non-FN people

Yukon Protected Areas Strategy

Condensed Version of Matrix

- the Paper does not set out all of the major obligations in Chapter 10 ... 10.3.3, 10.3.4, 10.5.2, and 10.5.5 are all important

IMPLEMENTATION PRIORITIES

- the criteria should be broadened to include areas which may be proposed by any federal department, including national wildlife areas, migratory bird sanctuaries, national parks, national historic sites, etc.
- a review of the existing legal instruments and obligations under the various Land Claims agreements should be conducted
- DIAND would support clarification of the Wolf Lake issue as an immediate priority
- the present draft does not explain timeframes or resource requirements in any detail
- consistency under the relevant pieces of legislation regarding Protected Areas may be desired

MEASURING PERFORMANCE

- needs to be revised and communicated more effectively
- performance targets should be as specific as possible
- the commitment to work towards completing as many representative areas as possible by the year 2000 should remain intact
- this section is overcomplicating the strategy
- reference the role of national parks in Yukon's family of protected areas, and the commitment by the federal government to complete Canada's system of national parks by the Year 2000
- this section should come much later in the document
- preserving ecological integrity must be stated clearly as the goal that is being measured

Yukon Protected Areas Strategy

Condensed Version of Matrix

OVERVIEW

- this section should be combined with other introductory aspects

HOW THE STRATEGY WAS PREPARED

- this section is not really relevant to content of the Strategy

GUIDING PRINCIPLES

- this section should be up front in the document ... linked with the Guiding Philosophy
- no principle of accountability and transparency of decision making
- what is meant by “*essential* ecological processes”
- section duplicates information on page 7
- the preservation of wilderness and the maintenance of fully functioning ecosystems should remain in the forefront
- the balance of interests is presented in a biased way toward the protection of resource extraction industries
- this falls short of the promise of partnership
- there is the need to empower communities to act and take leadership
- greater emphasis on traditional knowledge required

THE GOALS FOR PROTECTED AREAS

- wilderness and wildlife are primary reasons people support protected areas
- ecological health and integrity should be the primary goal
- were these goals discussed at workshops or public meetings?
- wildlife must be mentioned as well as inter-relationships between the land, animals, and people
- confusion remains regarding legitimate goals of the YPAS

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Condensed Version of Matrix

- draft states that “In areas created for the purpose of representing ecological diversity, no industrial resource extraction will be permitted”. This point should be expanded, clearly and strongly
- this section should appear earlier
- goals 3 and 4 may be outcomes, but should not be goals
- other resource values and users should be separate from the goals of the Strategy
- biodiversity should be “maintained”
- what are legitimate land uses within various types of protected areas?
- an ecosystem based management approach which focuses on conservation of ecosystems and maintenance of ecological integrity and function is required

GOAL #1: REPRESENTATION OF ECOLOGICAL DIVERSITY

- acknowledge the connection to wilderness and wildlife
- explain what an ecoregion is and why it is important to have representative sample
- “interconnected” should be added to the goal statement - *A level of protection.*
- representation of ecoregions will not deal adequately with the need to maintain large ecosystems
- representation of large mammal ecosystems, ecozones, and ecodistricts should also be included

GOAL #2: PROTECTION OF SPECIAL, NATURAL, AND CULTURAL FEATURES

- elaboration of this goal will strengthen the document
- explain existing mechanisms for protection
- watersheds should also be protected
- wildlife, habitat are key
- the strategy should articulate a clearer approach to wilderness designation

Yukon Protected Areas Strategy

Condensed Version of Matrix

GOAL #3: DIVERSIFYING ECONOMIC OPPORTUNITIES IN THE YUKON

- this “goal” should be deleted and some of it integrated into other sections
- should ensure consistent framework for resource assessments
- we question whether employment by industry and tourism is a legitimate goal of the PAS
- broaden the scope to include fishing, hunting, trapping, subsistence uses, recreation, and the far-reaching economic benefits of clean waters, abundant wildlife, and healthy ecosystems

GOAL #4: CONTRIBUTION TO YUKON QUALITY OF LIFE

- the Quality of Life is more important than the economic opportunities
- let’s recognize optimum long term benefits
- must recognize that wildlife and wilderness is central to the culture of Yukon First Nations

PLANNING AND ESTABLISHING PROTECTED AREAS

- support a Strategy that provides territorial leadership with a community-based approach
- communities, individuals, and interest groups must be encouraged to initiate and contribute to all stages of the process
- make sure that the territory scale approach will not slow down efforts to address some pressing situations that require immediate planning and action
- this process is unclear
- must be community-driven with the assistance of all Governments
- Renewable Resources Councils must be fully involved
- intrinsic values or ecological values (and environmental “services”) are lost
- more involvement required by FNs and YFWMB
- local participation must be allowed in the general planning process

Yukon Protected Areas Strategy

Condensed Version of Matrix

- ecoregions provide the framework for the application of criteria

CRITERIA FOR IDENTIFYING AND EVALUATING AREAS OF INTEREST

- only two of the four goals are repeated here ... this effect is confusing
- needs more detailed criteria to determine priority candidate areas
- economic, social, and cultural values do not belong in this section
- environmental values must be treated separately or else they will be overshadowed by economic accounting processes
- should appear as an Appendix ... should refer not to goals but to types of areas to be protected
- this section gives no indication of how assessments will be applied to what degree and when
- wildlife values should be added ... add subsistence values
- scientific criteria needs to be used to determine the size of Protected Areas and resource and environmental values
- final criteria should be specific

GOAL #1: ECOREGION REPRESENTATION CRITERIA

- large landscape scale wilderness should be recognized as a key element in the conservation of biodiversity
- buffer zones should be discouraged ... if protection is required, an area should be clearly designated
- criteria should be more ecosystems based

GOAL #2: SPECIAL NATURAL AND CULTURAL FEATURES REPRESENTATION CRITERIA

- costs of developing protected areas and lost economic opportunities need to be addressed

Yukon Protected Areas Strategy

Condensed Version of Matrix

- protected areas must be large enough so that natural ecosystem functions will be sustained indefinitely
- cultural and heritage values must reflect the First Nation and non-First Nation
- resource assessments must recognize the subsistence, wildlife values, and traditional medicines
- support the mineral assessment process
- assessments should include economic benefit of natural ecosystems and the wildlife and human populations they support
- cultural benefits should be included

PROTECTED AREA DECISION MAKING PROCESS

- does not reflect the UFA, nor the broad support for community-based planning
- needs more First Nations consultation
- lack of Traditional Territories as primary planning unit
- supports intergovernmental partnerships
- greater clarity is required regarding roles
- ensure territorial leadership is balanced by community-based planning
- allow for the initiation of protected area proposals by communities, First nations, and non-government organizations as well as territorial and federal government
- the draft lacks clarity on how local areas will be handled
- the process must be more community-based
- there is a need for legislative protection of representative protected areas so that they can be more resistant to short term interests
- the relationships between the government and the public are incorrect
- coordination with other planning initiatives is not referred to
- RRCs, boards, and committees must be involved
- traditional knowledge must be recognized as well as local knowledge
- indicate where other planning processes would enter the YPAS process
- establish appropriate compensation policies

Yukon Protected Areas Strategy

Condensed Version of Matrix

- give people an understanding that they will have an ongoing role and that there is flexibility and adaptability build in
- there needs to be accountability for how quickly the process will move
- need to work DAP into the process
- the success of this process is dependent on community participation and establishing partnerships with local governments
- details of the process need to be clearly spelled out
- Renewable Resources Councils must be involved ... rights of FN must be recognized ... Government must follow the UFA
- the concept of holding a PAS workshop to deal with all issues in a traditional territory has been lost

ROLES AND RESPONSIBILITIES FOR PROTECTED AREAS

- the role of municipalities has not been clearly defined
- in order to establish partnerships, the terms of reference for those must be defined
- lack of clarity on the real activities and purpose of the central Steering Committee
- no recognition of community decision-making mechanism
- no recognition of central role of RRCs
- gives no clear idea of how the process operates
- concept of implementing the YPAS on a traditional territory basis has been lost
- inter-governmental group should not direct staff
- the Minister will make recommendations to Cabinet
- should recognize the authority of local governments, Renewable Resources Councils, and First Nations

RESOLVING CONFLICTING VALUES AND INTERESTS

- the final process will need to be clear and well-facilitated
- a process for resolving conflicts at the community level ... will be an evolving approach
- long term goals should be considered

Yukon Protected Areas Strategy

Condensed Version of Matrix

INTERIM PROTECTION

- draft doesn't identify foregone opportunities if interim protection is not implemented
- this section does not reflect the discussions of the workshop
- a cap of two to three years is established for interim protection of study areas
- a limit is placed on the number of interim protected areas at any given time
- we recommend there is a clear understanding there will be a limit to the amount of land subject to protection in the Yukon
- subsurface rights for oil and gas should not be withdrawn
- the rules must be very clear ... what happens to existing users? ... what must potential users do and how long must they wait
- strongly supports the need for interim protection ... accepts the need for a time limit
- map notations are not of any use in preventing mineral claim staking and exploration
- in areas where mining cannot be regulated, withdrawal must be in place all year round
- over-use of interim protection for candidate areas will send a negative signal to industry
- it would be more correct to reference only one type of interim protection (ie. Type 2)
- the discussion severely downplays the role of the Federal Government ... this should be rectified

COORDINATION WITH OTHER LAND AND RESOURCE MANAGEMENT PROCESSES

- coordination with other planning processes should not hold up the process
- coordination should be done "where possible and practical"
- coordination with other land and resource management processes is key
- merely listing other processes and promising to coordinate is not enough
- the YPAS will be jeopardized if it has to wait for the other resource management processes
- inter-governmental participation is required
- reference the points where proposals from different processes enter the YPAS process

Yukon Protected Areas Strategy

Condensed Version of Matrix

- readers will want to know how they will be involved and how their interests will be handled

WORKPLAN

- incorporate the Wolf Lake national park feasibility study into the PAS Action Plan as one of the highest priorities for 1998 *says who?*
DIAN D
- allow for more rapid movement on areas of interest where Renewable Resource Councils and/or First nations are ready to act on proposal
- no reference to prioritization based on criteria such as greatest risk, most work done, land claims settled, etc.
- it looks like the existing government agenda is being advanced irrespective of the coordinated planning process
- workplan must recognize that this is a community driven process, through First Nations or Renewable Resource Councils ... they know their respective areas better than anyone
- include section on other planning processes which may also serve to identify and study candidate protected area
- Strategy does not indicate how progress will be monitored
- not all SMAs created under the Final Agreements are mentioned
- we propose that a fourth section be included in the workplan which identifies other related initiatives such as national parks establishment, historic sites, etc.

FORMAT AND WRITING

- the draft suffers from difficult language, confusing and sometimes contradictory statements
- document is poorly organized, repetitive, and difficult to read
- the paper needs to be reorganized to eliminate redundancy, to clarify the fundamental purpose of the strategy, and the process to achieve it

Yukon Protected Areas Strategy

Condensed Version of Matrix

DIFFERENT TYPES OF PROTECTED AREAS

- the PAS should be very clear on the minimum standards for protection and in what types of protected areas these standards apply
- mention of “buffer” ... no mention of “corridors”
- this section would benefit from a more detailed explanation of how protected areas relate to the goals, and the levels of protection that would normally apply
- include the additional column which outlines the range of uses
- would like to see the process more clearly laid out for all types of protection, including habitat protection areas
- must also recognize the jurisdiction of First Nations
- clarify the role of policy and legislation in determining which activities will be permitted or restricted within different types of protected areas

TIMELINE FOR COMPLETION

- concerns that process is moving too quickly ... not enough understanding by general public of the implications of a protected areas strategy
- the timeline is far too short
- carefully review recommendations made by the various interests

COMPENSATION

- recommend that compensation for affected user groups be a policy of compensation of affected third party interests should be developed
- this issue must be acknowledged in the Strategy ... if not decided

REVIEW PROCESS

- support for the need for a review period
- there must be clear goals to review the strategy against

ADVISORY COMMITTEE PROCESS

- the group wants to review the revised draft before it goes to the public