

# VUNTUT GWITCHIN Government

Government of Vuntut Gwitchin First Nation



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Scott Casselman, Chair  
Dawson Regional Planning Commission  
PO Box 8010, Dawson City, YT f  
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March 31, 2014

Dear Mr Casselman;

## RE: Dawson Regional Land Use Plan, Alternatives

Thank you for the opportunity to provide feedback to the Dawson Regional Land Use Plan Alternatives Package, released by the Dawson Planning Commission February, 2014. As a preliminary stage in the planning process, the formulation of planning concepts and their initial application to the landscape allow the parties, stakeholders and public a valuable opportunity to influence development of a balanced land use plan.

The Vuntut Gwitchin Government response to the Alternatives package examines the proposed management regime, as it relates to Vuntut Gwitchin values in the Dawson planning region and to the North Yukon Regional Land Use Plan.

The following comments include specific recommendations regarding the Land Management Units and Land Use Designation System applied to the area of the planning region that extends into the Vuntut Gwitchin traditional territory, and general comments regarding the planning process as a whole.

We applaud the work of the Commission and its staff in reaching this stage of plan development.

Sincerely,

Erika Tizya  
Director, Natural Resources Department

**Vuntut Gwitchin Government**  
**Assessment and Review of Dawson Regional Land Use Plan**  
**Plan Alternatives Package (February 2014)**

March 31, 2014

**Summary of VGG Assessment and Recommendations:**

- Protecting the ecological integrity of the Miner and Whitestone river drainages, headwaters to the Porcupine River, is of the highest importance to VGG.
- Extension of the Fishing Branch Habitat Protection Area (HPA) into the Dawson planning region should meet the management objectives of the Fishing Branch HPA.
- The entire Miner River watershed should be managed as a single ecological unit, with common intent. VGG recommends LMUs 2, 3, 4 & 7 be amalgamated into one land management unit.
- To ensure a smooth transition into the North Yukon planning region, VGG recommends the Commission adopt management tools for the northern LMUs that are complementary to the NYRLUP.
- The application of IMA designation in areas of Porcupine Caribou herd fall and winter concentrated use areas requires the development and application of other management tools to mitigate disturbance. The existing regulatory regime is not adequate.
- Cumulative Effects Indicators should be considered one of a suite of land management tools. Class 1 notification should apply in all LMUs where cumulative effects indicator levels establish acceptable limits of human caused disturbance.

**I. Compatibility with the North Yukon Regional Land Use Plan**

The Vuntut Gwitchin First Nation (VGFN) is a self-governing First Nation with administrative authority in the Dawson planning region. The VGFN Traditional Territory extends into the northern section of the region and includes Land Management Units 1, 2, 3, 4, 5, 6 & 7.

Concurrent to the Dawson regional land use planning process, the Vuntut Gwitchin Government and Tr'ondëk Hwëch'in (TH) are developing an overlap agreement that would establish a contiguous boundary between the VGFN and TH traditional territories. With completion of this agreement it is expected the North Yukon Regional Land Use Plan (NYRLUP), which describes a management framework for the Vuntut Gwitchin Traditional Territory, immediately north and adjacent to the Dawson planning region, will be amended to include the section of the Dawson planning region removed from TH traditional territory.

The area expected to be adopted into the NYRLUP currently includes LMUs 2, 3, 4, 5, 6 & 7, in part or in their entirety. To ensure a smooth transition into the North Yukon planning region, VG recommends the Commission develop a management regime for the northern LMUs that is complementary to the NYRLUP. This could be accomplished by using the Land Use Designation System and cumulative effects indicator levels developed for the North Yukon planning region, and by ensuring the extension of

Fishing Branch Habitat Protection Area (HPA) into the Dawson planning region is based on the overall objectives of the Fishing Branch HPA.

#### Extension of Fishing Branch HPA into Dawson Planning Region

The Fishing Branch Habitat Protection Area extends to the northern boundary of the Dawson planning region, where it is abruptly truncated. Intentions to adjust the HPA boundary are noted in earlier planning exercises:

*Further delineation of the Fishing Branch HPA southern boundary should also be considered during the next HPA management review (NYRLUP).*

*It is recommended the parties review the boundary of the HPA after the overlap between Vuntut Gwitchin and Tr'ondëk Hwëch'in Traditional Territories is finalized.*  
(Fishing Branch Management Plan)

The Alternatives delineate the extension of the Fishing Branch HPA into the Dawson planning region with LMU # 2 Fishing Branch. VGG recommends that the extension of the Fishing Branch HPA should be based on the land base required to meet the management objectives of the Fishing Branch HPA, and to do so, the revised boundary should include the entire Miner River watershed (LMUs 2, 3, 4 & 7).

The Fishing Branch Habitat Protection Area was established under the Yukon Protected Areas Strategy (now defunct), and, as an integral part of a protected area network, was intended to serve as a buffer to Ni'iinlii'Njik (Fishing Branch) Wilderness Preserve.

Ni'iinlii Njik (Fishing Branch) Territorial Park and Habitat Protection Area were created under Schedule B to Chapter 10 of the Vuntut Gwitchin Final Agreement.

*The Ni'iinlii' Njik region (Fishing Branch) is considered sacred to the Vuntut Gwitchin. The lands and resources are an integral part of their culture and spiritual heritage, and continue to provide the people with abundant food and clean water, as it has for many generations (Ni'iinlii' Njik region (Fishing Branch) Plan).*

Management objectives of the Fishing Branch HPA are described in the VGFN Final Agreement:

8.3 If Government establishes a habitat protection area pursuant to 8.1, Government shall manage the HPA in accordance with the following objectives:

- 8.3.1 to protect the Fishing Branch River;
- 8.3.2 to maintain the long term viability at natural population levels of grizzly bear (*Ursus arctos*) which concentrate seasonally at Bear Cave Mountain; and,
- 8.3.3 **to manage the Ecological Reserve and habitat protection area as an ecological unit.**

For the extension of the Fishing Branch HPA in the Dawson planning region to achieve its management objective (*to protect the ongoing natural functioning of the ecosystems*) with the land management tools available to the Dawson Planning Commission, the Miner River watershed, LMUs 2, 3, 4 & 7, should be managed as a single ecological unit and designated with a high conservation focus.

The current LDS for the Dawson planning region describes the Conservation Area designation as having a similar management regime to the Fishing Branch HPA. Recognizing the HPA designation in the NYRLUP is problematic, the North Yukon Planning Commission suggested, *The Fishing Branch Committee of Managing Agencies should consider applying the land use designation concepts and criteria used in this [North Yukon Regional Land Use] Plan to the Fishing Branch HPT at the next HPA management plan review.* (NYRLUP)

As this issue remains outstanding, it may be now be reasonable to complete this task following agreement of a contiguous boundary between VGFN and TH traditional territories, and completion of the Dawson Regional Land Use Plan, at which time the extension of the Fishing Branch HPA would be incorporated into the NYRLUP. This could take place during a future Fishing Branch HPA Management Plan review, or NYRLUP review.

However, recognizing that the Conservation Area designation is problematic and may be replaced with an IMA Zone 1 or Zone 2 designation, Protected Area would be the only appropriate designation for this area.

## **II. Vuntut Gwitchin Values in the Dawson Planning Region**

Key values to VGFN in the Dawson planning region include the headwaters of the Porcupine River (Miner and Whitestone River drainages); Porcupine Caribou herd fall and winter concentrated use areas, and migratory corridors; salmon habitat in the Miner and Whitestone River drainages, as well as culturally significant areas and travel routes.

An assessment of how the management regime of each Alternative affects these key values is discussed below.

### **LMU 1 - Kandik River**

Values: Porcupine Caribou fall and winter concentrated use areas

Special Management Considerations for this area should include mitigation measures to reduce impacts on caribou habitat and caribou use of the area as the existing regulatory regime is not adequate. Carefully planned access management will be required for any travel routes through the Miner River drainage.

VGG agrees with the designation of this area as part of the working landscape. The designation of this area as IMA IV (as it is identified in every Alternative) is compatible with the area adjacent in the North Yukon Planning Region (LMU 13 Kandik River).

### **LMU's 2, 3, 4 & 7 - Miner River Watershed**

Values: Protecting the ecological integrity of the Miner River drainage, headwaters to the Porcupine River, is of the highest importance to VGG.

Other important ecological values include Porcupine Caribou herd fall and winter concentrated use areas and salmon habitat, as well as culturally important areas and travel routes.

*The entire Miner River watershed, while not in the current [Fishing Branch] Wilderness Preserve or Habitat Protection Area, is recognized as an important salmon spawning region. The area should be managed by the appropriate authorities so as to maintain these values.* (Fishing Branch Management Plan)

The entire Miner River watershed should be managed as a single ecological unit, with common intent. VGG recommends LMUs 2, 3, 4 & 7 be amalgamated into one land management unit.

Special Management Considerations should include a requirement for access management plans, and strict regulation of any activities that pose a risk to the ecological integrity of the area, especially water quality and/or flow.

Designation of the Miner River watershed (LMUs 2, 3, 4 & 7) as either Protected Area or Conservation Area is compatible with the adjacent area in the North Yukon Planning Region.

VGG recommends a strong conservation priority apply to both the Miner River and the Whitestone drainages, but places higher importance on protecting the ecological and cultural values of the Miner River watershed over the Whitestone.

### **LMU 5 - Whitestone River**

Values: Important ecological values include headwaters to the Porcupine River, Porcupine Caribou herd fall and winter concentrated use areas and salmon habitat.

Special Management Considerations should include a requirement for access management plans, and strict regulation of any activities that pose a risk to the ecological integrity of the area, including mitigation measures to reduce impacts on caribou habitat and caribou use of the area.

VGG recommends a strong conservation priority apply to LMU 5, the Whitestone River watershed. Conservation Area or Protected Area designation would be appropriate for this LMU.

### **LMU 6 - Eagle Plains**

Values: Porcupine Caribou herd concentrated winter use area and migratory corridors.

Special Management Considerations for this area should include mitigation measures to reduce impacts on caribou habitat and caribou use of the area.

Adjacency to the Dempster Highway and the oil and gas potential of this area suggests an IMA designation, with every Alternatives but one designating this area IMA IV. The area immediately adjacent to this LMU in the North Yukon planning region is designated IMA Zone IV. VGG supports a IMA designation but recommends caution in applying IMA IV designation without other management tools in effect to protect the Porcupine Caribou herd use of winter range in the area.

### **Summary of Recommended Land Use Designations in VGFN Traditional Territory**

<b>LMU:</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>7</b>	<b>5</b>	<b>6</b>
Alternative A	IMA IV	CA	CA	CA	CA	CA	IMA IV
Alternative B	IMA IV	CA	CA	CA	CA	CA	IMA III
Alternative C	IMA IV	CA	CA	PA	CA	PA	IMA IV
Alternative D	IMA IV	CA	IMA III	PA	CA	PA	IMA IV
Alternative E	IMA III	PA	PA	PA	PA	IMA III	IMA IV

### **III. Assessment of Alternatives (as they apply to VGFN Traditional Territory)**

#### Alternative A

Positive elements:

- Conservation Area designation of both Miner and Whitestone River drainages
- Conservation Area designation of LMU 8, establishing connectivity with Yukon-Charley Rivers National Preserve and Fishing Branch Habitat Protection Area
- Miner River watershed managed as single ecological unit

Considerations:

- Protected Area designation of LMU's 2,3,4,5,7 & 8 would better meet the goal of protecting ecological values, and provide clear management direction
- IMA IV designation of LMUs 1 & 6 would require further regulatory protection of caribou habitat and caribou use of the area

#### Alternative B

Positive elements:

- Conservation Area designation of both Miner and Whitestone River drainages
- IMA III designation of LMU 6 is more appropriate than IMA IV with regard to management of Porcupine Caribou key use areas. Further regulatory protection of caribou habitat and use of the area would still be required with an IMA III designation.

Considerations:

- IMA II designation of LMU 8 potentially interrupts connectivity between Yukon-Charley Rivers National Preserve and Fishing Branch Habitat Protection Area

#### Alternative C

Positive elements:

- Protected Area designation of the Whitestone drainage (LMU 5) and LMU 8

Considerations:

- The Miner River drainage (LMUs 2,3,4 & 7) should be amalgamated into one LMU and managed as a single ecological unit. Designating one area of the watershed Protected Area and the remaining area with Conservation Area is unnecessarily complicated and does not adequately address the high ecological and cultural values of the entire watershed.
- VGG recommends a strong conservation priority apply to both the Miner River and the Whitestone drainages, but places higher importance on protecting the ecological and cultural values of the Miner River watershed over the Whitestone.

#### Alternative D

Positive elements:

- Protected Area designation of the Whitestone drainage (LMU 5) and of LMU 8

Considerations:

- The Miner River drainage (LMUs 2,3,4 & 7) should be amalgamated into one LMU and managed as a single ecological unit. Dividing the watershed and designating sections Protected Area, Conservation Area and IMA II is unnecessarily complicated and does not adequately address the high ecological and cultural values of the watershed.

- VGG does not support IMA II designation of LMU 3. Industrial land use activity in this area would pose an unacceptable level of risk to high ecological and heritage/cultural values of the watershed.

#### Alternative E

Positive elements:

- Protected Area designation of LMUs 2,3,4,7 & 8
- Miner River watershed managed as a single ecological unit
- Connectivity between Yukon-Charley Rivers National Preserve and Fishing Branch Habitat Protection Area

Considerations:

- IMA II designation of LMU 5 (Whitestone River) does not adequately recognize key ecological values - Porcupine Caribou herd concentrated winter and fall use areas, and the headwaters of the Porcupine River drainage.

### **IV. General Comments Regarding the Planning Process**

#### Protected Areas

The Alternatives demonstrate a cautious approach to the application of the Protected Area designation. In comparison to the two other regional land use plans in the Yukon, this designation is under-utilized. Differentiated from other designations because it includes surface and sub-surface withdrawal, Protected Area is the appropriate designation where the protection of key ecological and cultural values is the primary management objective.

#### **Summary of Land Management Designations in Yukon Regional Land Use Plans**

	% Region			% Withdrawal	
	PA	IMA	TEA/ RUWA	Mineral Oil /Gas	Oil/Gas
North Yukon Regional Land Use Plan	36	50		48	
Peel Watershed Regional Land Use Plan (Commission)	80	20		80	
Peel Watershed Regional Land Use Plan (Yukon Government)	29	27	44	29	44
Dawson Regional Land Use Plan					
Alternative A	5	58	13	19	
Alternative B	5	77	6	12	
Alternative C	22	60	7	31	
Alternative D	16	72	0	18	
Alternative E	20	78	0	22	

### Cumulative Effects Indicator Levels

Cumulative effects indicator levels, *developed to represent a theoretical point between acceptable and unacceptable levels of human-caused disturbance* developed for the North Yukon planning region are appropriate for the northern part of the Dawson planning region where barren-ground caribou, and oil and gas exploration and development present the most likely land use conflict.

Class 1 notification should apply in all LMUs where cumulative effects indicator levels establish acceptable limits of human caused disturbance. While not all Class 1 activities would be captured under cumulative effects monitoring, those that do should be included in the calculation of the overall effects of disturbance on the landscape.

### Dempster Highway Corridor

For consistency with the Peel Regional Land Use Plan, an Overlay Zone should be applied to the Dempster Highway Corridor, and a sub-regional plan developed by the parties.

*The [Peel Regional Land Use] Plan recommends that sub-regional planning should be completed for the Dempster Highway Corridor. The Plan shows the Dempster Highway Corridor as a two-kilometer-wide corridor for purposes of illustration only. Any sub-regional planning area would be defined by the participating governments.*

Peel Watershed Regional Land Use Plan (Yukon Government)