



November 1, 2021

Debbie Nagano
Chair
Dawson Regional Planning Commission
Suite 201, 307 Jarvis Street
Whitehorse, Yukon
Via email: dawson@planyukon.ca

Dear Ms. Nagano:

Re Comments on Draft Dawson Regional Land Use Plan

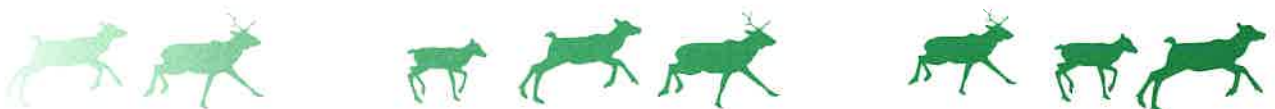
Please accept this submission regarding the Draft Dawson Regional Land Use Plan on behalf of the Porcupine Caribou Management Board (PCMB).

The Board appreciates the Dawson Regional Planning Commission's work on the Draft Dawson Regional Land Use Plan (the Plan) to date and we note the inclusion of important concepts such as zones of influence, cumulative effects, key migration routes, critical pinch points and caribou habitat requirements.

The Board notes that balancing the goal of protecting subsistence harvesting and preserving ecological values with the preservation of future opportunities for oil and gas and/or mineral development will be challenging and will require careful and diligent application of the aforementioned concepts, including enforcement and monitoring of appropriate mitigation measures.

We appreciate the Plan's acknowledgement and reference to the PCMB's role and suggest that the Plan also include quotes from or references to the *Porcupine Caribou Management Agreement* (PCMA) as the source of guiding principles regarding the Porcupine Caribou herd (PCH). Yukon Government and Tr'ondëk Hwëch'in are both signatories to the PCMA and are committed to supporting the objectives within it. Two of the key objectives of the PCMA are for Parties "to act within their legislative authorities for the management of Porcupine Caribou and the protection and maintenance of Porcupine Caribou habitat, in a co-operative manner together with the other parties to this Agreement" and to "co-operatively manage ... the Porcupine Caribou and its habitat ... so as to ensure the conservation of the Herd with a view to providing for the ongoing subsistence needs of native users."

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The PCMB's specific comments on the Plan primarily focus on Land Management Units (LMUs) that overlap with the Porcupine Caribou herd's core range (please see attached), specifically LMU1 and LMU2. Although our comments focus on these LMUs we acknowledge the herd could also be present in several other LMUs, particularly LMU's 3–10 and 15.

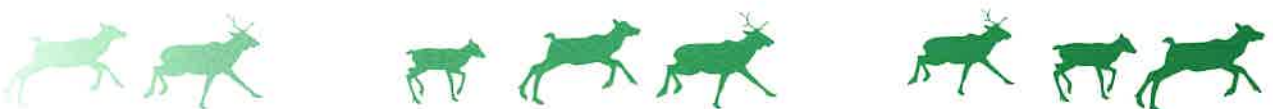
LMU 1

The PCH core range overlaps with portions of LMU1 and most habitat in this area has been used at some time in the past and/or may become important winter range in the future. Ensuring conservation and/or protection of PCH habitats via low levels of development in the winter range is a priority for the PCMB. While caribou habitat would ideally be left intact with no disturbance, we acknowledge that this is not always possible and that conservation of primary habitats with demonstrated use through time is often a best-case compromise. We have included some maps that prioritize areas for the Commission from the perspective of the PCMB should further refinement be needed. We recognize that the needs of barren-ground caribou during the fall through spring period is highly variable, however this period is key for the herd's welfare.

If LMU 1 is not designated as a SMA (i.e. protected area), we believe cumulative effects management (e.g. disturbance thresholds) should be applied in a manner that is fully protective of the herd and with very limited residual risk to the herd (e.g. ISA 1). We also recommend that lands which constitute the core range of the PCH be managed with the same thresholds specified in the *North Yukon Regional Land Use Plan* and the *Peel Watershed Regional Land Use Plan* to achieve consistency in application for the herd and proponents. This standard has already been set for the Porcupine Caribou herd through most of its Canadian range and while we recognize other rationale may exist for the remainder of the planning area, this approach would result in consistent assessment for projects proposed within the range of the herd, should development be allowed.

LMU 2

LMU2 has received significant attention from the PCMB and the Porcupine Caribou Technical Committee (PCTC) in the past. Since this area is consistently used by the PCH during the winter, caribou responses to oil and gas development and harvesting in this area have been a concern. The PCMB recommends that this LMU's thresholds be harmonized with the thresholds specified for the adjacent lands under the *North Yukon Regional Land Use Plan* and the *Peel Watershed Regional Land Use Plan*. This approach would harmonize with the Plan's stated goals of maintaining natural integrity and connectivity of key habitats as described above. The Board would be happy to participate in work needed to ensure priority habitats in this area are identified and managed to maintain its effectiveness for the herd and harvesters.



Since the Eagle Plains region is well known for both oil and gas interests and for Porcupine caribou harvesting during the winter months, management of this area will require an enforceable regime based on the conservation requirements of the herd in order to balance the needs of sustainable development with the maintenance of ecological values and cultural use. The Plan should provide adequate direction on how this balance will be achieved.

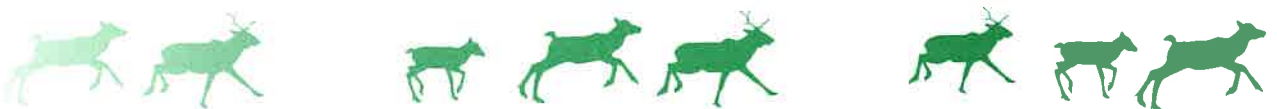
In response to the threat of oil and gas development in the PCH calving grounds in the Arctic National Wildlife Refuge in Alaska, much scientific work has recently been completed. Some of the scientific studies are still underway. The PCMB urges the Commission to have the Plan ensure that management actions related to principles around zones of influence of industrial disturbance, cumulative effects, critical habitat, and key migration routes will be enforceable and monitored. The PCTC is an excellent resource for assisting with the scientific analysis of potential effects on the PCH and this knowledge should be applied to the management actions in LMU2 as well as LMU1 and future proponents of industrial projects should be required to work collaboratively with the PCMB and the PCTC.

Current areas of ambiguity

The PCMB has concerns about supporting a designation of Special Management Area 2 (SMA2) as described in the draft Plan due to the lack of certainty associated with this designation. Since the management of SMA2 areas is not tied to legislation, the Board is concerned that application of conservation measures and mitigated responses to caribou presence in the region would not be adequately enforced.

The Board has also identified that the current approach to address winter roads is through either variances and/or amendments. The PCMB would request that any modification (e.g. new allowances of a winter road not permitted in the current draft) that may impact PCH be considered an amendment and not a variance, so that adequate attention would be given to the potential effects of the requested changes. The creation of roads off the Dempster Highway has the potential to adversely impact the herd and may influence harvest, including harvest that is protected under the Porcupine Caribou Management Agreement.

As a last note regarding ambiguity, the Board recommends that terms such as “higher densities of placer mining activity should be avoided” need to be further qualified so that the intent of this important consideration is known to those responsible for implementing the Plan. For example, diagrams or quantifiable expressions of the density of development would ensure the intent of the measure is clear to those implementing. Also, Cumulative Effects (CE) thresholds should be defensible, transparent, supported by data and based on maintaining ecological integrity of the species and ecosystems.



Cumulative effects

The management of cumulative effects (CE) across the herd's vast range has been a primary concern for the PCMB because of the risks CE poses to the herd. We have recommended that the primary overlap areas between the herd's range and the draft Plan be managed using the existing CE thresholds identified in the North Yukon and Peel Land Use plans if development is allowed in those LMUs. Should this not occur, we recommend that CE management be valued-based using Porcupine caribou as the primary value for the northern portion of the planning area. Management should consider the full range of potential statuses of the herd and not just the current healthy status of the PCH. For example, it is entirely possible that the herd may decline and be in poor health status within the time scope of this plan. Cumulative effects should be managed for healthy, declining, and recovering herd statuses. Failure to do so may result in future management actions that are less than ideal to recover the herd as has been the case for many barren-ground herds throughout Canada.

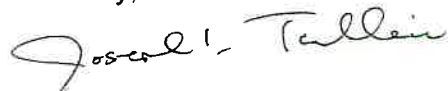
Sub-regional Planning for the Dempster Highway

Regarding the Plan's recommended action of developing a sub-regional plan for the Dempster Highway corridor, the Board supports the existing approach of managing the Dempster Highway corridor. However, legislation related to management of the Dempster Highway corridor should be updated and strengthened as the current PCH-related regulations are difficult to enforce and not as effective in their implementation as was originally intended, based on decades of experience. Many of the issues with the existing regulations relate to a need for modernization and clear, enforceable standards. Whether a sub-regional plan is created or the current management regime continues, the PCMB would welcome the review and update of the Dempster Highway Development Area Regulations. The goal of a review should be to achieve the intentions originally envisioned for this area as supported by the previous two Plans overlapping the Dempster Highway (i.e. North Yukon and Peel plans) and this current draft Dawson Regional Land Use Plan.

While the PCMB is not directly responsible for implementation of management actions, the Board would like to be involved in providing direction and identifying any gaps in existing knowledge to support the successful implementation of the Dawson Regional Land Use Plan.

If you require further clarification, please contact our office.

Sincerely,



Joe Tetlich
Chair

Attachments (3)



