

VUNTUT GWITCHIN GOVERNMENT

Government of Vuntut Gwitchin First Nation



NATURAL RESOURCES DEPARTMENT

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Dawson Regional Planning Commission
201-307 Jarvis St.
Whitehorse, YT Y1A 2H3

Via Email: tim@planyukon.ca

Dear Dawson Planning Commission:

RE: Vuntut Gwitchin First Nation Comments on Draft Dawson Regional Land Use Plan (June 2021)

Thank you for the opportunity to comment on the Draft Dawson Regional Land Use Plan. As a plan that is contiguous with the two previous regional plans that addressed Vuntut Gwitchin First Nation (VGFN) Traditional Territory, we have several interests in the Dawson Plan relating to the holistic connections between our planning regions:

- 1) the values and issues that cross over between the planning regions, for example the Porcupine Caribou Herd, watersheds, climate change, the Eagle Plains and Kandik oil and gas basins, cumulative effects management, and the Dempster Highway; and
- 2) the portions of the Dawson planning region that are immediately adjacent to our Traditional Territory and the North Yukon Regional Land Use Plan (NYRLUP) region.

The connection of the Dawson Plan with the other two existing planning regions should be explained in the Context section. The Landscape Management Units in the North Yukon and Peel plans that are adjacent to the Dawson Plan region should be clearly mapped in the Dawson Plan. The Plan should also include a section that specifically addresses the holistic connection between values of the land and water in this region with the other planning regions and the transboundary and adjacent land use issues. The following sections identify nine matters that arise from the close connections between the Dawson Plan and the North Yukon Regional Land Use Plan. We have also identified specific issues following these topics in Table 1 and the Detailed Notes attachments.

1. Porcupine Caribou Herd (PCH) Protection, Management and Research

The Plan should explicitly recognize Vuntut Gwitchin First Nation's (VGFN) significant connection with the PCH as a transboundary value and the need for a coordinated, integrated approach to their protection. The Plan recognizes this role of the Porcupine Caribou Management Board and the Fish and Wildlife Management Board in section 4.2.1.1 and should address ongoing coordination in the recommendations:

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- The effects of access on PCH are a significant issue for the PCH, which were addressed in the NYRLUP with a recommendation for an access management plan. The plan is to look at access issues overall throughout the oil and gas basin, rather than project by project. An access management plan should be considered as a recommendation for the Dawson region in areas of oil and gas potential to take a more holistic and proactive approach to the issues of PCH and access (Recommendations d. and e. pg. 78, 79);
- Some of the indicators identified in s. 3.5.1.3 (e.g., access intensity) would seem relevant to transboundary values. The recommendation should make clear how and when additional indicators are to be developed and integrated into the Plan, and how traditional knowledge would be applied;
- How was traditional knowledge about the PCH used in developing the two existing cumulative effects indicators?
- Additional research on PCH and oil and gas should be part of a coordinated approach with research already underway in the NYRLUP region;
- This additional research should address the use of traditional knowledge in furthering understanding of the relationship between PCH and industrial activities, including oil and gas development and access planning;
- The adaptive management approach mentioned in the first research recommendation should be more fully described as a means to effectively **monitor** industrial activity and the effects on the OCH, as well as **to learn from** that monitoring, and most importantly, **to determine what adjustments** are needed to reduce effects;
- More specific definition of the conditions under which research should be undertaken and how it would inform the adaptive management regime would enable more effective implementation of research recommendations.

2. Watersheds

We agree with the statement in s. 4.2.3 about the interconnectedness of water and the need for a holistic approach. VGFN's interests are the interconnections between the Porcupine River headwaters, which include the Whitestone and Miner River watersheds, which are adjacent to the Dawson planning region. In particular the watersheds are adjacent to Landscape Management Unit (LMU) 2 Eagle Plains, and the potential for oil and gas development in this LMU. We have identified concerns below under Sustainable Development.

- The Water section 4.2.3 should recognize the transboundary relationship of watersheds and consider the transboundary issues related to potential industrial development in LMU 2.

3. Plan for Climate Change Resilience

As Tr'ondëk Hwëch'in and other people in the Dawson region are experiencing, VGFN is already experiencing the effects of climate change in our Traditional Territory, and the

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Vuntut Gwitchin Government has declared a state of climate emergency. It is important the Dawson Plan consider the spatial as well as the temporal scope of climate change (pg. 99).

We agree that adaptive management is an important process in responding to the uncertainties and risks of climate change. The Dawson Plan does not have a clear description of when, how and who would carry out adaptive management. During its implementation of the NYRLUP, VGG has identified that adaptive management with monitoring, learning and adjusting can be applied at several scales:

- during land and resource activities where land and resource users and managers monitor, learn and adjust specific land uses or management actions;
- during annual review of the implementation of the Plan actions where Parties consider and adjust the priorities for implementation of plan actions; and
- during the overall Plan evaluation and review, where the Plan Parties consider and adjust the Plan as a whole.

Each stage requires an approach to be identified for monitoring, learning and adjusting.

In the climate change section of the Dawson Plan (s. 4.2.5) the recommendations (pg. 100) suggest adaptation measures would be identified during project design for major projects but they do not address the need for an adaptive management system to be developed proactively as an approach by land and resource managers prior to activities being carried out. We consider adaptive management important not only for major projects but for any activities with uncertain outcomes, particularly as they relate to the PCH in the context of the vulnerabilities and risks of climate change.

The discussion of adaptive management under Plan Amendment and Review (s. 6.5, pg. 179) does not provide a clear description of the monitor, learn, adjust components of adaptive management. It focuses on how to make the plan adjustments with variances and amendments but does not clearly describe the process or responsibilities for the research, monitoring and reflection needed to determine what adjustments are required. We have included additional comments on plan implementation and review below in #9.

- Given the transboundary scale and implications of climate change, First Nation governments and Yukon government need to work together, with our other partners, on transboundary climate change action and adaptive management.
- Adaptive management requires the proactive establishment of a system of monitoring, learning, and adjusting to changing conditions. VGG has identified the need to build an adaptive management system as a key priority as we implement the NYRLUP. Governments could work together on developing an adaptive management system that includes the goals, process, roles and responsibilities for monitoring, learning, and adjusting to new conditions that is required as we carry out land and resource management in a changing climate.

4. Sustainable Development

A Final Agreement Chapter 11 Objective is to ensure Sustainable Development by taking an **integrated and coordinated** approach to land, water, and resource management, protection and use. As identified above, potential oil and gas development in the Eagle Plains Basin and in the Kandik Basin has transboundary implications between the Dawson and North Yukon planning regions.

- The Dawson Plan should make specific references to the potential for oil and gas exploration and development (s. 4.1).
- The Dawson Plan should address transboundary implications of potential oil and gas development in LMU 2 for the Whitestone River watershed, the “North Yukon Annex” region headwaters of Porcupine River, and the NYLUP LMU 9, and LMU 11.
- The Dawson Plan should address the transboundary implications of potentially increased access and need for aggregate. For example, make clear that the sections on access (4.1.2) and aggregate resources (4.1.8) also apply to any oil and gas related activities.
- Within the Eagle Plain Basin (LMU 2), consider a coordinated approach to oil and gas access planning consistent with the NYRLUP. Similarly, identification and planning for extraction of aggregate resources should have a coordinated approach along the Dempster Highway.
- Implications of potential oil and gas development in relation to climate change and a green economy should be addressed.

5. Cumulative Effects Management

The Dawson Plan is using the same basic approach to cumulative effects, as in the NYRLUP but with differences in the levels of the indicators of cumulative effects (CE). For example, the Dawson Plan level for CE in the lowest development LMUs is two times higher than the CE levels of the lowest development LMUs in the NYRLUP. The CE levels in the Dawson Plan for the other three categories of LMUs (low, moderate and highest development) are five times higher than those in the same NYRLUP categories. In other words, the “low development” CE levels in the Dawson Pan are the same as the “highest development” CE levels in the NYRLUP. This raises a number of concerns:

- the Dawson Plan should explain the rationale for choosing higher levels of CE indicators for this planning region, especially as those CE levels relate to PCH;
- how was traditional knowledge used in setting these new levels;
- the potential for confusion when trying to take an integrated management approach to PCH and other transboundary values or to transboundary oil and gas projects by the same proponent for example. For example, oil and gas development in Dawson LMU 2 and in NYRLUP LMU 9 would have the same CE levels, but in Dawson, the activity would be managed as “low development” and in North Yukon, it would be managed as “highest development” (see also #7 below).

6. **Dempster Subregional Planning**

The NYRLUP also addressed the Dempster Highway and the potential need for more detailed management direction along the corridor. The Dawson Plan recommendations on this transboundary issue should recognize the transboundary connection with the Dempster in the NYRLUP region.

- Ensure discussion with VGFN on whether to include the VGTT portion of highway in corridor planning;
- Integrate VGFN values, knowledge, issues and interests into Dempster corridor planning through engagement with VGFN;
- VGFN Plan Review could influence timing of subregional planning if the Review identifies a need for Dempster plan as indicated in NYRLUP.

7. **Adjacent Land Uses**

As shown in Table 1 below, Dawson Plan LMUs 1 and 2 are adjacent to the NYRLUP LMUs 13, 12, 11 and 9 and to the Porcupine River headwaters watersheds (“North Yukon Annex”) planning area. The proximity of these land use planning areas and the associated values and management regimes raise some matters to be considered in the Dawson Plan. See Table 1 for specific issues to be considered. Generally:

- The challenge in adjacent LMUs of an integrated approach to management of transboundary values and uses when there are different CE levels, and different management intents (see #5 above and Table 1).
- Need to address the potential incompatibilities of different management intents and CE levels, between adjacent LMUs in DRLUP and NYRLUP (see Issues in Table 1).

8. **Place Names and Traditional Knowledge**

We recognize the use of Indigenous language and place names in the Dawson Plan as a way in which traditional knowledge is reflected in the Plan. The “North Yukon Annex” should be named *Chuu Tl’it Gwa’an* and described as the Miner and Whitestone rivers, headwater watersheds of the Porcupine River. These headwaters are connected with the values of Ni’iinlii Njik (Fishing Branch). Source waters of the Porcupine River are considered sacred by Vuntut Gwich’in.

9. **Plan Implementation, Evaluation and Review**

The following points are shared from the experience of the Vuntut Gwitchin Government in implementing the NYRLUP.

- Effective plan monitoring and the decisions about plan variance, amendment, and review require a monitoring framework to identify changes in plan context that will inform these decisions, such as changes in policy, significant climate change outcomes in the region, etc.
- The annual review of the implementation of the plan can serve several important purposes: a status report on whether plan actions are being carried out; an opportunity to check in on the effectiveness of those actions in meeting the plan goals; a chance to

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consider the implications of any changes in plan context that might require adjustments to the plan; and as a time for setting priority implementation activities for the following year.

- Identifying and documenting quantitative indicators of plan implementation would be useful for the annual tracking of the plan, as well as to provide information for future plan evaluation and review.
- Plan evaluation is a useful process to inform the decisions about whether a plan review is required.
- The conditions under which plan actions become a priority for implementation should be clear in the plan and have the flexibility to take into account changing conditions in the region.
- Without an ongoing planning commission, no one government department or management body has the role of “plan champion” during implementation. Maintaining momentum, engagement, and understanding of plan implementation can be challenging.

In closing, VGG thanks the Commission for the opportunity to share VGFN’s interests and issues connected with the Draft DRLUP. VGG welcomes any further discussion the Commission may have related to VGG’s submission. As mentioned earlier, additional issues are identified in the attached table and detailed notes section enclosed.

Sincerely,



Erika Tizya-Tramm
Natural Resources Director

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Table 1: Adjacent Land Management Units (LMUs) Dawson Plan and North Yukon Plan

	Dawson Regional Land Use Plan (Draft)	North Yukon Regional Land Use Plan
ADJACENT LMU's		
LMU	LMU 2 Eagle Plains Ch'ëzhän Wëchël (Tr'ondëk Hwëch'in R-49A)	NYRLUP LMU 9 Eagle Plains includes VGFN R-08A across Dempster from Tr'ondëk Hwëch'in R-49A
Management Intent and Cumulative Effects Levels	ISA II: Low Development Priority: maintain ecological integrity and cultural resources and minimize land use impacts. Tr'ondëk Hwëch'in determine direction for development while preserve caribou habitat. Precautionary CE Level: SD .15% LD: .15km/km2 Cautionary CE Level: SD .75% LD: .75 km/km2 Critical CE Level: SD 1.0 % LD: 1 km/km2	IMA IV: Highest Development Cautionary CE Level: SD .75% LD: .75 km/km2 Critical CE Level: SD 1.0 % LD: 1 km/km2
Values and Interests	R 49 A Tr'ondëk Hwëch'in lands PCH range, important habitat, critical migration route. Subsistence hunting and harvesting. Part of headwaters Porcupine River. Preserve future opportunities for oil and gas.	R-08A VGFN lands is a culturally significant area. Porcupine River, Whitestone River watershed – flows from LMU 2/Tr'ondëk Hwëch'in R-49A. In Eagle Plain oil and gas basin.

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	<p>Cultural features along Dempster Hwy corridor area.</p> <p>In Eagle Plain oil and gas basin.</p> <p>Maintain subsistence hunting and harvesting</p> <p>Part of headwaters Porcupine River.</p> <p>Preserve future opportunities for oil and gas.</p>	
Recommendations	<p>Special management direction is for possible future development while maintaining PCH pathways and key habitat.</p> <p>CE levels exempt within 1km on each side of hwy.</p> <p>Prepare Dempster sub-regional plan. (Also recommended in Peel Plan).</p>	<p>Careful assessment and management of potential new all season access roads from Dempster.</p> <p>CE levels exempt within 1km on each side pf hwy.</p> <p>Consider more detailed management direction in Dempster corridor in Plan review.</p>
Issues	<p>DRLUP LMU 2/Tr'ondëk Hwëch'in R – 49A and NYRLUP LMU 9/VGFN R-08A</p> <ul style="list-style-type: none"> • Tributary of Whitestone River comes from DRLUP LMU 2 into NYRLUP LMU 9. • Same cautionary and critical CE levels but different management intent between LMU 2 ISA II and LMU 9 IMA IV (low and highest development). DRLUP LMU 2 also has a precautionary CE level. • Dempster Highway extends along these LMUs between the planning regions. • Oil and gas exploration and development activity in LMU 2 could have a bearing on oil and gas activity in Eagle Plain Basin in VGTT LMU9. For example, coordinated access management off Dempster Highway. 	
	LMU 2 (see above)	NYRLUP LMU 11 Whitestone River
Management Intent and Cumulative Effects Levels		<p>IMA III: Moderate Development</p> <p>Cautionary CE Level: SD .375%</p> <p style="padding-left: 150px;">LD: .375 km/km2</p> <p>Critical CE Level: SD .5%</p> <p style="padding-left: 150px;">LD: .5 km/km2</p>
Values and Interests		<p>Values of Whitestone River watershed – flows from LMU 2/Tr'ondëk Hwëch'in R-49A</p>

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		PCH Moose In Eagle Plain Basin Salmon spawning and over-wintering habitat
Recommendations		
Issues	<p>DRLUP LMU 2/Tr'ondëk Hwëch'in R – 49A and NYRLUP LMU 11</p> <ul style="list-style-type: none"> • Different management intent and CE levels between LMU 2 ISA II and LMU 11 IMA III (low and moderate development). The LMU 2 ISA II CE levels are about 2x higher than the IMA III CE levels in adjacent LMU 11. • Increased access for oil and gas in LMU 2 could have implications for access into LMU 11. 	
LMU	LMU 1 North Tthetäwndëk	NYRLUP LMU 13 Kandik River
Management Intent and Cumulative Effects Levels	<p>SMA II: High Conservation Priority: maintain ecological integrity and cultural resources and minimize land use impacts. Focus on conservation with limited use, landscape connectivity, ecosystem representation, preserve wildlife, stewardship, heritage areas. Maintain key caribou pathways and habitat. ISA I levels of CE Precautionary CE Level: SD .04% LD: .04km/km2 Cautionary CE Level: SD .19% LD: .19 km/km2 Critical CE Level: SD .25 % LD: .25 km/km2</p>	<p>IMA IV: Highest Development</p> <p>Cautionary CE Level: SD .75% LD: .75 km/km2 Critical CE Level: SD 1.0 % LD: 1 km/km2</p>

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Values and Interests	Critical caribou habitat - PCH Sheep Moose Riparian bird habitat Tr'ondëk Hwëch'in R Block at north end In Kandik oil and gas basin	PCH Moose Watershed Adjacent to NN (FB) In Kandik oil and gas basin – moderate potential
Recommendations	SMD: restricted industrial land use on existing mineral tenure. Withdraw all other lands from staking and industrial use. No new all-season access. Temporary winter road.	Knowledge gaps re ecological, heritage, economic resources
Issues	<p>DRLUP LMU 1 North Tthetäwndëk and NYRLUP LMU 13 Kandik River</p> <ul style="list-style-type: none"> Incompatible management intent and CE levels between DRLUP SMA II and NYRLUP IMA IV (high conservation and highest development). The IMA IV CE levels in LMU 13 are about 4x higher than SMA II CE levels in LMU 1. NYLUP stated the LMU 13 had substantial knowledge gaps. Lack of information on all values of LMU 13 at the time of preparing the NYRLUP and changes in the regional context for oil and gas are factors VGFN would be considering in a NYRLUP Plan Review. 	
	LMU 1 (see above)	NYRLUP LMU 12 Ni'iinlii Njik (Fishing Branch) Territorial Park and Habitat Protection Area
Management Intent and Cumulative Effects Levels		VGFN Final Agreement: Manage NN(FB) as an ecological unit Habitat Protection Area – not withdrawn from oil and gas disposition
Values and Interests		Porcupine River watershed Salmon Bear Cultural heritage

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Recommendations		NN(FB) Territorial Park managed as Ecological Reserve, Wilderness Preserve, Habitat Protection Area
Issues	<p>DRLUP LMU 1 North Tthetäwndëk and NYRLUP LMU 12 Ni'iinlii Njik (Fishing Branch) Territorial Park and Habitat Protection Area</p> <ul style="list-style-type: none"> • east corner of SMA II close to SW corner of NN(FB) HPA • Compatible general management intent as special management area for ecological and cultural values. SMA II lands withdrawn from staking except on existing claims. HPA not withdrawn from staking. 	
LMU	<p>LMU 1 North Tthetäwndëk and LMU 2 Eagle Plains Ch'ëzhän Wëchël (Tr'ondëk Hwëch'in R-49A)</p>	<p>Chuu Tl'it Gwa'an Porcupine River Headwaters Miner River and Whitestone River watersheds ("North Yukon Annex")</p>
Management Intent and Cumulative Effects Levels	See above	
Values and Interests	See above	<p>Headwaters of the Porcupine River Ch'inèetsii Njik (Miner River), Sheeweenjik (Whitestone River) Unglaciaded limestone or dolomite rare or important ecosystem Adult and juvenile chinook salmon, chinook spawning Mineral licks Wetlands Migratory birds – high concern Raptor Traditional trails Heritage sites</p>

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		Eagle Plain and Kandik Basins
Recommendations	See above	
Issues	<p>LMU 1 North Tthetäwndëk and LMU 2 Eagle Plains Ch'ëzhän Wëchël (Tr'ondëk Hwëch'in R-49A) and Porcupine River Headwaters ("North Yukon Annex")</p> <ul style="list-style-type: none"> • Implications of oil and gas activities in LMU 2 for Whitestone River watershed and Porcupine headwaters area • Increased access for oil and gas in LMU 2 could have implications for Porcupine River Headwaters area, especially if it enabled greater access 	

Detailed Notes on Transboundary Values and Issues

1. Porcupine Caribou Herd (PCH)

DRLUP LMUs 1 (SMA II), 4 (SMA II), 5(Tombstone Park) are within range of PCH. The Special Management Directions for these LMUs are:

- to allow restricted industrial use on existing tenures;
- to withdraw other land from staking and industrial use;
- no new access, possible temporary winter road in LMU 1;
- consideration of an Indigenous Protected and Conserved Area LMU 4.

General Management Direction on caribou (s. 4.2.1.1) recognizes the transboundary range of the PCH and the role of the PCMB, but does not mention the vital VGFN connection with the PCH. The planning issues and Recommended Management Practices (pg. 78) do not mention issues related to possible oil and gas activities in LMU 2 and the PCH. Research Recommendations (pg. 79) do not reference traditional knowledge around the PCH.

The final statement in the Research Recommendation on PCH habitat suitability and availability "If required, special management directions for any future development in this area should be developed as appropriate" is unclear because of all the qualifications attached. VGG has learned from the experience of implementing the NYRLUP that terms such as "if required", "if appropriate" "any future development" are too vague to guide implementation and prioritization of plan recommendations.

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2. Watersheds

DRLUP (4.2.3) states all rivers are important; maintain and enhance multi-use character, while ensuring ecological and cultural integrity remains intact. However, the General Management Directions do not include recommendations around rivers and transboundary watersheds.

3. Oil and Gas Development

VGFN has interests in the implications of potential oil and gas exploration and development for transboundary PCH movements and habitat, watersheds (Whitestone River), access management from LMU 2 and off the Dempster Highway, and the need for aggregate resources. The DRLUP mentions potential oil and gas development in LMU 2. It does not address potential oil and gas development under the General Management Directions. The GMDs address access and aggregate resources, but do not specifically mention how these relate to the oil and gas potential of LMU 2. LMU 2 has no special management directions about the Whitestone River watershed. Potential new access for oil and gas development in LMU 2 implications for further access into NYRLUP LMU 11, the Porcupine River headwaters (“North Yukon Annex”), and Ni’inlii Njik (Fishing Branch) have not been considered.

4. Climate Change

VGFN has declared a state of climate emergency and is actively working to achieve resiliency in the face of the changing climate. We agree with the need for adaptive management, but the DRLUP does not provide much direction on an adaptive management system.