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November 1, 2021

Dawson Regional Plan
Senior Planner
Whitehorse, Yukon

Attention: Dawson Regional Planning Commission

Re: Dawson Regional Land Use Plan

The Yukon Fish and Wildlife Management Board (Board) is identified in the Final Agreements as the “primary instrument of fish and wildlife management”. Further, pursuant to 16.7.13, the Board shall have standing as an interested party to participate in the public proceedings of any agency, board, or commission dealing with matters that affect the management and Conservation of Fish and Wildlife and their habitat in Yukon. Our interest in the Dawson Regional Plan is foremost in maintaining the ecological integrity that supports key habitat for quality, diversity, and long-term optimum productivity of fish and wildlife populations. In addition to the harvesting opportunities present, the Board supports non-consumptive uses of the resources found in the region. In addition, we respect and support First Nations’ rights as outlined in the Tr’ondëk Hwëch’in’s Final Agreement, and the guarantee of those rights under the *Canadian Constitution*. In addition, we hold the to the Spirit and Intent of the Final Agreements and endeavor to promote and facilitate the intersection between Yukon First Nation Final Agreements and fish and wildlife management and the necessary protection of habitat when required.

Consistent with 16.7.11, the Board receives or is made aware of Renewable Resources Councils (RRCs) recommendations on local matters related to fish and wildlife management, legislation, research, policies and programs. The Board endeavours to maintain a territory-wide approach when considering input into planning processes without knowingly contradicting RRC comments or submissions.

The Board acknowledges the benefits of resource extraction to the territory’s economy and is not opposed to sustainable development or wise use. We have reviewed the Draft Dawson Regional Land Use Plan and commend the commission on their efforts. The Board also recognizes the time and effort that went into the Land Use Planning process from the

Commission through to the Parties, organizations and individuals. In keeping with our mandate to conserve fish, wildlife and their habitats in Yukon, we acknowledge that the planning process was challenged by the extensive developments within the planning area already in place, but wish to express that our primary interest is to preserve Conservation as is laid out in the First Nation Final Agreement. This includes the harvesting rights of First Nations within the Traditional Territory and as such, the Board supports Tr'ondëk Hwëch'in's conservation priorities for the Dawson Region, and commend the First Nation for putting the health of the lands, waters, wildlife and people foremost within the Dawson Region Plan.

The Board has a long, established position on access and its potential negative implications on wildlife and habitat. It is our experience that access is never temporary, nor is it regulated effectively. As such, the Board recommends that Commission upgrade conservation areas with weak protections to 'Type I' Special Management Areas. This would provide lasting protections for conservation areas, and put tools in place for Tr'ondëk Hwëch'in to co-manage their traditional lands consistent with the provisions of their Final Agreement. In particular, this should include salmon spawning areas, key wildlife areas, and the commission should endeavor to provide better protection for lands that are critical for wildlife such as wetlands, and habitats within the range of the Fortymile caribou. As we understand it, the draft is not a strong conservation plan; it only recommends full, permanent protection for less than 4% of the region, of which half is already Tr'ondëk Hwëch'in settlement land. While most (60.7%) of the land is set aside for industrialization, we need to recognize that the Tr'ondëk Hwëch'in Final Agreement speaks about needing to "protect a way of life that is based on an economic and spiritual relationship with the land." The Commission has expressed a similar desire to safeguard the ecological and cultural values of the Dawson Region, and we fully support this. However, meeting these ambitions — and living up to our treaty obligations — requires consistent, fair, and transparent approaches that evolve the Final Agreements and empower the First Nation and local Renewable Resources Council beyond legislation such as our current "Free Entry System", the *Quartz and Placer Mining Acts*, and spot land applications policies still in use.

The commissions approach seems to have been reactive in its approach, suggesting that where there is mineral development now or historically, that activity should continue, regardless of the social or ecological value of the land. We realize that the level of disturbance in much of the region already exceeds the maximum allowed in the North Yukon and the Peel Watershed Regional Land Use Plans, so the commission was forced to invent new categories which set disturbance thresholds as much as five times as high to accommodate further development. These thresholds are almost certainly too high to allow for animals such as caribou, which are sensitive to disturbance, to use the landscape. Evidence from provinces such as Alberta and British Columbia can speak volumes to the implications of excessive development on sensitive species such as Caribou.

In our review, we see that conservation areas are designated as either Special Management Area (SMA) 1, Land Management Units (LMUs) that will become parks or SMA 2. SMA 2, while being conservation oriented, are not fully protected areas. Instead, existing mineral interests would be 'grandfathered' with the idea that mineral tenure would be relinquished once claims had been worked out or shown to be un-productive, thus reacting to the economic potential of an area, rather than its potential as a Conservation area first. This approach is unlikely to satisfy mining interests which would be unable to explore or develop properties beyond existing claims. At the same time, it does not afford the permanent protection that conservation of natural processes requires.

In addition, the Board observed a deficiency in connectivity between conservation areas. For example, one of the two SMA 1 areas, Matson Uplands, is surrounded by Integrated Stewardship Areas (ISAs) despite its designation to support Fortymile Caribou migration paths. Similarly, the Commission proposed an SMA 2 within the highly industrialized Goldfields to protect some of the remaining Indian River Wetlands Complex, but this SMA is an island of green in a sea of brown.

This approach, and the delineation of conservation areas is reminiscent of the modified Peel Plan proposed by the government, unlike the original plan proposed by the Peel Planning Commission. While the land use designation systems resemble the North Yukon and Peel Watershed plans, there are some key differences in addition to the description of SMAs. The Commission appears to follow an approach that encourages all residents and users of the land to be stewards of the land, so it names the working landscape 'Integrated *Stewardship Areas*', in place of 'Integrated *Management Areas*' as the Draft plan's predecessors did. However, the thresholds for disturbance in the DRLUP ISAs are orders of magnitude more than in IMAs. For example, IMA 4 means that the critical threshold for disturbance is about 1%- i.e., 1km of linear disturbance per km². In the Draft Dawson Plan, ISA 2 has this threshold and ISA 4 allows for up to 5% disturbance. This is not acceptable in our view.

The Board has been deeply involved in conservation, restoration and management of the Fortymile Caribou Herd. Caribou are mentioned as a driver of key recommendations on the first (Highlights) page of the Draft plan. The plan states that critical caribou habitat should be protected and development in migration corridors should be limited, calls for temporal restrictions on disturbance and for access management are an appropriate mitigation, however, the draft plan does not appear to live up to these recommendations. Most of the key summer and migration range in the west of the planning region, south of the Yukon River is designated ISA 1 & 2, with the exception of a modest proposed PA, the Matson Uplands. This is very concerning for the Board, and we would like to see this point addressed in the plan.

More specifically, the Commission should seek permanent protection status for LMUs designated SMA 2. As well, LMU 23 should be an SMA, as this area provides summer grazing and migration paths for the Fortymile caribou herd.

A Recommended Plan that permanently and fully protects 31.6% of the region, and sets aside in SMA 2 an additional 23.1% for a total of 54.9% of the region in Protected and Conserved Areas is well within reach, and the Board want the commission to prioritize protection of wildlife habitat over industrialization, this should be seriously considered.

Finally, the commission should look seriously at – and address:

- ORV use through recommending an Off Road Vehicle Management Areas;
- Restricting the use of jet boats to the main stem of major rivers to protect salmon fry;
- Aligning disturbance thresholds with science and Traditional Knowledge instead of with industry priorities, and
- Aligning the priorities of the proposed Stewardship Trust with First Nation priorities, and align it with the strategic objectives of existing trusts within the Yukon that are presently established i.e. *Yukon Fish and Wildlife Enhancement Trust*.

We thank you for the opportunity to comment on the draft plan and if you have any questions or require clarification, contact our Executive Director, Graham Van Tighem at (867) 667-5835.

Sincerely,

A handwritten signature in black ink, appearing to be 'CS' with a small flourish to the right.

Carl Sidney, Chair

Cc: Dawson District Renewable Resources Counsel
Tr'ondëk Hwëch'in