FINDING THE PUBLIC INTEREST:
LESSONS FROM THE PEEL PLANNING PROCESS
Peel Land Use Plan

Produced by the Peel Watershed Planning Commission
July 2011

January 21, 2014
Both plans were technically competent

But:
- the PWPC plan was emergent, resulting from public processes
- the Yukon Government plan was a “Ta-Da!” done behind closed doors and unveiled
- One embodied the public interest, the other did not.
The Public interest:
a nebulous concept, but *it does exist!*
You can ascertain the public interest and *still* produce a bad plan! But the PWPC is a successful planning document on a technical level too:

- Sound research of society, economics, culture, and ecosystem science;
- Incorporates sound scientific principles;
- Achieves its Terms of Reference
- Respects and conforms to the legal framework
- Recommendations are based on a reasoned connection between research, public input, and the terms of reference,
- The planning document itself is consistent and usable.
- The plan is understood and is widely supported by Yukon First Nations and the Yukon public.
About the size of New Brunswick (or Scotland): 67,431 sq. km
The Peel Watershed Planning Commission was formed on October 15th, 2004.
FINDING THE PUBLIC INTEREST
THREE GENERAL APPROACHES:

- Take it as largely given. If you have strong legislation (like the National Park Act) much of your context is set.

- Assume you know it. Just because. A predilection of some governments. And some experts

- Assume you don’t know it and it is your job to find out. The approach taken by a planning commission if it knows what is good for it.
FINDING THE PUBLIC INTEREST: MORE THAN A TALLY OF OPINIONS
NEED A STRUCTURED APPROACH:
- 1. ONGOING, CONTINUOUS PROCESS OF TWO-WAY DIALOGUE BETWEEN PLANNERS AND THE PUBLIC(S)
- 2. LOGICAL, TRANSPARENT STRUCTURE FOR ANALYZING INPUT AND FEEDBACK
- 3. DATA: INPUT FROM ALL CHANNELS
   - WEBSITE, EMAILS, LETTERS, VISITS, QUESTIONNAIRES,
   - TANGENTIAL: LETTERS TO EDITOR, COMMENTS AT MEETINGS, RELATED PROCESSES
   -- STATISTICALLY VALID SURVEYS
PEEL WATERSHED PLANNING COMMISSION’S STATEMENT OF INTENT

The goal of the Peel Watershed Regional Land Use Plan is to ensure wilderness* characteristics, wildlife and their habitats, cultural resources, and waters are maintained over time while managing resource use. These uses include, but are not limited to traditional use, trapping, recreation, outfitting, wilderness tourism, subsistence harvesting, and the exploration and development of non-renewable resources.

Achieving this goal requires managing development at a pace and scale that maintains ecological integrity**. The long-term objective is to return all lands to their natural state as development activities are completed.

FULL DISCLOSURE FROM COMMISSION: HERE IS HOW WE INTEND TO PROCEED
Land Use Scenarios for the Peel Watershed Planning Region

We want your opinion on what should happen in the Peel watershed. Have a look at the two scenarios in this brochure, and let us know!

The Peel watershed is a vast unpopulated area in northeastern Yukon highly valued for wilderness recreation, big game outfitting, mineral and oil and gas potential, tourism, and ecological integrity. It also has significant cultural, heritage, and economic value for the four First Nations whose traditional territories overlap here – the Na-cha Nyak Dun, Tr'ondëk Hwëch'in, Vuntut Gwitch'n, and Tootlit Gwich'in. Despite all these values, there are very few roads and other developments, making this area unique at territorial, national, and even global levels.

With increasing activity in the Peel, some activities already have started to have effects on others. Now is the time to plan how the land is used to minimize potential land-use conflicts and manage for sustainable resource use.

In 2002, the four First Nations in the region and the Yukon Government created the Peel Watershed Planning Commission (PWPC) to develop a plan for the Peel. So far, we (the PWPC) have collected information, opinions, and scientific and traditional knowledge about the Peel watershed, and have used this information to create two possible scenarios. This brochure describes these scenarios. We would like to hear your thoughts about them before we develop a draft land use plan for this area. This plan will likely resemble one of the scenarios, but will be shaped by your input.

Who might be interested in this brochure? Are you someone who:

- Operates or is directly or indirectly employed by a business with commercial interest in the Peel region, including:
  - wilderness tourism operators
  - mineral exploration and mine development
  - guide & outfitting companies
  - oil & gas sector
- Participates in cultural activities like hunting and camping in one of the affected First Nation Traditional Territories?
- Enjoys outdoor recreation such as hunting, fishing, canoeing/kayaking, or hiking?
- Travels or works along the Dempster Highway?
- Is involved in the resource planning and management sector?
- Is a local community resident or in the general public with an interest in the Peel region?
Of the options proposed for development of the Peel Watershed Land-Use Plan, which one do you prefer:

I prefer Option 1 (Mixed Use Strategy) because:

I prefer Option 2 (Protected Use Strategy) because:

I prefer Option 3 (Open Access Mixed Use) because:

Is there a modification to one of the above options, or an entirely different option which you would propose? Please describe.

Do you have any other comments related to this Land-Use Options report or other aspect of the Planning Process?
RESPONSE TO DRAFT PLAN

EVERY ONE HATED IT!

- INDUSTRY
  • ENVIRONMENTAL GROUPS
  • TOURISM OPERATORS
  • FIRST NATIONS
  • THE PUBLIC (IN TWO SEGMENTS)

THEY ALL HATED IT..... But they were polarized at opposite ends.
SO WHAT IS A COMMISSION TO DO?

TAKE THE FEEDBACK SERIOUSLY AND RETHINK.

SORT OUT THE OPTIONS
THREE OPTIONS

1. CARRY ON WITH A “BALANCED DEVELOPMENT” APPROACH

2. TILT TOWARDS DEVELOPMENT

3. TILT TOWARDS PRESERVATION
Apply a “conscious, logical transparent structure for analyzing feedback”

Sustain ecosystem integrity first
Conserving the land, its living things, and its processes is the fundamental priority.

Sustain communities and cultures next
Preserving communities and cultures relies on achieving success with the first priority.

Foster sustainable economic activities third
There are two kinds of sustainability: activities that do not degrade the land or undermine communities and can be sustained indefinitely; and activities that deplete resources, but from which the land can recover.

Not all economic activities fit everywhere in this region.
The upshot:
Conflicting paradigms or world views in play:

-The conventional one: land as a commodity, a thing to be used

-A traditional one: land as a sacred, sustaining relationship through time.

-Also two views of land management framework;

-“fee simple” YG manages public land, First Nations manage Settlement land (the plan is just advisory)

-- Co-management: all lands in traditional territory are managed in partnership.

These have moral, legal, ethical dimensions that go way beyond a planning exercise.
Result: Commission changed course and wrote a conservative plan that preserved options.

Development was a one-way gate that shuts options down.

Preservation keeps options open – you can always develop later.

Society can always change its management approach at a later date if it wants to, but it is premature to develop at this time.

And needless.
Recommended Peel Watershed Regional Land Use Plan

December 2009
(revised January 2010)
Final Recommended Zoning System

For more information on zoning, please see the Land Use Designation System table on page 5.
Did the Commission get it right?

• First Nations solidly behind it.
• So too the environmental groups
• And the tourism operators
• And lots of the public.

-- *but how many!*?

The indicators were that the Commission got it right.
The confirmation came six months later;
### 4.1 Overall sentiment for the protection levels of the Peel Watershed

<table>
<thead>
<tr>
<th>Level of Protection</th>
<th>Public meetings (n=82)</th>
<th>Online comments (n=201)</th>
<th>Solicited (Letters/Post cards)</th>
<th>Petitions</th>
</tr>
</thead>
<tbody>
<tr>
<td>None (0)</td>
<td>2%</td>
<td>13%</td>
<td>37 post cards</td>
<td></td>
</tr>
<tr>
<td>Less than 80% as recommended in the plan, but more than 0</td>
<td>2%</td>
<td>4%</td>
<td>6 Association letters</td>
<td></td>
</tr>
<tr>
<td>At 80% or as stated in the plan</td>
<td>4%</td>
<td>7%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All or 100%</td>
<td>76%</td>
<td>71%</td>
<td>19 student letters</td>
<td>982</td>
</tr>
<tr>
<td>Unknown/did not state</td>
<td>16%</td>
<td>5%</td>
<td>12 Association Letters</td>
<td></td>
</tr>
</tbody>
</table>
However, reviewing the actual comments of over 383 people (in the online and public meetings) plus 982 petitions shows extremely strong support for 100% protection of the Peel Watershed.

- At least 3/4 support 100% protection (and 100% of the 982 petitions)
- Only approximately 10 -15% support a compromise position
- Only 3 - 15% support no protection or restrictions

The graph below is a simple illustration to show the overwhelming support of protection for the Peel Watershed.
These indications of support did not surprise the Commission: it had used a methodical approach for detecting the public interest. It did not arrive at these results accidentally.

Despite pressure from the Yukon Government, the Commission stood by its approach in its Final Recommended Plan – because it knew it had the public interest.

**Two recommendations for future plans:**

1. Use surveys done by reputable independent companies to gauge public values and reaction to proposed policies.

2. At the end of consultations, put a Final Recommended Plan to an advisory referendum. If you believe in democracy you should not be afraid of it.
Thank you!