

The Story of the Peel Planning Process

March 21st, 2018



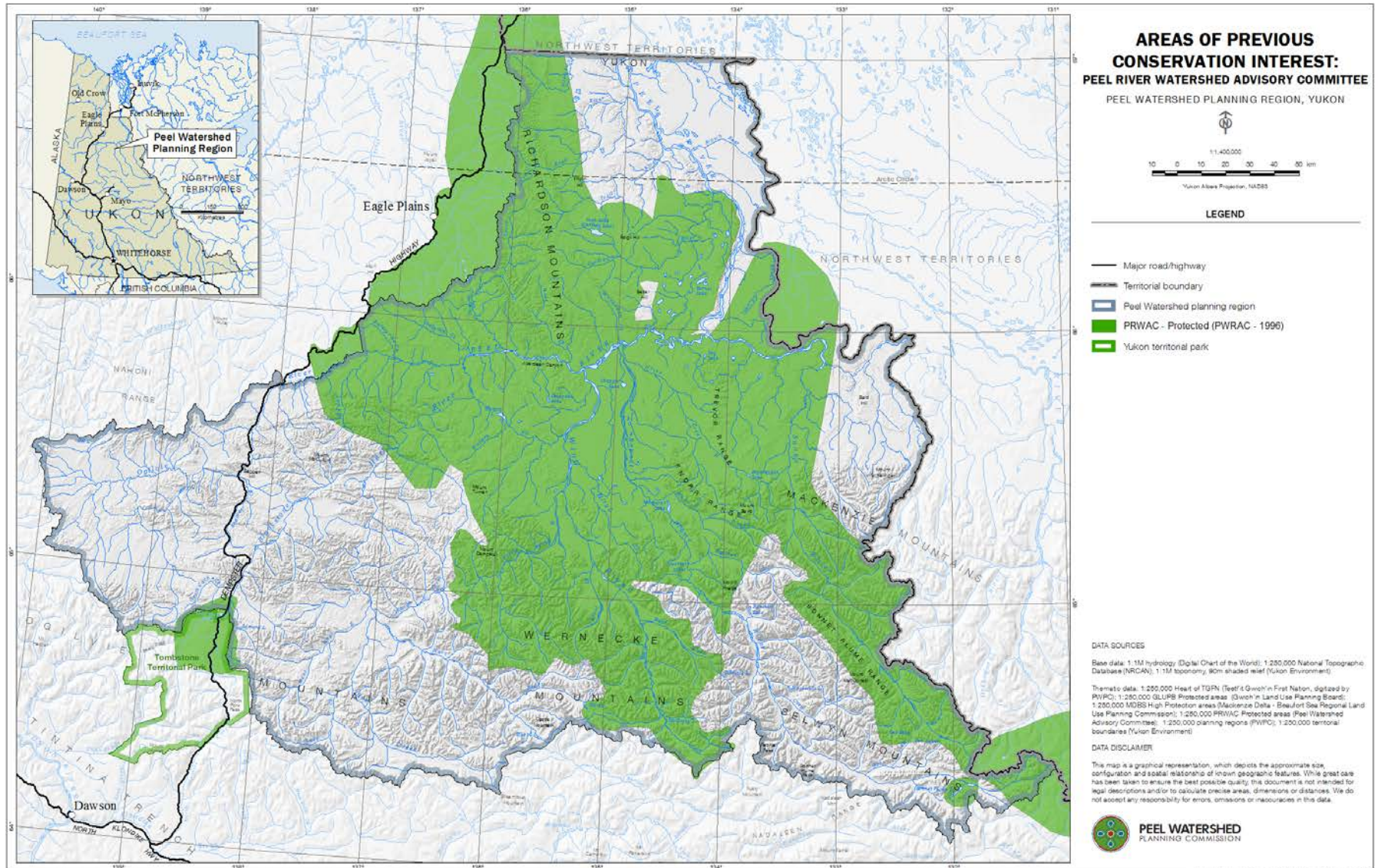
YUKON LAND USE
PLANNING COUNCIL

Planning Before the Commission

- Mackenzie Delta Beaufort Sea Land Use Plan 1991: very large area of Peel designated as “lands managed as to guarantee the conservation of the resources”
- Peel Watershed Advisory Committee



Peel River Watershed Advisory Committee, 1996



Commission Establishment

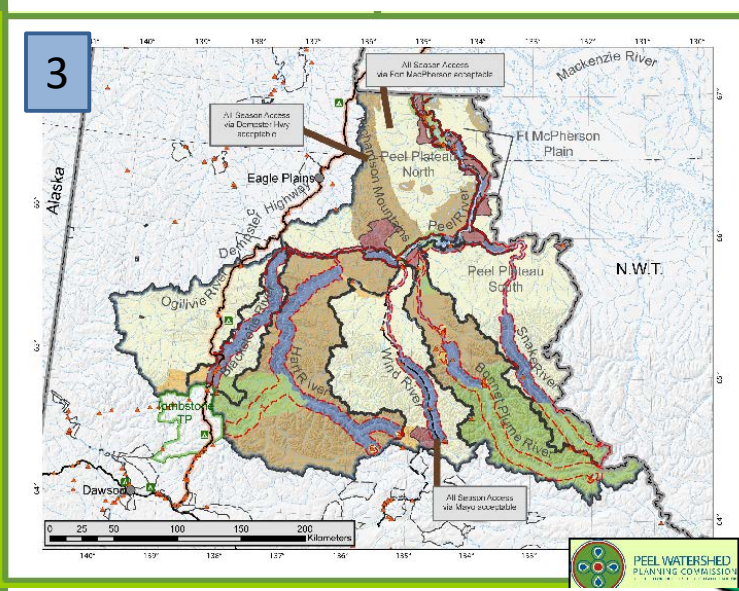
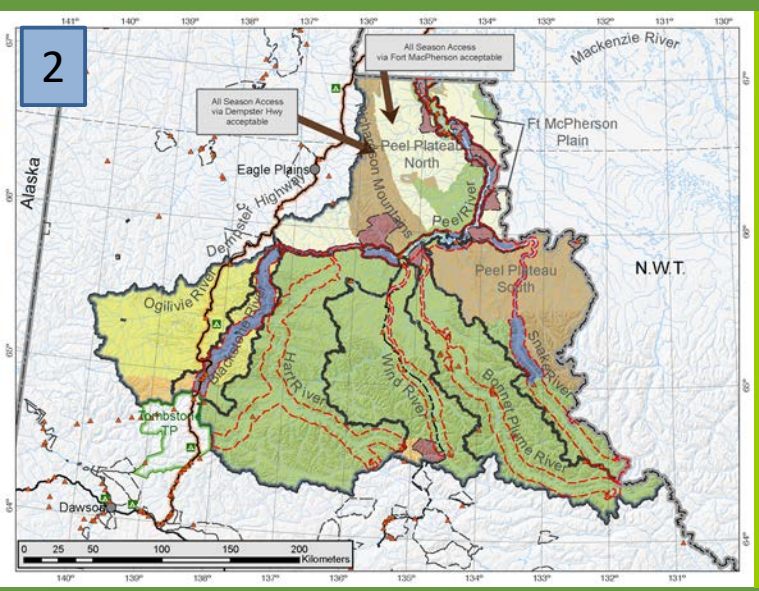
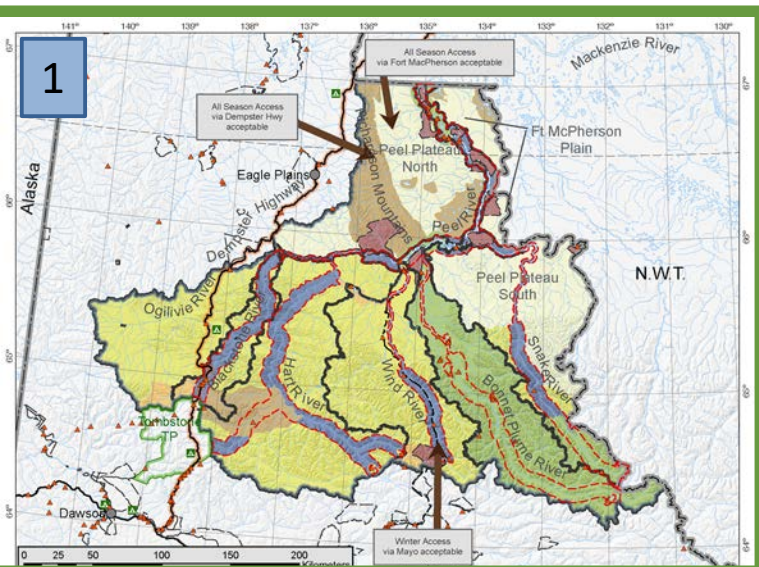
- YLUPC Peel Action Plan early 2000's lead to the establishment of the commission in 2004 (Terms of Reference)

Note: The Terms of Reference used through the Peel process were the draft ones the Council recommended to the Parties (the Parties never placed their logos on it and it reads “draft” throughout the life of the plan)

- Lead to an error in the Supreme Court Ruling which identifies the Council as an establishment body



PWPC “Scenarios”, Jan. 2009



Zone Descriptions:

		Allowable uses						
		All-season Roads	Winter Roads	Oil & Gas Dev't	Trapping/Devt	Recreation/Tourism	Cultural/Traditional	
Zone Type								
	First Nation Lands	?	?	?	?	✓	?	✓
	Protection	✗	✗	✗	✗	✓	✓	✓
	Cultural Resources	✗	~	~	~	✓	~	✓
	Wildlife & Habitat	✗	~	~	~	~	✓	✓
	River Corridor Mgmt	✗	~	✗	✗	✓	✓	✓
	Tourism Access	✗	✗	✗	✗	✓	~	✓
	IMA II	✗	✓	✓	✓	✓	✓	✓
	IMA III – IV	✓	✓	✓	✓	✓	✓	✓
	River corridor							

✗ = not permitted, ✓ = permitted, ~ = subject to subregional planning

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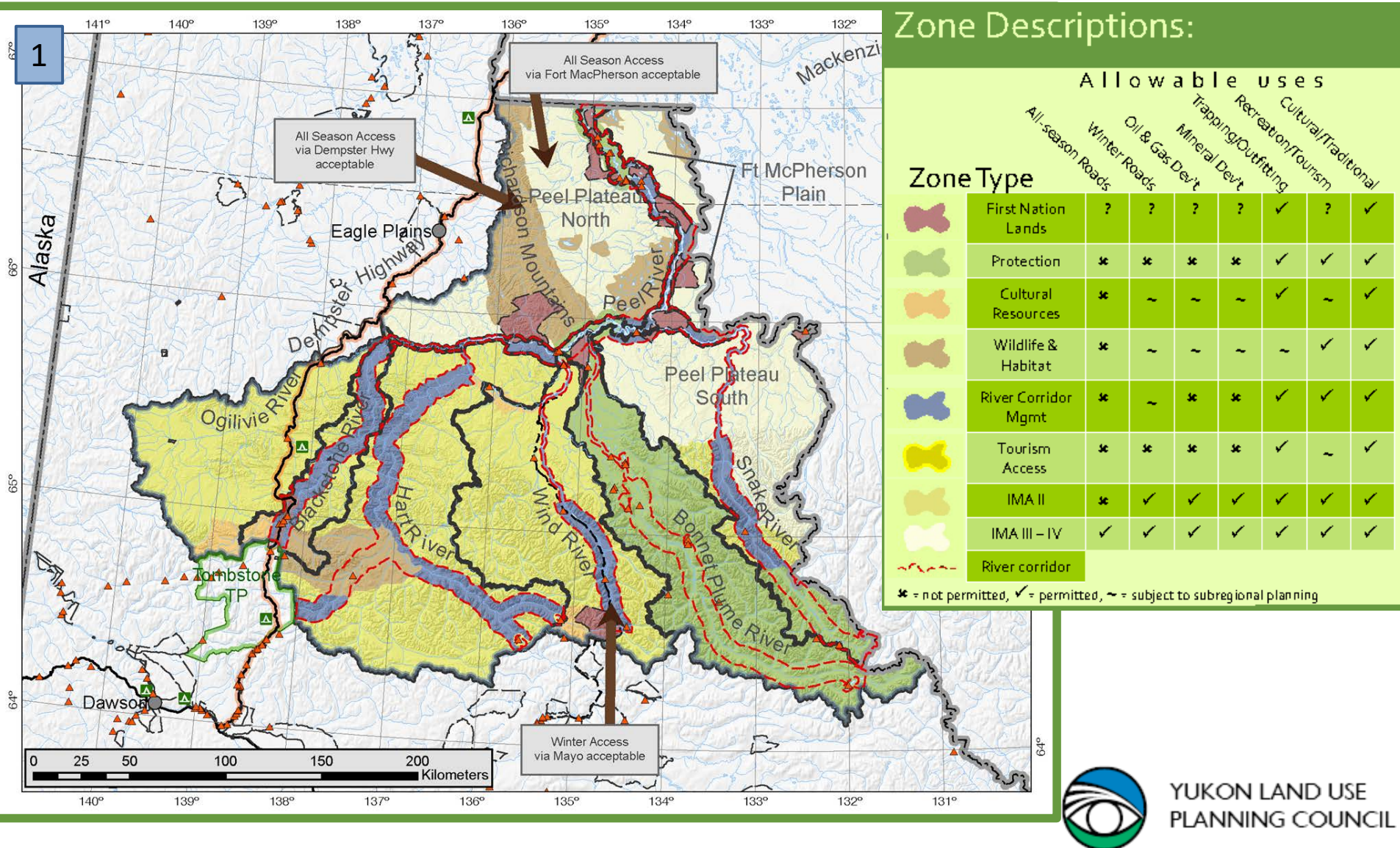


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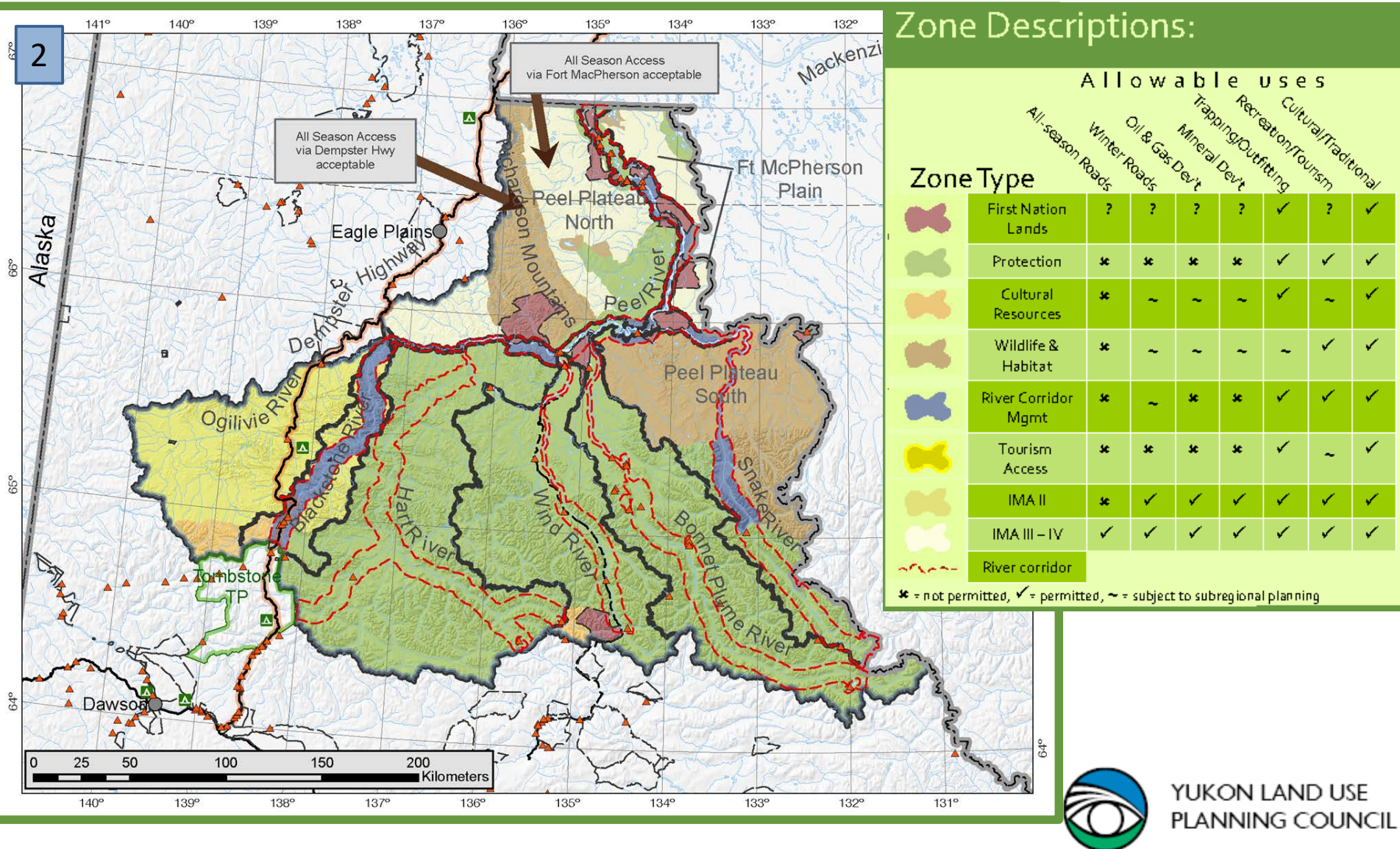
PWPC “Scenario 1”, Jan. 2009

AKA “Mixed-Use Strategy”



PWPC “Scenario 2”, Jan. 2009

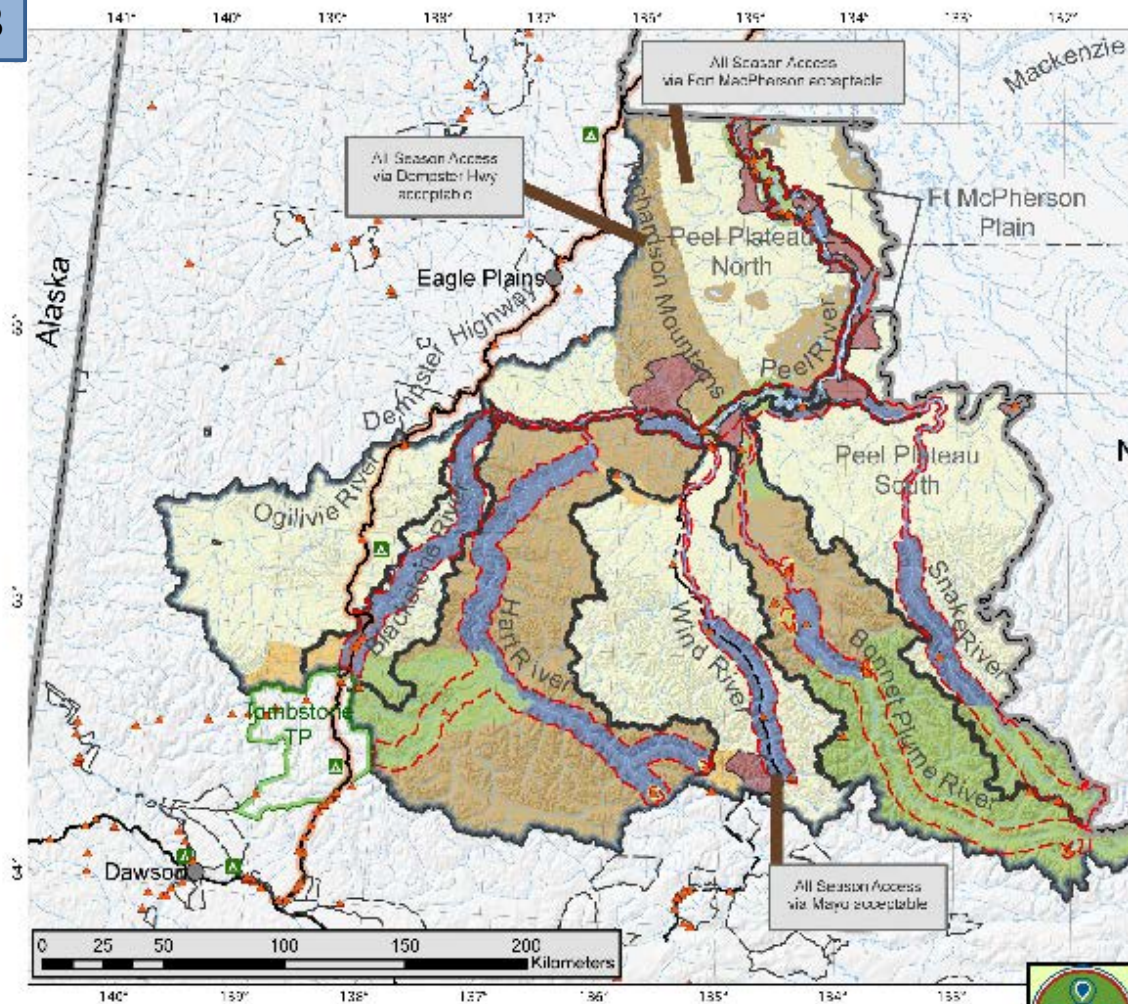
AKA “Protection Strategy”



PWPC “Scenario 3”, Feb. 2009

AKA “Open Access Mixed-Use Strategy”

3



Zone Descriptions:

Zone Type		Allowable uses						
		All-season Roads	Winter Roads	Oil & Gas Dev't	Mineral Dev't	Trapping/Outfitting	Recreation/Tourism	Cultural/Traditional
	First Nation Lands	?	?	?	?	✓	?	✓
	Protection	✖	✖	✖	✖	✓	✓	✓
	Cultural Resources	✖	~	~	~	✓	~	✓
	Wildlife & Habitat	✖	~	~	~	~	✓	✓
	River Corridor Mgmt	✖	~	✖	✖	✓	✓	✓
	Tourism Access	✖	✖	✖	✖	✓	~	✓
	IMA II	✖	✓	✓	✓	✓	✓	✓
	IMA III – IV	✓	✓	✓	✓	✓	✓	✓
	River corridor							

✖ = not permitted, ✓ = permitted, ~ = subject to subregional planning

Responses to “Scenarios”

YG:

- A number of technical and/or department specific comments with no consolidated message

FNs:

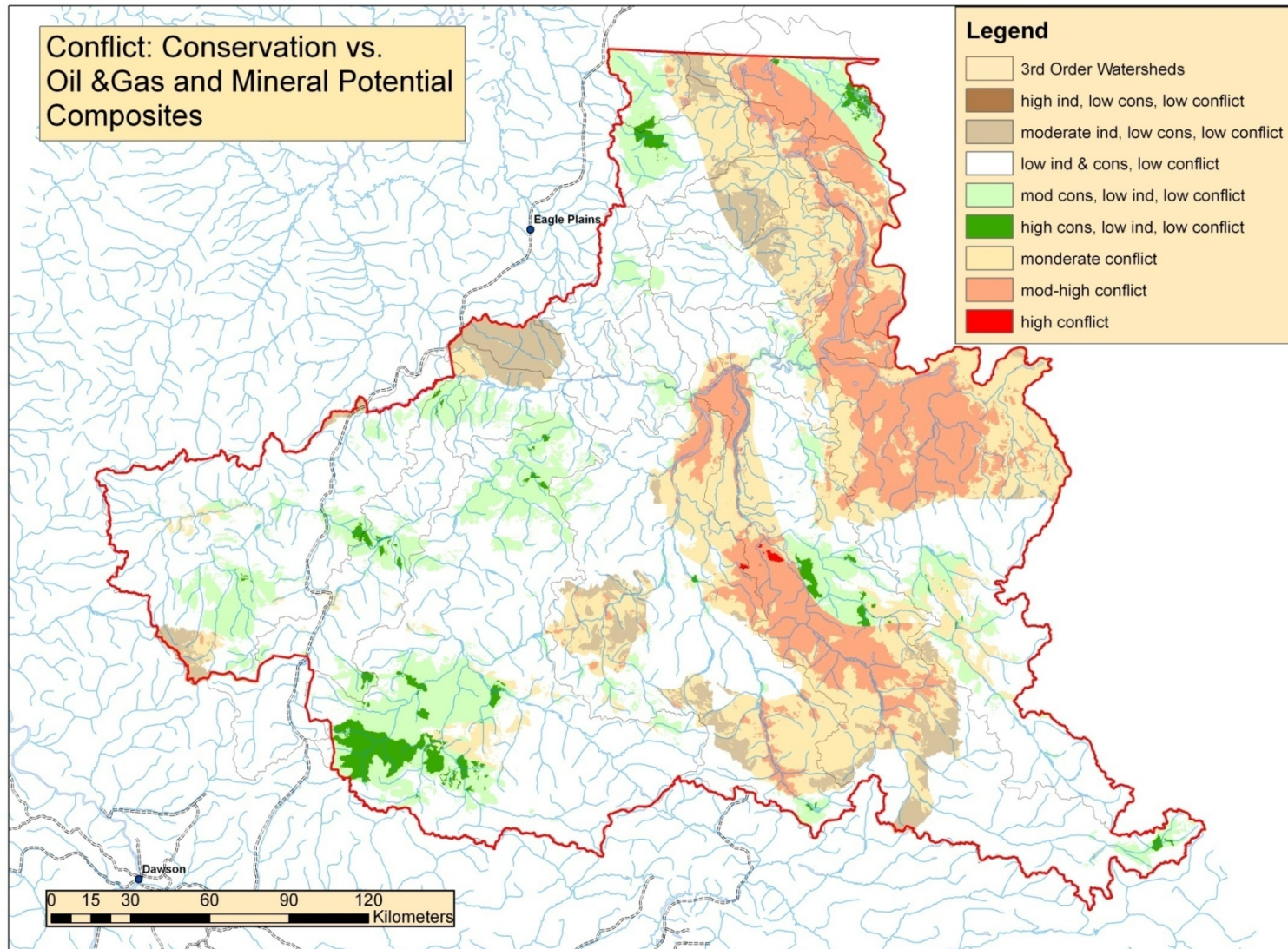
- TGC: 100% managed for protection
- TH & NND: protect all waters, conservation buffer around Tombstone TP, uncompromised ecological integrity, sub-regional planning for Ogilvie River, protect values in Bonnet Plume/Heritage River

SLC:

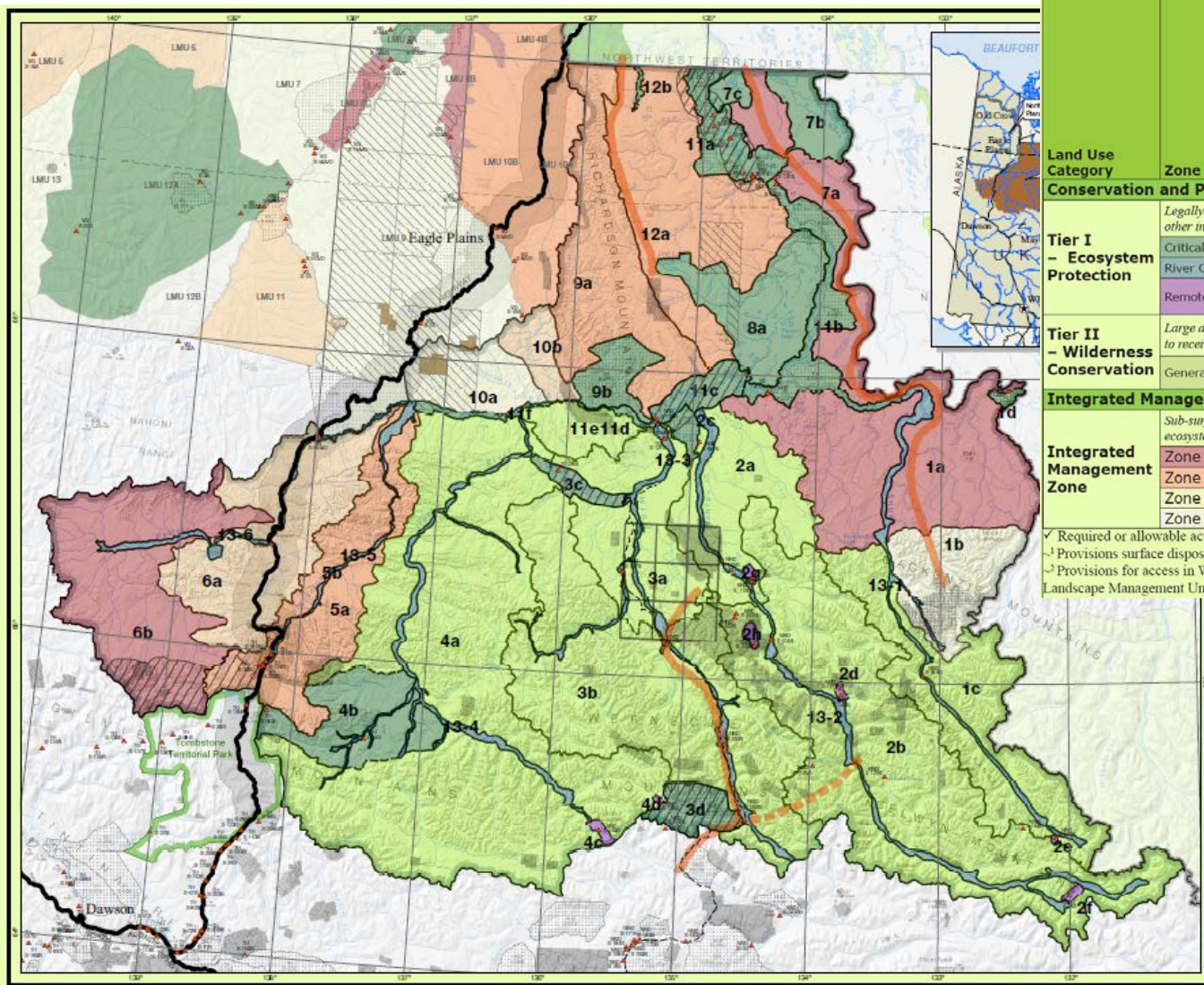
- Do not assume expropriation/compensation
- Zone FN lands



PWPC internal analysis, June 2009



PWPC Draft Plan, April 2009



Land Use Category	Zone	Management Intent	All-season Access	Winter Access	Subsurface Grandfathered	Surface Grandfathered	Subsurface Withdrawal	Surface Withdrawal
Conservation and Protection Zones								
Tier I – Ecosystem Protection	<i>Legally designated land areas withdrawn from surface and subsurface rights. Oil and gas, mining and other industrial land uses are not permitted.</i>							
	Critical Landscape Zone (CLZ)	No Industrial Development				✓	✓	~
	River Corridor Zone (RCZ)	Lowest Development	~	~		✓	✓	✓
	Remote Access Lake (RAL)	No industrial development; regulation of access.				✓	✓	✓
Tier II – Wilderness Conservation	<i>Large areas of mostly wilderness with some existing industrial tenures. Long-term management intent is to receive Tier I ecosystem protection designation.</i>							
	General Conservation Zone (GCZ)	High Conservation	✓	✓	✓	✓	✓	✓
Integrated Management Zones								
Integrated Management Zone	<i>Sub-surface resource extraction while minimizing land use conflicts and maintaining long-term ecosystem function</i>							
	Zone I	Lowest Development	✓	✓				
	Zone II	Low Development	✓	✓				
	Zone III	Moderate Development	✓	✓				
	Zone IV	Highest Development	✓	✓				
✓ Required or allowable action for land use designation								
~ Provisions surface dispositions for camps, cabins or other related buildings in Hungry Lake and Nash Creek								
~ Provisions for access in Wind River and Bonnet Plume RCZ (see Draft Plan and Land Use Designation Map)								
Landscape Management Units for traditional use purposes (see Draft Plan)								

Responses to Draft Plan

YG:

Consolidated, technical comments (no political-level):

- Minimize sub-regional planning
- Use cumulative effects monitoring/adaptive mgmt.
- Reduce # of LMUs
- Numerous minor suggestions

FNs:

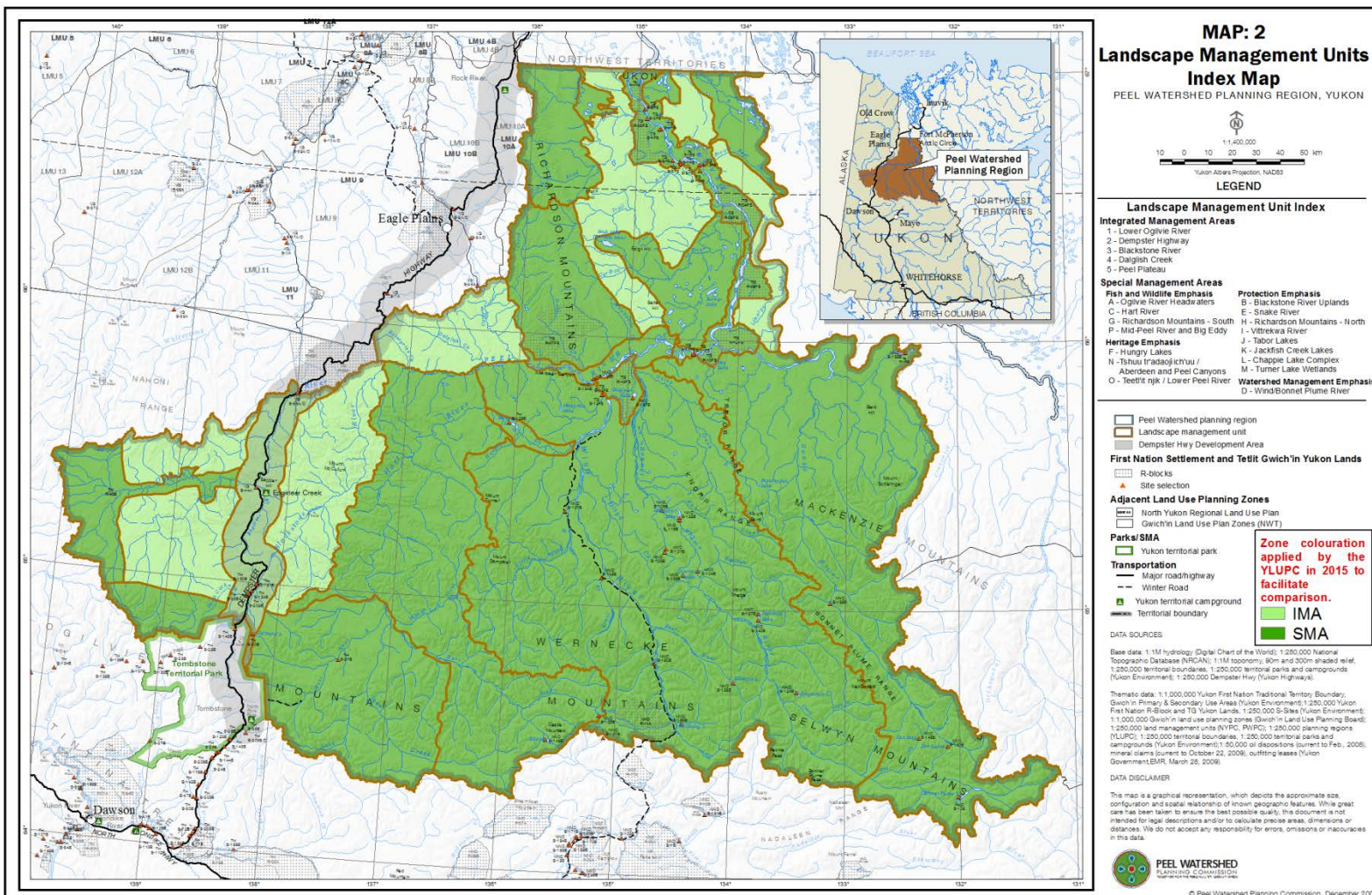
- TH/NND/TG: Full protection of entire watershed
- TH: sub-regional plan for Dempster corridor; Cache Ck area SMA; Hart R herd SMA
- NND: complete protection (esp. 3 rivers, esp. Bonnet Plume), no new all-season access, thresholds on industrial projects, aquatic indicators, implementing roles & responsibilities needed, some LMUs too small
- GTC: mouths of the Wind, Snake & Bonnet Plume be an SMA, SMAs/CAs preferred over PAs, no free entry staking, protection of Porcupine Caribou habitat, fish monitoring, no all-season roads.

SLC:

- None provided

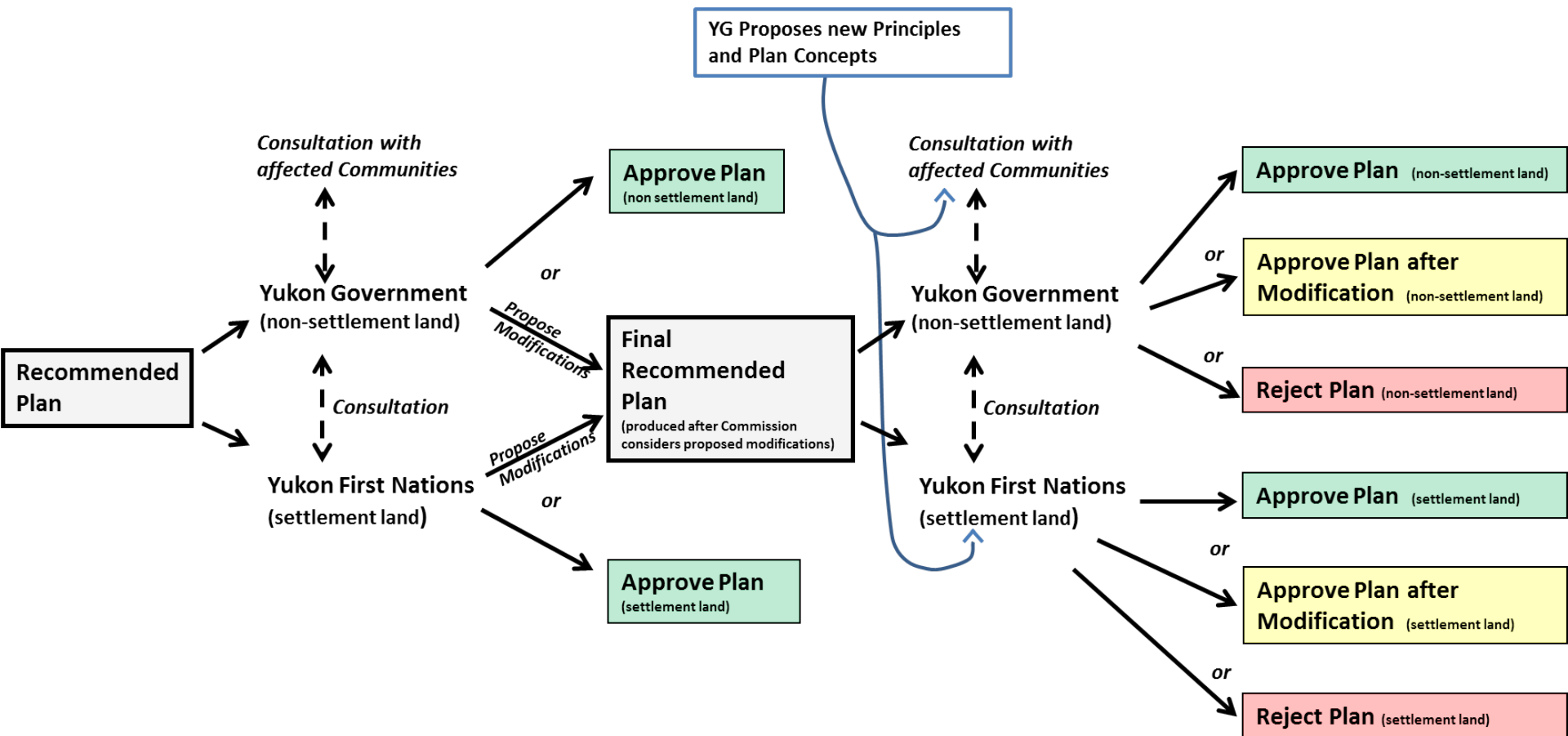


PWPC Recommended Plan, December 2009



**YUKON LAND USE
PLANNING COUNCIL**

Approval Process:



Responses to Recommended Plan

YG:

- Interim staking withdrawal
- A “more balanced plan”
- Develop options for access
- Simplify the land management regime
- Parties determine the need for plan review and amendment
- Streamline the document

FNs:

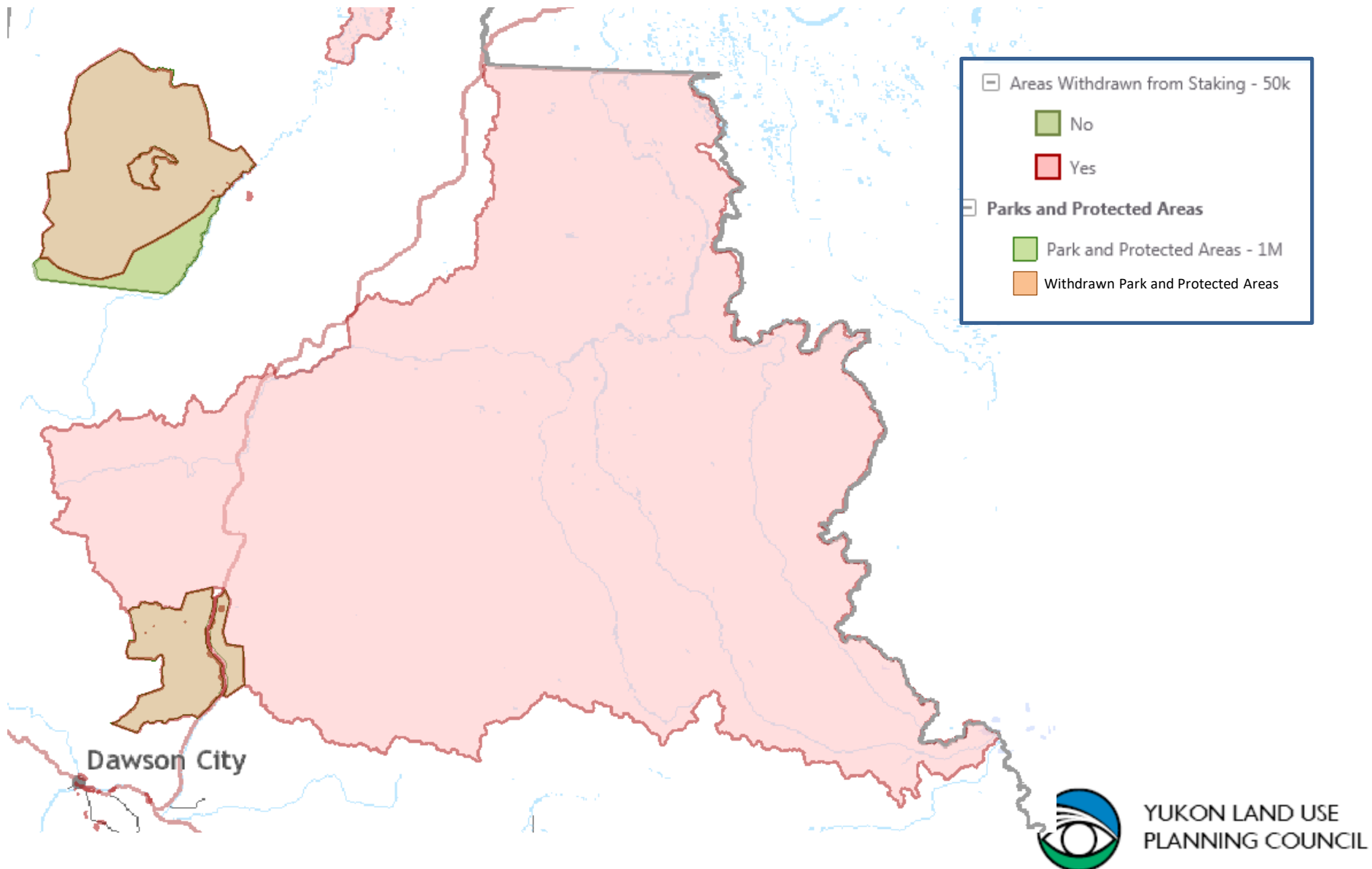
- FN joint response, NND, TH & TGC individual responses: 100% protected, no surface access, Dempster sub-regional plan
- VG: compatible regime next to North Yukon Region

SLC:

- No on-going role for the Commission
- Reduce reliance on sub-regional planning
- Reduce reliance on plan review, variance and amendment
- Simplify & streamline plan



Interim Staking Withdrawal, February 2010



PWPC Final Recommended Plan, July 2011

MAP: 2
Landscape Management Units
& Land Use Categories

PEEL WATERSHED PLANNING REGION, YUKON

Landscape Management Units & Land Use Categories

- Special Management Area (SMA)
- Wilderness Area (WA)
- Integrated Management Area Zone II
- Integrated Management Area Zone III
- Integrated Management Area Zone IV
- Overlay Zones**
 - Dempster Hwy Corridor
 - Major river corridor

Switch In Land Use Plan Zones (NWT)

Parks/SMA

Yukon territorial park

Transportation

Major road/highway

Winter Road

Yukon territorial campground

Territorial boundary

Base data: 1:1M hydrology (Digital Chart of the World), 1:250,000 National Topographic Database (NTDB), 1:1M topography (10m and 30m shaded relief), 1:250,000 territorial boundaries, 1:1M Yukon First Nation Traditional Territory Boundary, Switch In Primary & Secondary Use Areas, 1:250,000 territorial parks and campgrounds (Yukon Environment), 1:250,000 Dempster Hwy (Yukon Highway), 1:250,000 Yukon First Nation II Block and TC Yukon Lands, 1:250,000 5-Store (adapted from Geomatics Yukon)

Thematic data: 1:1M Switch In Land Use planning zones (Switch In Land Use Planning Board), 1:250,000 land management units (PWPC, PWPC), 1:250,000 planning regions (PWPC)

DATA DISCLAIMER

This map is a graphical representation, which depicts the approximate data, identification and spatial relationships of known geographic features. While great care has been taken to ensure the best possible quality, this document is not intended for legal descriptions and/or for liability purposes, dimensions or distances. We do not accept any responsibility for errors, omissions or inaccuracies in this data.

Digital copies of this map may be obtained from the Peel Watershed Planning Commission website at: www.peelwatershed.ca



Peel Watershed Planning Commission, July 2011



**YUKON LAND USE
PLANNING COUNCIL**

Responses to Final Recommended Plan

YG:

- Developed 8 new plan principles (Feb. 2012)
- Developed 2 new designations and 4 plan “concepts”
- Hosted a website and community meetings
- Response was kept internal to the Parties

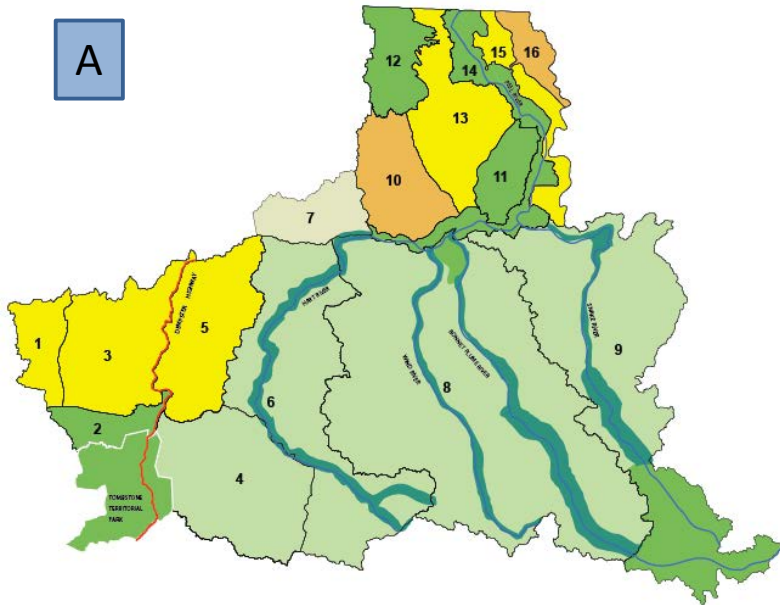
FNs:

- The role of the FN Parties in the consultation is unclear
- Responses were kept internal to the Parties

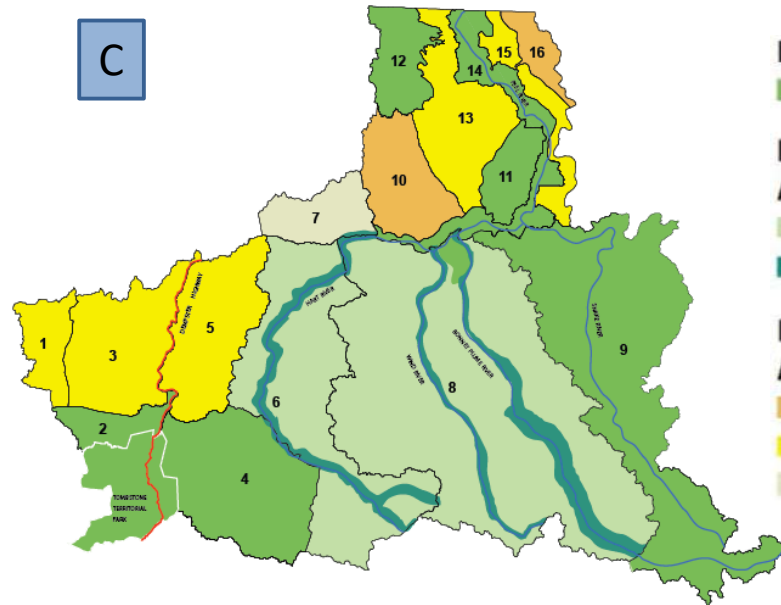


YG Plan Concepts, October 2012

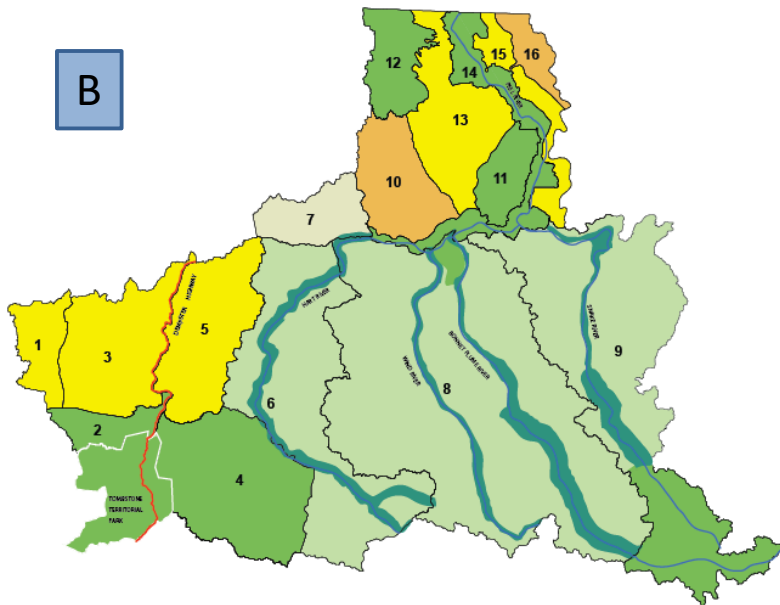
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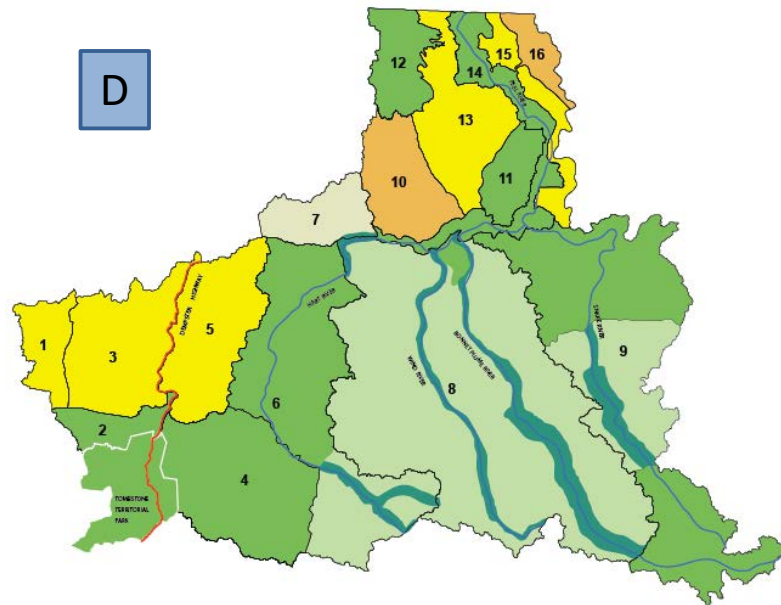
C



B



D



Protected Areas (PA)

Protected Area

Restricted Use Wilderness Area (RUWA)

RUWA

RUWA Corridor

Integrated Management Area (IMA)

IMA Zone II

IMA Zone III

IMA Zone IV

Responses to Final Recommended Plan Consultation/Concepts

YG:

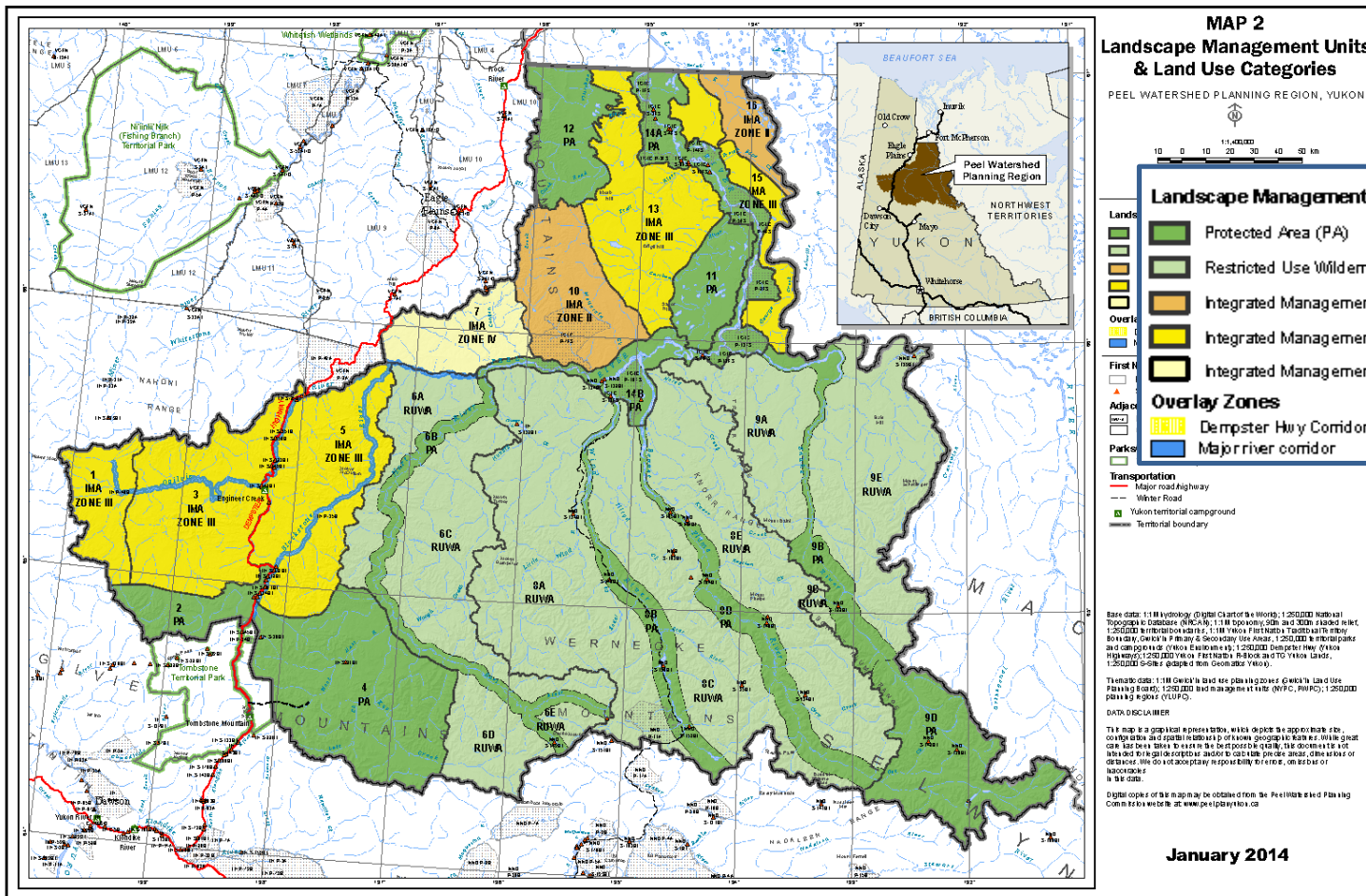
- Developed and approved a plan for YG lands only

FNs:

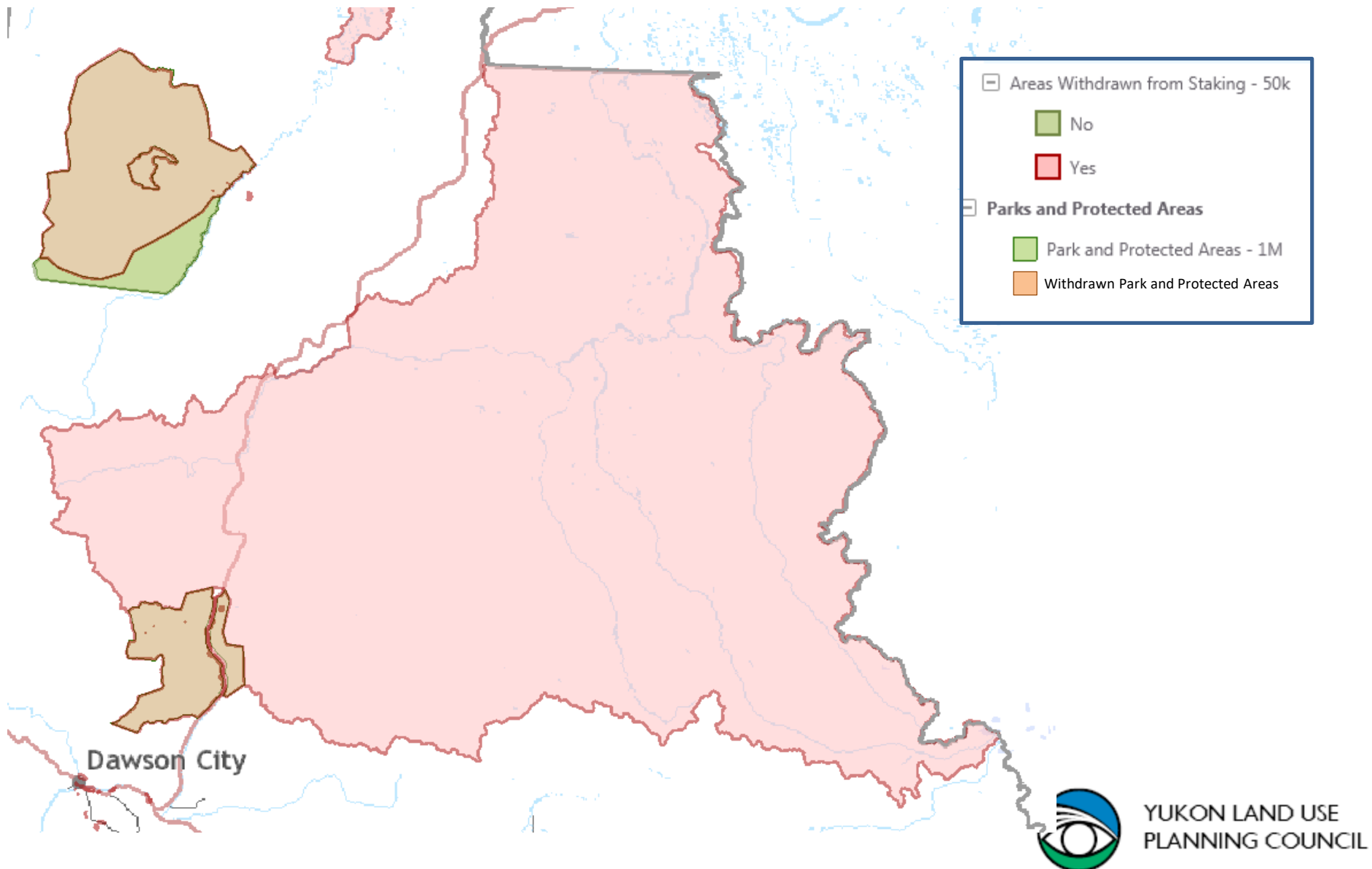
- The role of the FN Parties in the consultation is unclear
- Responses were kept internal to the Parties
- TH: consultation process inconsistent with FA



YG Approved Plan, January 2014



Current Status



- January 24, 2014 NND, TH, YCS, CPAWS file a statement of claim vs Yukon Government
- December 2, 2014: Supreme Court of Yukon Decision (Veale Ruling)
 - Approved Plan Quashed, very limited modifications allowed to any approved plan and cannot reject the plan



- YG Govt. Appealed to BC/Yukon Court of Appeal and a Decision was rendered November 4, 2015
 - Return to the point of breach: 11.6.2 (Recommended Plan modifications), rejection possible
- November 2016 New Liberal Government
- NND et al. appeal to the Supreme Court of Canada
- SCC Decision December 1, 2017
 - Returned the process back to the Consultation on the Final Recommended Plan



Themes

- Role of the Courts
- Considering “the Treaty as a Whole”
- Collaborative Planning (Land Claim Governance)
- Nature of Changes to the Plan: “modification” and “changing circumstances”
- Nature and Impact of Consultation
- Nature of the Boards

