



# SUNDOG RESOURCE CONSULTING

• NATURAL RESOURCE PLANNING & MANAGEMENT • FORESTRY • MANAGEMENT CONSULTING •

## COMPETING INTEREST ON AGRICULTURAL LAND

Phase I:  
Resource Conflicts: Defining the Issues  
Summary Report

September 23, 1986

**Yukon**  
Renewable Resources

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Resource Conflicts: Defining the Issues

Phase I Summary Report

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23 September, 1986

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## PREFACE

By opening public lands to private agricultural development, the Yukon in the late twentieth century is continuing a drama that began centuries ago on the eastern seaboard. For most of this period, agriculture has seemingly been driven by an ethic which recognized that converting wild lands to cultivation and settlement was inevitable and desirable.

This process has not been without conflict: throughout much of the continent, Indians, hunters, trappers, and loggers have given way to organized cultivation. Likewise, forest and rangeland ecosystems have been fundamentally altered: various species of plants and animals have been encouraged, displaced, or extirpated; precious topsoil blown or washed away; streams clogged and sedimented; watertables depleted.

We have lost much in the march of agriculture - yet we have clearly gained, perhaps much more. North America is literally the breadbasket of the world, with agriculture providing the fundamental base on which our prosperous democracies rest. Unlike elsewhere, we take freedom from famine for granted. We also take security of our food supply from foreign control for granted.

I have begun with sweeping statements to emphasize that the issues of opening new lands to agriculture in Yukon have a drama and a mythos quite apart from the prosaic affairs of government. People of various viewpoints hold intellectual positions with their minds, but feel them in their guts. There

are farmers or would-be farmers who see themselves as part of the grand sweep of the continental frontier.....and there are those who in opposing agriculture, see themselves as last-ditch defenders of the wild and beautiful. An unnecessary, even false dichotomy? Perhaps. But the visceral element of these issues are as real as are the economic, the biological, and the legal stakes.

Although the potential for conflicts between agriculture and other interests have long been recognized in North America, its preeminence as a land use was rarely questioned. The spread of agriculture into more marginal areas has coincided with three important awakenings:

- o environmental awareness; including an awareness of wilderness and its fauna as valuable and perhaps scarce commodities,
- o ecological awareness of the delterious effects of agriculture on the local and regional ecosystem,
- o socio/political awareness; characterized by the rise of special interest groups which recognize and lobby the specific concerns of one group vis a vis those of others.

These three changes in our culture have made it difficult if not impossible to perpetuate the old laissez-faire system which disposed of agricultural lands essentially on demand - without regard for the short and long term consequences. Compared with the policy attitude represented by the old homesteading programs, this is indeed a changed climate. In a strategic sense, at issue is not whether agriculture is to be put on the defensive, but how best to provide seats at the table for other affected interests which were formerly overlooked.

## INTRODUCTION

The Government of Yukon has made the strategic decision that agriculture will be encouraged as a lifestyle option and as an element of a diversified economy. Yet similar support has been stated for other resource sectors like forestry, trapping, wildlife, and placer mining.

Are these goals fully compatible? Traditionally, land in the Yukon was exploited by all, but owned by none. Agriculture differs from other land-uses in that it seeks exclusive ownership of what was once commonly-enjoyed land. These lands are not vacant and empty: other, overlapping interests exist for almost every site and they are affected by the changes in the land and in property rights brought by farming.

## PURPOSE OF THIS PROJECT

Yukon lacks a formal means for resolving the resource-conflicts which emerge when agricultural development intersects other existing resource values. This report is Phase I of a three-phase project intended to clarify these conflicts, and devise a range of options for resolving resource conflicts in farmland disposition and in farmland management.

The purpose of Phase I is to define the problem or problems to ensure that no important aspect of the topic is overlooked, to identify the relative importance of various problem areas, and to guide the subsequent work on Phase II.

Phase II is intended to develop and present a range of action alternatives directed at the problems identified in Phase I. This will be reviewed by the project Steering Committee as well as by specific interest groups.

Phase III is a summary report which will reiterate and synthesize the results of researching, presenting, and jointly reviewing the first two phases. Phase III will present conclusions and recommendations.

#### FOCUS OF PHASE I

The object of Phase I is to outline and define the relevant issues. The target readers for this report are the planners and managers within the Yukon Government who must contend with the issues generated by disposing of agricultural land. The specific target is the Project Steering Committee, whose members are each familiar with the topic.

It is important to recognize that the issues surrounding agricultural land disposals are well known by any government reader who is connected with land management. These are mostly emerging issues, rather than extant issues, for which there are few hard facts. This report is not intended - and cannot be expected - to shed much new light on the topic in the form of new facts. Nor is this report intended to solve anything, for that is the purpose of Phase II.

If the issues are well known, it is still useful to package, analyze, and present them in one cover. Some of the points

covered in this report are known to all readers, while other points might not be generally considered. Conveying other points of view is important, since people see the problem differently. Within government, those connected with land applications see the problem as being the lack of a defined process for dealing with conflicts between applicants and others. Those charged with enforcing regulations see the problem as needing clear rules and clear policy guides. People who manage other resource blocs see the problem as how to get their views and priorities accepted by other interests. Farm applicants see the problem as how to speed the application process. Other interest groups want to protect their vested interests.

The problem is all these concerns - and more. At its root, is a problem of power and consensus: even though the Government of Yukon is committed to disposing of agricultural lands, there is significant disagreement over where, how, and even if, this should occur. Simply modifying the process by which lands are distributed will not alleviate resource conflicts if the opposing interests remain unconvinced that agricultural lands should be distributed.

Although planners and managers might take for granted that people will harbor different basic values and viewpoints on natural resources, this awareness does not appear to be formally acknowledged and incorporated into the agricultural disposition process so far. The variance in viewpoints on agriculture in the Yukon is so wide and is so fundamental that

some parties might as well be speaking languages foreign to all others. The government premise of acting as a "fair broker" in designing and administrating a process will be of little avail if public officials are not prepared to think about these value differences and understand these views on their emotional and philosophical level.

Section One of this report explores the values, premises and dynamics which drive resource conflicts in the Yukon. When values are in tension, the conflicts generated will be immune to easy solutions. Even sophisticated processes intended to produce fair solutions will be administered by people whose own values will affect the outcome. Readers who are clear on the effects of competing values in resource conflicts - or those who are impatient with theory - might proceed directly to Section Two of this paper, which will identify and discuss the issues attached to each resource sector.

#### A NOTE ON TONE

The focus of this project and of this paper is on issues and on conflicts caused by developing agriculture in the Yukon. In most instances, conflicts emerge when opening agricultural land upsets a status quo. In describing these issues, the direction of conflict will often appear to be "caused" by agriculture. This should be interpreted as a statement of fact, and not as a judgement. There is no intention to suggest that pre-existing resources uses are "better" or more legitimate than agriculture..... all of these resources are good and

appropriate. Our ultimate aim is to achieve balance and fairness to all affected interests, but this cannot be done if we cannot face issues squarely. In this paper there will be a deliberate effort to portray competing viewpoints.

## SECTION ONE

### I. RESOURCE CONFLICTS

#### A. WHY DO WE HAVE A PROBLEM?

Resource conflicts are a rich topic in that there is little general agreement on what the issues are, let alone on responses to the issues. Some parties question whether issues even exist. As might be expected in an era of special interest groups, each sector has its own needs and views - where you stand depends on where you sit. I have been struck by the tangle of objective facts, attitudes, and emotions which I have encountered in the process of defining the issues....and by the fervor with which reasonable people disagree. I have devoted some attention, therefore, to the dynamics of resource conflicts.

In this project, problems may be sorted into several categories: existing, potential, and imaginary. Some problems may go unrecognized. An unrecognized problem can give a rude shock when it finally is perceived. Soil mismanagement, for example, undermined productivity long before the Dust Bowl brought it into dramatic focus. Since we are dealing with emerging issues in a sparsely populated region, issues may appear to be remote, or theoretical to some, but pressing and vital to others.

Failure to agree on the immediacy of problems is just one level which muddies the question of resource conflicts. Another is

that various parties differ on the basic assumptions which they use to set the ground rules for resolving conflicts. Our basic assumptions, or philosophies, provide the premises for deeply-held attitudes. Philosophies also provide a range of rationales for defending positions with more than narrowly self-interested arguments. By discussing philosophical platforms up front, we can lay bare the premises which will drive the subsequent positions taken on resource conflict issues.

Randall and Petersen (1984) identify three major attitudes which define how people relate to social and economic issues. These are summarized to consider how they relate to resource conflicts in the Yukon.

o Individualism, or the Free Market

Individualism runs deep in North American thought. The rights of the individual are fundamental, and government's role is to provide the minimal "social overhead" of maintaining order and protecting society from external threat. The net effect of individuals pursuing their private good in a free market will result in the collective good for society. This provides a dominant rationale for releasing land to private hands - with few or no restrictions on how it is later managed. Society (in the form of YTG) should "deal the cards" by giving land to people who will use it....and let market forces and personal initiative go from there.

o The Public Interest

It is apparent that free market theory has its limitations in providing for collective goods. In an environment of political equality, representative governments are theoretically able to identify and promote the "general will" or the "public interest." Education, environmental quality, public safety, come readily to mind - the governmental tools for promoting them include regulations, taxation, incentives, public investment, and redefinition of the economic ground rules. Often "common property resources" are defended on this platform - wildlife, wilderness, scenic amenities which are not protected by individuals, but by collective action.

o Utilitarianism

In a materialistic society, a numerical, money-measured system for evaluating alternatives is appealing. Utilitarianism employs the benefit/cost ratio as its analytic tool, and deems change acceptable if the sum of the money-valued gains exceed the sum of the money-valued losses. Historically, this has been an effective rationale for promoting industrial resource extraction such as mining or logging. A leap of faith must be taken to accept that monetary values can validly be applied to all of the things that benefit/cost analyses claim to measure.

In North America, no single philosophy has clearly dominated the social arena. Pragmatically, governments tend to blend these platforms, while individuals sometime switch between them freely when arguing a position. Sorting out the driving wheel of resource conflicts can be kaleidoscopic: it will be seen later that portions of each of these philosophical platforms underlie the principles or concepts which we use to determine the importance of different natural resource groups.

Value bases give substance to the platforms we have described. Some of the most significant ones which affect resource use are:

- o economic efficiency
- o natural systems preservation
- o cultural/lifestyles preservation
- o social equity
- o self determination/freedom

Individuals can and do harbor more than one set of values....and they can freely use more than one philosophy to support their values. This can appear opportunistic in personal arguments - and it can be equally distracting when discussing resource conflicts.

## B. DYNAMICS OF RESOURCE CONFLICTS

The root of any resource conflict is competition over using or enjoying the benefits of a limited resource. When a new resource-user threatens to pre-empt or displace an established one, both parties may cite similar values: the first-comer will define equity in terms of tradition and the rights of prior enjoyment (I was here first), while the new-comer will cite equity in terms of seeking a legitimate "place in the sun". The new-comer may also cite tradition and precedent if his activity is seen as part of the historic or "natural" order of progression.

By way of example, loggers, miners, or farmers can cite tradition (historic precedent), equity (greatest good for the greatest number), and economic efficiency (greatest net revenues), when they conflict with trapping or wildlife. The opposing interests will use the same terms, but employ different yardsticks when they define greatest good, traditional rights, and fairness. Economic arguments are most emphasized by the side which believes it can document more dollar benefits. The other side will use moral suasion to promote less tangible benefits or "natural justice."

In the Yukon, resource conflicts might lack crisp battle lines because so few of our common property resources have yet been converted to private consumption. Those which have been turned over to private use normally convey single-use access, but not land ownership (trapping, mining, logging, outfitting, grazing,

for example). Private access to natural resources is free, or nearly free, and in some cases it is even publicly subsidized. Thus everyone has a stake in resource issues, and nearly everyone's ideals are compromised - even rugged free-enterprisers get a public gift when they tap natural resources. Moreover, identities and stakes in issues blur: the trapper might also be a miner and a farm applicant. Agriculture is significantly different from the other resource users in that land itself (and debatably the other resources present on it) passes into exclusive hands.

Two other factors obscure resource issues in the Yukon:

- o Many of our resources are so little developed that the magnitude and scale of their impacts are at present trivial. Some observers consider the potential conflicts in these sectors to be absurdly remote, while others view them as a grand opportunity for proactive problem management. The interactions of forestry and agriculture - at present insignificant, but potentially serious in the future - are an example.
- o There appears to be some gap between the rights that resource-users presume to enjoy, and the rights to which they are entitled under the law. Some farmers assume that they hold fee-simple title to their lands, and that they have final authority for prohibiting access to subsurface minerals. In other cases, government has abetted confusion: no systematic effort has been made to remove "no trespassing" signs from grazing leases, even though these are contrary to the terms of the lease. The government has also tolerated, if not given tacit approval, to the practice of "selling" outfitting and trapline concessions - which encourages beliefs in property rights and tenure far stronger than what the Wildlife Act actually describes.

### C. FOUNDATION PRINCIPLES

Resolving land-use and resource conflicts implies making tradeoffs. These must be based upon explicit, consistently applied principles, or they are capricious. Resource conflicts

become "messy" problems when one or more participants disagree on:

- a) the principles which govern the decision-process,
- b) the way in which the principles are applied to a situation.

We need to state explicitly the values which determine the importance in the Yukon of the resources in question: agriculture, trapping, wildlife, forestry, and mining. This step is often omitted, since the reasons why a resource is valued are often taken for granted. As a result, once an issue is joined, participants can discover that they disagree on both the reasons for valuing a resource, and on the weights given to each reason. If the disagreement is on basic principles, the parties literally are not even on the same topic.

In the Yukon, there appears to be little consensus on how to value resources. There is even less consensus on how much importance should be attached to each value. There are no objective standards: the value placed on productive riverine habitat by a wildlife manager will differ fundamentally from the value assigned to it by a placer miner.

Few, if any policy statements exist to guide the government decision-maker in weighing and sorting values and benefits in resource conflicts. The goals stated in the Renewable Resources "Green Paper" give little guidance. Four of the eight goals touch on values:

- 1) to conserve resources and maintain environmental quality,
- 2) to develop the renewable resources economy....,

- 3) ...encourage management that ...places high priority on the conservation and development of our resources,
- 4) to provide a full range of recreational opportunities and to support viable renewable resource-based lifestyle opportunities for Yukon residents.

These goals clearly give latitude for conflict, yet give no priorities for sorting them out. If one philosophical platform predominated, it would be easier: a utilitarian approach, for example, would suggest that we select in favor of the greatest net present values. In fact, the full spectrum of viewpoints and values are represented in these goals.

The comments which follow summarize the value statements which are made about each resource. These statements are gathered from several sources: not every observer would embrace the entire set. They are listed in point form simply to make explicit the values on which tradeoff decisions must be made.

\* Statistics obtained from 1986 Yukon Statistical Review, the Renewable Resource Green Paper, and EDA work planning session background sector papers.

#### AGRICULTURE

- o economic value: \$1.3 million retail value of crops and livestock in 1984. Appreciated land values, spinoff benefits unquantified, strategy is to supply a portion of the \$40 million Territorial food budget.
- o component of economic development/diversification strategy; local self-sufficiency
- o preferred lifestyle option for some Yukoners
- o provides local, fresh and wholesome products .
- o seen by some to be an improvement of our undeveloped landscape.
- o employs approx. 80 part-time farmers, 30 full-time farmers, and an unknown number of subsistence farmers.

### TRAPPING

- o economic value: gross fur revenues approximately \$1.5 million/yr. Spin-off benefits include expenditures during winter months in local businesses.
- o preferred lifestyle option for some Yukoners
- o vital element of subsistence and traditional cultures, especially for Native peoples. One of the oldest surviving economic activities in the Yukon, an "original" land use.
- o component of economic development strategy
- o provides seasonal employment for about 750 trappers

### WILDLIFE

- o economic value: \$2 million for outfitting, \$2.4 million residential recreation values, largest single draw for a \$80 million tourism industry, \$1.5 million value of harvested meat.
- o basis for subsistence lifestyles and cultures
- o important contributor to recreation and to quality of life for Yukoners
- o intrinsic ecological and cultural value to local, national, and world interests.
- o 150 employed in big game outfitting, approximately 70 employed in adventure-wildlife viewing/guiding, indirect impact on approximately 2000 tourism-related jobs.

### FORESTRY

- o commercial economic value: \$5 million in its peak year (1980), for fuelwood, lumber, timbers, and cones. Provides work in rural areas.
- o component of economic development strategy, local self-sufficiency
- o ecological base for a host of commercial and cultural activities: tourism, hunting, trapping, subsistence and traditional lifestyles, recreation, scenic amenities, wilderness
- o ecological base for: wildlife habitat, watershed protection, soil conservation, nutrient recycling

- o employment for approximately 68 sawmill operators and woodworkers, 75 part-time fuelwood cutters

#### MINING

- o economic value: \$350 million (1980 boom), associated with spin-off benefits - and considerable public investment and subsidies. Component of economic development strategy.
- o preferred lifestyle choice of some Yukoners
- o venerable historical tradition, powerful legal base from senior legislation
- o employment for some 550 people in 1985, (down from 1080 in 1983)

SECTION TWO: DEFINING THE PROBLEM(S)

The purpose of Section Two is to identify the general and specific issues of competing interests on agricultural lands. Our purpose is not to solve these issues - nor even to propose solutions, since that is the focus of Phase II. The intent is to define the issues, clarify the stakes, and seek an understanding of how serious they are and who might be affected by them. Attitudes and opinions define some issues - these will also be stated without judging their merit. An appendix summarizing information on specific sub-issues follows Section Two.

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## I. AN OVERVIEW OF THE SITUATION

### A. Method of Approach

The quality of the available information did not permit matrix mapping with the detail that was originally proposed. Titled properties and agricultural lease applications were sketch-mapped at 1:30,000 on the University of Saskatchewan Agricultural Capability charts (Soil and Soil Suitability Information Series, 1977). Trapping, wildlife, forestry, and mining values were mapped insofar as available information permitted to help determine the extent of existing conflicts and to identify areas of likely conflict. This information was augmented by interviews and literature reviews to give a more complete picture.

Very little hard data exists on these issues. Forestry, habitat, and mineral mapping rarely surpasses the reconnaissance level, and the documented incidence of conflicts are sparse. For the most part, these are emerging, or potential issues which exist as much in peoples minds as in any field. The task is as much to describe what is thought or feared about the issues as it is to detail what is known.

### B. Defining the Problem

Opening public lands to private agricultural development raises issues and conflicts with other interests. We are chiefly concerned with trapping, wildlife, forestry, and mining. The general problem is:

"How can Yukon balance common-property resource interests with the needs of agriculture in a fair, economically and environmentally sound way?"

The operational problem is contained in the policy areas outlined in the Terms of Reference, and can be formulated as:

Yukon lacks a systematic process for identifying, analyzing, and resolving land and resource-use conflicts when:

- evaluating the suitability of agricultural land for disposition;
- managing and operating agricultural enterprises so that other resource users are not harmed
- mitigating the unavoidable effects of agricultural dispositions on prior users and compensating prior users when they are displaced.

There appears to be no universal agreement on the seriousness of this problem, nor on how (or if) it should be addressed. Generally, people who think the problem is serious are those whose interests might be harmed by agricultural development. People who minimized the problem are those who are removed or shielded from its immediate effects...or those who believe that the momentum for developing agriculture might be slowed if these issues are identified and addressed at this time.

The ramifications of this problem will be discussed in general terms first, and then in terms of the specific resource sectors.

### C. Basic Concerns

People expressed concerns paralleling the three facets of the problem statement. These ran from the general, strategic level to the specific, management level. Opinions and attitudes varied widely - which is an expected effect of the differing philosophical platforms and value bases which were discussed in Section One.

- o Some people question the strategic wisdom or legitimacy of agricultural land disposition. They suspect that many agricultural applications are biologically or economically unfeasible - and suspect, therefore, the motives of the applicants. Even where the feasibility is conceded, some observers think that the resource trade-off is a poor one, balanced against other existing interests. Some believe philosophically that lands which all enjoy should not be given into exclusive hands....some believe that farmers get free land while everyone else must buy theirs.

Of all the issue-groups, these strategic-level concerns are the most difficult to achieve consensus on....especially when the objections stem from fundamentally different social philosophies.

- o Some representatives of competing interests are sympathetic to agriculture in the Yukon, and are convinced that they can coexist with it as a land use. However, they want their interests to be protected when farms are designed, operated and managed. Opinions on how to achieve this vary. On one extreme, some advocate that the farmer be granted agricultural rights only and not title, just as is the current practice on State lands in Alaska. On the other end of the spectrum are those who want land in private hands and deny the right of anyone to tell a farmer how to manage his farm. They argue that once land is given to agriculture, property rights become primary - other resource interests should be addressed through unspecified voluntary means.
- o Where uses are partially or clearly incompatible, one or more interest must be diminished or in extreme cases, displaced. Mitigation recognizes the standing of both activities and seeks to minimize their adverse effects. When one activity is recognized as paramount, the other activity might be displaced. Opinions on compensation are divided. Most agree that compensation is legitimate where property rights are usurped. People disagree whether compensation is warranted when rights of access to a public resource are usurped - especially when these rights are a concession given by the public to an individual virtually for free.

Compensation can amount to private raids on the public treasury if handled too freely.

#### D. Scope of the Situation

Not all of the problems with agricultural dispositions can be fit neatly in the categories of trapping, wildlife, forestry, and mining. These over-arching problems are the concerns of land-use planning.....and presently "fall between the cracks." The root problem is that through land disposition we are reversing a de facto policy of multiple use management - without a formal and clear process for bringing all affected parties into account when resources are reallocated. Each interest group interacts singly with government, instead of in a common forum with equal footing. This has been handled by government as an affair between itself and various interest groups....the public at large has little awareness of the disposition process and little input into it. Land disposition will have cumulative impacts on community life which are scarcely being thought of, much less planned for.

The total land requirement projected for agriculture in the Yukon is some 72,000 acres by the year 2010 (YLAA submission to RR Green Paper, 1986). This amounts to only .06% of the Yukon's land mass. Although this is indeed a tiny fraction of the landbase, this statistic conceals an interesting fact. Judging by mapped agricultural applications, agriculture bids to become the major single land use in the valley corridor stretching from Little Atlin Lake to Haines Junction, and from Carcross to Braeburn.

It becomes important at this juncture to agree upon the relevant frame of reference. The valley corridors identified above are the lands most readily accessible and most often experienced by 90% of the Yukon's population. Within a 50 mile road radius of Whitehorse, present agricultural applications might be estimated to account for approximately 25% of the accessible valley bottoms. If implemented, this trend will be a marked and obvious shift in land-use patterns which will affect nine out of ten Yukoners. Much land which has traditionally been commonly enjoyed will in likelihood be fenced, and possibly posted. The effects on recreational patterns and opportunities, viewsapes, and on the perception, or "feel" of the country to residents and to tourists is bound to be changed. Economics confine agriculture to accessible areas .....exactly where most other human interests center.

The situation in the accessible portions of the Klondike and Stewart valleys is similar, but far less acute. Elsewhere, agricultural applications are insignificant relative to the accessible land base.

It is ironic that Southwest Yukon should generate so much agricultural interest, for it has some of the poorest agroclimatic potential. The Yukon's largest blocks of Agricultural Capability Class 3 and 4 sites exist in the Liard Basin, and in the mid-Yukon/lower Pelly and Stewart valleys. Seventy-three per cent of the 146 active applications are in the Whitehorse area, while 1% are in Watson Lake, and 28% are in Dawson, Mayo, and Carmacks combined. In several areas,

accessible Class 3 and 4 lands are overlooked in favor of less productive sites.

Interest in agriculture clearly is driven by more than hope of a livelihood. Some applicants are compelled by visions of what the land might become, by satisfaction in rural living, by yearnings for self-determination and for self-employment. The data seem to suggest that the urge to build a paying farm might fall behind other lifestyle choices in the priorities of some applicants. The preponderance of applications in the Takhini Valley, Mayo Road, Carcross and Annie Lake Roads indicate that proximity to employment and amenities in Whitehorse are more important than productive farmland. (Wage employment is vital to many developing farms.) Certain applications appear to put lakeside or viewsite amenities before commercial farming potential.

My point is not to criticize these choices, but to illustrate that agricultural interests span a spectrum which includes large scale commercial farming, market gardens, subsistence farms, and even casual hobby farms. This last category overlaps with the demand for rural residential housing.

We do not know what part of the demand for agricultural land might be met by a rural residential land policy which offered an alternative to the YTG rural subdivision format. If this is a possibility, then one might ponder the wisdom of allocating to low-density agriculture large tracts of land adjacent to communities. No planning process has been completed which could

assess the need or demand for rural homesites relative to the demand for farms.

As Whitehorse grows, lands within commuting distance will be in greater demand for rural residential living - and for local recreation. Nearby agricultural lands can be subjected to intense pressure to subdivide, even though this is currently prohibited by title caveats. The Matanuska farmlands near Anchorage are experiencing this pressure, even while new farmlands are developed at nearby Point MacKenzie.

Some see no problem with this, since it is part of how the economy allocates land in the long run. Others see at least two problems with this situation:

- o the social investment (and resource costs) in clearing, fencing, and breaking land would be wasted to the Territory;
- o some could question the legitimacy of letting a landowner profit from subdividing farmland which was originally acquired at low cost from the public.

Across North America it is difficult for a growing community to find residential space without infringing on farmlands. A variety of techniques exist to resist the conversion of agricultural lands to residential uses - but all require considerable government intervention in planning and in modifying the marketplace which has no precedent in the Yukon. Growth needs relative to agricultural needs might be better anticipated in advance.

## II. SPECIFIC ISSUES IN THE RESOURCE SECTORS

### A. AGRICULTURE/TRAPPING

#### 1. Basic Causes

The roots of conflict between agriculture and trapping are that:

1. Landclearing and tilling destroy habitat for many furbearers - although "edge effects" enhance some species;
2. Agricultural parcels diminish the usable area of a trapline, both by alienation, and by the 1 km prohibited zone which surrounds each dwelling;
3. Agricultural parcels can block access to a trapline;
4. Furbearing predators like fox, coyote, wolf etc. might be attracted to farms and be destroyed by farmers
5. Farmers might be granted "farm trapping licences". (Although this might not diminish the total amount of trapping activity, it clearly involves a redistribution of income and privilege.)

Not all of these concerns crop up with every agricultural application, but they are the core concerns of this sector.

Of the sectors examined, trapping concerns:

- o are the most common existing conflicts,
- o pose the greatest number of potential conflicts in terms of numbers of people directly involved,
- o are the most geographically widespread.

Trapping issues are arguably the most difficult to address: the conflict revolves around the allocation of property rights which are not rigorously defined. Rights of trappers to access a common property resource are in tension with the rights of farmers to control, modify and own property. The rights which people presume to enjoy, may not be the same rights to which they are legally entitled. For both trappers and farmers, beliefs about property rights are derived from tradition and

customary practice, personal attitudes, as well as from legal definitions. This can lead to erroneous beliefs of many kinds: some holders of grazing leases and agricultural options believe that they are entitled to the timber resources on these lands, and that they are entitled to post against trespass. Some trappers are convinced that their prior use of a land area automatically entitles them to block competing developments. Government has not actively sought to clarify these questions in the minds of resource users.

## 2. Scope of the Problem

Except in the immediate vicinity of Whitehorse, Dawson, and the Tagish bridge, agricultural applications are certain to fall within a trapline concession. Not all of these concessions are trapped energetically, nor are all traplines productive. Moreover, not all traplines are equally vulnerable to conflicts with agriculture.

Out of 387 registered traplines in the Yukon, 57 have received agricultural applications. These lie along the road grid except for sites along the lower Yukon River. Eighty percent (116) of all applications fall on 18% (10) of these traplines. Each of these traplines have received 5 or more applications - two have received 24 each. (This amounts to 33% of applications falling on 3% of the affected lines. These are #134, mid-Takhini valley, and #284, lower-Takhini/ Mayo Road.)

Clearly the effects of agricultural development are felt unequally. Traplines #134 and #284 have lost the vast portion

of their valley bottoms to withdrawals and are left mostly with upland areas. Trapline #30 in Dawson may have a similar problem. However, multiple applications do not reliably measure impact. Some traplines have multiple applications falling on land not used or valued by the trapper. On other traplines, a solitary farm parcel can block access, or can occupy prime breeding or trapping grounds.

The computerized application data show that the more applications there are on a trapline, the more likely it is that the trapper will object. Most conflicts occur in the regions of greatest agricultural interest. Ten trappers have registered concern in the Whitehorse area, Stewart Valley, and Klondike Valley. Even though a trapper may have a big area, he does not necessarily have land to fall back on, since trappers can not always use their entire trapline. Some portions are inaccessible or difficult to get around in, while other parts might produce little fur. Even when ample room remains, the trapper might be forced away from his investment in trails, line cabins - and his detailed local knowledge.

### **3. Issues and Agency Responsibilities**

Some concerns of trappers are speculative: How many applicants are interested in a trapline? What are the rules for deciding which land may be taken? What are the rules for protecting the trapper's interests? In some cases, better information and open exchanges can eliminate fears.

The files and the interviews indicate that the issues tend to be similar for trappers:

- o criteria for allotting agricultural land on a trapline
- o right of access across leased and option land
- o right to trap on option land
- o right to trap on agricultural agreement lands
- o impact of habitat and trapping area loss due to clearing, ownership, and 1 km restricted zone around houses
- o "resident trapping licenses" for landowners
- o compensation for full or partial loss of traplines.

On YTG lands, the Department of Renewable Resources and the Department of Community and Transportation Services are primarily responsible for addressing these issues. The division of authority is not clear-cut, but generally, Renewable Resources is responsible for managing the fur resource and the activity of trapping. It also sets the criteria for selecting agricultural lands, determining conditions, and for approving dispositions. Community and Transportation Services is responsible for issuing and administering the agreements, and seeing that conditions are abided. The application assessment and distribution process to date has largely been ad hoc, and has been a source of delays and frustration to both departments.

If no departmental action (other than the present registration of trapper concern) is taken on trapping issues, agricultural lands will encroach on valley traplines with little regard for their interests. This prediction assumes that on the average,

and issue-by-issue, the agricultural lobby will promote its interests more effectively than will the trappers. This has been the historical pattern elsewhere, and it has been the case in Yukon so far, as can be seen in the Takhini Valley. Without formally recognizing the issue, trappers have the burden of proving that each incremental development on their trapline will really affect their business. Incremental impacts are notoriously difficult to assess and document. Unattended, the issues may enter the political arena if disgruntled individuals take matters into their own hands.

#### 4. Relationship to Other Problems

The trapping sector issues are linked to the issues of wildlife in the matter of habitat degradation. The comments below use trapping illustrations, but the institutional and procedural issues apply to all of the resources.

The criteria for deciding if or how to dispose of land with competing interests are yet to be developed. On lands slated for agricultural disposition, the options for handling the management issues are limited: interests can be protected through legislation and regulations, or by restrictive covenants on titles. CTS prefers to grant as clear and unencumbered a title as is possible, reasoning that deed restrictions or covenants can be circumvented. Yukon's political structure permits relatively ready access to the political means for overturning title restrictions.

An alternative is to spell out principles in legislation (the right to trap on option land might, for example, be specified in the Wildlife Act) - and deal with specifics through design (a trapping access corridor might be withheld from an agreement for sale). This approach might be stable over time, yet permit case-by-case flexibility.

#### 5. Compensation

There is no general agreement on the subject of compensation. Should a trapper be compensated for whole or partial loss of a trapline?

Some think not: after all, the public gave the trapper a virtually free gift of a monopoly on furs in an area....why should the public have to buy back what it gave for free? Some argue that a trapline has no inherent value, since the system of "purchasing" a trapline from a previous concession holder has no basis in law (although it has been tolerated by YTG for years). Moreover, the assets of a trapline can either be removed, or written off as a cost of doing business in the bush.

On the other hand, the trapper was allowed, if not encouraged, to think that his trapping concession was a salable asset. Further, he made investments in trails and cabins in good faith on the assumption that he was entitled to trap until he no longer wished to. To displace a trapper is to deprive him of a way of life - while telling him that someone else's lifestyle is more important than his own.

Neither side is necessarily right. One's choice depends upon one's philosophy and beliefs of property rights over public resources. It is important to make these beliefs explicit when discussing and attempting to solve the issue.

If one admits that compensation may be warranted in some cases, the questions arise: Under what circumstances? Payment determined by what formula? For fixed assets? Investment in trails? For some calculation of lost income? For psychic distress? Finally, who should pay: the public (if so why?) - or the interests which are causing the trapline to shut? This are imbedded deeply in social, political, and economic philosophies, and we can only touch on these issues. The Wildlife Act provides for a compensation review board, but this body has never been formed. Its actual terms of reference and and the principles by which it would adjudicate have never been specified.

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## B. WILDLIFE / AGRICULTURE CONFLICTS

### 1. Scope of the Problem

There are no inescapable conflicts between wildlife and agriculture, given the right approaches and management techniques. However, the history of agriculture shows that serious conflicts occur with any number of wildlife species, if either of these conditions are relaxed.

A list of possible conflicts would include:

- o habitat destruction and range degradation
- o displacement from habitat by adjacent developments and activities
- o control of predators and nuisance wildlife
- o control of crop depredation
- o disease control
- o "genetic contamination" (eg. reindeer x caribou)
- o feral livestock
- o open range - human / livestock, wildlife / livestock interactions
- o environmental pollution from fertilizers, pesticides, herbicides, especially contamination of groundwater and surface runoff, and poisoning of non-target wildlife
- o stream sedimentation

This is a long list - and not all of these problems exist in Yukon. Of those that do, not all are serious or widespread at this time. Each of these conflicts with wildlife is in principle manageable with informed programs, operating techniques, and adequate investment in items such as fencing. It is not known whether the efforts needed to truly protect wildlife while developing agriculture would be socially and financially acceptable in the Yukon. Possibly the most difficult conflicts would be predator control, and environmental pollution. Arguably, there are no agricultural districts anywhere which adequately manage these issues from the standpoint of wildlife.

Agriculture and some species of wildlife coexist nicely in many regions. The "success stories" such as the boom of whitetail deer and ringneck pheasant in southern areas are well known. The compatibility of boreal wildlife is not as well known. Experience from parts of central Alberta and B.C., and from Sweden and Norway demonstrate that moose, elk, and agriculture can thrive together...with adequate protection measures. Wyoming is famous for the moose, elk, antelope, and deer seen in ranch country. However, predators in these regions have not fared as well: wolves are all but extirpated from Scandinavia, and predators of all kinds have been relentlessly pursued throughout the West.

Regarding ground and surface water pollution from agricultural chemicals, the problem in Yukon is nearly nonexistent at present, but elsewhere it appears to be getting worse and not better. Alternatives to chemicals exist, as do practices for minimizing the environmental effects of them. However, the use of these chemicals has risen yearly, and the buffering capacity of the environment is not sufficient to prevent contamination in many districts. Much is unknown about the persistence, movements, and effects of agricultural chemicals in Northern environments. One might infer that relatively infertile Northern soils will require much fertilizer - we can only speculate on pesticides. No one can speak with much authority on whether chemical pollution will be a problem in the North.

The other conflicts cited can mostly be well addressed through the proper design, capitalization, and management of

agricultural operations. This is not simple. Attitudes and values are as influential as economics and biology are in these matters: a person dedicated to open range grazing will cause wildlife conflicts where his neighbor with proper fencing might cause none. (One problem with open range grazing was recently dramatized when a little girl was paralyzed in a car accident: why should the public risk their childrens lives because someone doesn't want or can't afford a fence? Why should I have to fence your cow out of my garden? Why should one be able to inflict the impacts of his hobby or business on his neighbor?)

Taking care of wildlife concerns is expensive, and often time-consuming....is society, and is the farmer willing to make the investment? The record is mixed.

The question of habitat destruction is frustrating to agriculturalists, some of whom think it is used as an all-purpose ploy to impede land disposition. Some wildlife managers and biologists adopt the position that all habitat should be considered important - until it has been examined and proved otherwise. Since so little of the Yukon has been inventoried for habitat, this tactic can tie up land disposition indefinitely. On the other hand, wildlife managers can point out that although wildlife habitat concerns can slow land disposition, they have no confidence that wildlife concerns can stop an application.

## 2. Focus of Concern

"Wildlife" includes all animal species from the smallest Say's Phoebe to the trophy Mountain Caribou. The field must be narrowed before wildlife concerns can become operational, especially since so little about the distribution and habitat needs of Yukon species is mapped. Existing and likely demand for farmland in the valleys focussed concern on moose and on waterfowl habitats. Species like Dall Sheep are unlikely to be affected by agriculture, while other animals are either too ubiquitous (eg. bears, wolves,), or are too site-specific (eg. raptors) to locate habitat conflicts in advance.

Predators are a constant and widespread concern. The strategic choices and the management options for the predator question have been well described by Lortie (1982) and need not be reiterated here. Furbearers are a separate topic, better considered under the Trapping sector.

Moose occupy bottomlands for winter habitat. Overlap with agriculture is occurring already in the McClintock River area, and will likely occur in the mid-Yukon, Pelly, and Stewart valleys if dispositions continue. The extent to which (or if) this is a conflict is not known, but this is a discrete topic which can be addressed in a focussed habitat study.

### Waterfowl

Waterfowl use key areas for migration staging and for nesting. The most important of these have been identified in the Ducks Unlimited agreement. Agriculture adjacent to these areas need

not conflict - but can easily do so by:

- o destroying upland nesting sites
- o draining wetlands
- o disruptive on-shore activities (occurring at Shallow Bay)
- o creating crop predation problems by attracting to fields waterfowl which must be either discouraged or destroyed.
- o surface water chemical contamination

Areas of existing concern include: Shallow Bay, Lewes River Marsh, McClintock River Bay, Tagish Narrows, Von Wilczek Lakes. These have all received applications nearby, but the existence or extent of conflict is not estimated. Waterfowl conflicts are not unsolvable - many can be managed by modifying operations and design.

#### Access

The key waterfowl areas in the Yukon have been known and used by generations of hunters. In Shallow Bay and elsewhere, agriculturalists have denied hunters access to waterfowling grounds. Posting has been contemplated for the lands surrounding the waterfowling snye on the Takhini River near the Hotsprings.

Posting can block access anywhere, but is it fair to deny hunters access to our limited high-quality waterfowling areas? Hunters have noted the irony of being barred from land which they as taxpayers helped to transfer to private hands. The access question applies to other forms of hunting and to wildlife appreciation, and it is a thorny one. Should agriculturalists be allowed to prohibit innocent trespass? If not, how can the farmer guard against vandalism, theft, and

posting, but examples abound of good cooperation between hunters and landowners. This need not be an insoluble problem.

### 3. Affected Parties and Responsibilities

We are all affected by wildlife / agriculture conflicts: landowners, special interest groups, tourism industry, the public at large....and, of course the animals. Without special management attention, wildlife interests - as we know them now - will be eroded. Unattended, there is no reason to suppose that Yukon's development would differ from the historical pattern elsewhere. It should be noted that the wildlife / agriculture "success stories" are the product of concerted management effort and attention.

The Department of Renewable Resources is the lead agency in identifying and addressing wildlife questions in legislation, planning, regulation, and design; followed by CTS in enforcing land management stipulations. CWS, Diand Water Resources and the Water Board are contributing agencies in identifying issues and in protecting environmental quality. Lortie (1982) documented the monetary and manpower costs of dealing with problem wildlife - this is just the beginning of the management efforts needed to adequately manage wildlife and agriculture.

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## C. FORESTRY / AGRICULTURE CONFLICTS

### 1. Scope of the Problem

Forestry and agriculture pose strategic tradeoffs. Unless a farm fails, once land becomes agricultural, it is lost to forestry. Good agricultural land is limited, and so are accessible productive forest sites and resources....for the same reasons.

When two resource values compete for the same limited land base, society must make some choices. However, we have few facts on which to base our choices: southern Yukon alone has recieved an inventory, but it is reconnaissance-level and cannot reliably pinpoint commercially attractive forest stands. Moreover, the Yukon forest industry is moribund, even though it is thought by some to have great potential. The actual overlap of good forest stands with agricultural land applications is not known. The likelihood for conflict between industrial forestry and agriculture is speculative at present. Actual conflicts occur mostly with firewood cutting access and practices, with symptoms felt mostly in the Takhini and Carcross valleys.

The Federal government, through DIAND and the Yukon Forest Service, are primarily responsible for forest management in the Yukon. A Federal forest policy will arrive in 1987, but in the meantime, little formal policy exists for guiding the strategic tradeoffs of allocating land to forestry or to farming. Without a policy, forest managers have little basis

to argue for protecting forest stands from land clearing. Indeed, in absence of a solid regeneration program, one could argue that dedicated forest stands are silly - why not let the loggers at a site first and then turn it over to agriculture? This is the de facto policy at present - forestry values do not formally occur in the process for evaluating agricultural applications.

In this environment, the primary conflicts identified by forest managers are strategic and speculative:

" Should we allocate any lands specifically to forestry? If so, how should these forests be selected and managed?"

Forest managers anticipate a policy framework which will permit a strategic and an operating management plan for Yukon forest resources. They hope that the economic and environmental value of forests will be formally recognized for integrated resource management. (They suspect that forests are now thought of as the natural look of the land until someone "improves" it.) In the interim, forest managers are anxious that high-quality forest sites are not incrementally and haphazardly whittled away....although it is not known how serious this hazard might be. /

Permanently alienating and eliminating forests are one concern. How timber resources on alienated lands are used is another matter. Although Yukon apparently has abundant forests, it doesn't have much good economically accessible timber. Bulldozing, windrowing, and burning scarce timber is poor use

of resources, if timber is indeed difficult to access.

Preliminary fuelwood inventories suggest that our accessible supply of fuelwood within an economic driving radius of many communities is not great. Approximately 2000 acres have been cleared for farming in the last ten years - much of this near Whitehorse. At a conservative figure of eight cords to the acre, this amounts to 16,000 cords of fuelwood with a value of \$1,120,000 - how much of this went into woodstoves? How much was burned at the end of fields? Since most landclearing occurs near the communities, it would make sense to incorporate public fuelwood needs into landclearing programs. District Resource Management officers estimate that without additional public investment into roadbuilding, Whitehorse might run out of economically accessible fuelwood stands in the next five years. Landclearing harvest plans can contribute to meeting fuelwood demand. It is worth noting that similar comments can be made about the forests cleared for road improvements in Yukon. While it would be desirable to salvage this wood, most of these improvements occur beyond an economical hauling radius of most communities. Within this radius, the public has helped itself to available wood.

The relative scarcity of accessible timber and fuelwood make the ownership and exercise of timber and fuelwood rights on agricultural lands an important issue. To outline the problem, widespread agricultural withdrawals near communities would occupy forest lands once used by loggers and fuelwood cutters. If these forest resources could no longer be used because they

were wasted or because they were posted, a "ripple effect" would force cutters into other forest stands where they must be fit into wildlife and recreational management needs. Not only are these various interests compressed onto fewer acres but the operating costs must rise if these stands are further from markets.

Thinking of timber rights, forest managers and loggers distinguish between option and grazing lease land on one hand, and agreement for sale land on the other. They contend that the former lands are solidly in the public domain and should be managed for multiple use. They further point out that option holders and grazing lease holders have no written basis to believe that they have prior or exclusive right to the forest resources on these lands. Pragmatically, there are not enough accessible forest lands to permit private farm developers to tie up option lands on speculation - since these lands might never come into agricultural production.

Forest interests argue further that on agreement for sale lands, the public should still own the timber rights, but grant the farm developer first chance at the timber - with an approved forest harvesting plan. If a farmer cannot or will not harvest or manage the wood resource, then the rights might be given to someone who will. Farmers who regard the timber resource as a capital asset will have every reason to devise a sound timber harvest management plan.

Apart from harvesting rights, access to timber across lease and fee simple lands parallel the access issue for trapping. As an example, forest managers fear that grazing leases might be used as a shortcut to acquiring exclusive timber rights. A posted grazing lease on the road to Flat Creek effectively pre-empts a fuelwood stand.

It should be noted that woodcutters can leave gates on grazing leases open, and that poor cutting practices can reduce grazing productivity. Forest users respond that these are solvable problems, and that their bottom line is that lease and option lands are intended to be multiple-use lands....what is lacking is management effort and personnel.

#### The Broader Question

The discussion has centered on access to forest products, but this is probably the smallest part of the forestry question. Forest products are not the extent of forestry values and forestry issues, since the forest is the resource on which much else depends: recreation, tourism, hunting, traditional lifestyles, wildlife, soil and water conservation. For these reasons, forestry is by no means a "self-contained problem". Its issues and their impacts reach through almost every resource use in the Yukon. Since forests are both a resource and a foundation for other resources, they can only be effectively managed through an integrated effort which recognizes their intrinsic value, and holistically incorporates them into regional management.

## D. MINING / AGRICULTURE CONFLICTS

### 1. Root Issues

The Yukon Quartz Mining Act and the Yukon Placer Mining Act clearly state that mining can in principle gain right of access to minerals on any lands from which it is not specifically prohibited. This right of access and exploitation applies to existing and potential agricultural lands, unless mineral entry has been barred by Federal Order In Council.

By one interpretation, there are no fundamental conflicts between agriculture and mining...we simply need to clarify the rules of compensation and damages. Unless these acts are amended, this fairly describes the situation.

Section 14 of the Quartz Act and Section 18 of the Placer Act provides that a suitable bond be posted and adequate compensation be paid for damages to private property caused by mineral entry. The acts state that in cases of dispute - presumably including cases in which a landowner flatly refuses to grant permission - the Supreme Court of Yukon will decide. determine right of access and the value of compensation.

No such disputes between agriculture and mining have been brought to court in the Yukon. The process for deciding the dispute may be clear, but the principles by which land would be valued are not defined. How, for example, can one place a value on emotional attachments to one's farm and its rhythm of life? How does one value a view?

It is most likely that the courts would use the real estate market as a reliable guide for determining relative land values. This may be efficient, but it may not be at all fair for a farmer who is being unwillingly displaced. How these principles of valuation are defined will, under current rules, decide the worth of agricultural lands....and thus their vulnerability to subsequent mining intrusions. Even though the rules of the game for deciding these competing interests are clear - the outcome of conflict depends on the spirit by which the rules are interpreted and applied.

## 2. Scope of the Problem

How serious is the potential for mining/agriculture overlaps? Are mineral values well enough known to predict likely areas of conflict? The mining interests think not. They emphasize that "gold is where you find it", and maintain that the mineral map of the Yukon is too primitive to make predictions. Furthermore, old assumptions about where mineral deposits are likely are being discarded. Miners are not willing to say that gold or valuable minerals are unlikely to be found anywhere.

We might not be able to predict entirely new mineral districts, but it is safe to assume that historic mineral regions will continue to stimulate activity. Hardrock mines can occur in valley bottoms, but placer mining in the creeks is the obvious concern. On basis of past activity, we might look to the Klondike, Indian River, Stewart, lower Yukon, and Liard valleys to have potential placer overlaps with agriculture. No mineral

activity of significance has been reported in the Takhini valley to Little Atlin corridor, or in the valley corridor from Carcross to Carmacks and beyond to Fort Selkirk. No activity has been reported in the lower Pelly above the Pelly Farm. Riparian or groundwater conflicts are considered unlikely, unless sediment load becomes an irrigation problem.

Right of access for miners across agricultural lands pose potential problems similar to the trapping issue, with a signal exception. Trapping is a prior activity and access for it can be incorporated in advance into farm design, whereas demands for mining access can occur at any time, and might cause need for compensation if land is damaged. The compensation issues and dynamics are similar whether agriculture displaces trapping, or whether mining displaces agriculture. They differ in that unlike trapping, agriculture has a recognized property right to compensation.

Mining and agriculture have historically developed together in the West. Mining created the access to agricultural land and the demand for its products....this pattern could recur in the roadless valleys of the Yukon.

As mentioned earlier, the process mechanisms for solving mining conflicts exist in legislation, so to some extent this is not a "problem". Indeed, there are few, if any incidences of actual conflict which can be cited, so this might be a hypothetical problem. If no further attention is given to specifically protecting limited farmland, one might expect that courts would

tend to give miners access to agricultural lands wherever potential mineral prospects are likely to exceed the capital assets of a farm. Since the economic track record of contemporary agriculture in Yukon is not well established, it would be difficult for courts to value the long-term potential for Yukon farmland. However, great latitude exists to influence the principles by which land is valued....if conserving our small stock of productive soils is important to Yukon, then these lands will be valued more highly than if agriculture is thought of as a trivial pursuit.

The possibility of abusing the Placer or Quartz acts to fraudulently preempt surface rights should be mentioned. On staked ground, miners are allowed some surface rights, such as dwellings, grazing, or timber, to support their mining activities. The strategism of "squatting" under the provisions of these acts cannot be easily prevented, and it may be employed to circumvent normal land application procedures.

## CONCLUSION

This report addressed the topic of agriculture and its possible conflicts with other resources on several levels, ranging from conflict dynamics and values, to issues raised in specific resource sectors.

Of the sectors examined, trapping and wildlife appear to have the greatest and most immediate potential for conflict. Forest industry and mining issues are mostly hypothetical, or are conflicts in principle which might emerge, but are not in fact pressing. Changes in current policy, changes in economic forces, or changes in how the common property value of the forest is appreciated could alter this picture at any time. Access to fuelwood is an immediate problem which can only grow worse if left unattended.

The process for considering and resolving resource conflicts has been ad hoc. This is illustrated by the extensive overlap of responsibilities which has grown between Renewable Resources and CTS on a broad range of issues (see Appendix). Continuing policy gaps on ownership and access rights is another symptom. The response to resource conflicts has been further hampered by sparse or nonexistent information on the spatial relationship of most items of interest. By examining the specific issues and problems, many possibilities for modifying the process suggest themselves. The purpose of this project will be manifested in Phase II, which will analyze the range of approaches and measures for correcting specific problems as well as addressing

the broader deficiencies of the process for identifying and resolving resource conflicts.

I believe this background research suggests that the process problems (How do we address competing resources?) must be solved before the management problems (What do we do about livestock on the roads; or how do we deal with crop predation?) can be handled with consistency and coherence. The nub of the problem is that we do not employ a process which lets all affected parties be informed and have input into land disposition questions.

Our most difficult issues involve value-based choices and tradeoffs. (If a specific farm and a specific trapline are mutually exclusive, using what yardstick do we choose our winner?) The bureaucracy should not make far-reaching value-choices without clear guidance from the people - yet the land-disposition process to date has not elicited informed, broad-based public input. Instead, the process has proceeded as if land disposition was a matter between the government, the agricultural lobby, and narrowly defined interest groups. The process does not and cannot address the long-range, cumulative impacts of land disposition on community development and quality of life. Significant blocs of the public - environmentalists, recreationists, hunters, and urban dwellers, to name but a few - are not recognized as relevant interest groups for consultation and are excluded from the process.

Most government participants recognize that public input must be increased, yet many feel a pressing need to respond to the backlog of delayed applications which exceed 300 at present. The Land Availability Process is intended, in part, to reduce this backlog, but it is in advance of regional planning, and it does not elicit the kind of public input which is needed. The chief weakness is in the land review step which continues to handle each parcel incrementally, consulting only certain interest groups and government authorities. The body politic remains outside of the process, and the essential questions remain unasked and unanswered. Agriculture itself is probably not in question, but other parties should have input into the "Where, and How big?" issues.

Regional land-use planning is one means of bringing all affected parties to the table. There may be good and pressing reasons why land disposition must proceed before regional planning can be completed. If that is the case, any process for resolving resource conflicts must include a conscious strategy for obtaining public guidance on the important tradeoffs which land disposition entails. The more narrowly focussed management questions can then be addressed having a foundation of general support on the bigger questions.

## APPENDIX ONE: SUMMARY INFORMATION ON SELECTED ISSUES

Refer to body of this report for the context of these issues.

### A. AGRICULTURE / TRAPPING

#### Access rights

- o Affected parties are individual trappers whose interests interact with individual farmers or farm applicants
- o Issue can potentially occur on any number of traplines with agricultural applications. Occurance will be a function of topography, trapline layout and trapping intensity, and agricultural parcel design
- o If no action is taken, access objections will either stop or impede applications, or access will be blocked piecemeal if agricultural applications are to be given precedence
- o Issue falls within the competence of Renewable Resources, and Community and Transportation Services. Department of Indian Affairs might become interested in cases involving native trappers.
- o Access rights issues parallel similar issues for hunting, recreational, and forestry access on agricultural lands. Mining access is similar, but the preeminence of mineral entry is clear in most cases.

#### Granting Trapping Rights

- o Parties affected are trappers and their families, who might suffer loss of income if they are denied trapping rights on farms within their RTL, and agriculturalists, some of whom might seek to obtain trapping rights on their farms.
- o Issue should be confined to agricultural lands which lie on registered traplines.
- o If no action is taken, registered trappers and assistants will have sole trapping rights in Yukon, but they will likely be denied trapping privileges on farmland, unless their services are needed for predator control.
- o Issue falls almost entirely within competence of Renewable Resources
- o This problem overlaps somewhat with concerns regarding control of problem wildlife

## Compensation

- o Trappers are immediately affected by this issue: are they entitled, and if so, for what, how much, and who pays? Agriculturalists are affected: large compensation values might affect the tradeoff decision of approving an agricultural application. Further, some parties suggest that agricultural applicants should somehow directly shoulder the costs of any compensation claims which their actions cause. The public at large is affected if they are asked to shoulder the costs of compensation.
- o Issue is likely to occur wherever there are applications on RTLs which are deemed likely to significantly affect the productivity or income of the trapper.
- o If no action is taken, the issue will fester and emerge into political and legal disputes.
- o This issue falls within the competence of Renewable Resources in its power to set up and operate compensation boards, and in its capability of reviewing farm applications. CTS shares in reviewing responsibility and in helping to monitor lease and title conditions. Together, these departments can effectively control how often the issue of compensation arises, and how serious the problem becomes. The Justice Department will be involved in any legal challenges.
- o Compensation issues are linked directly to the basic process of resource conflict resolution. The issue occurs at the final stages of conflict and requires that tradeoffs be explicitly valued in monetary terms.

## **B. AGRICULTURE / WILDLIFE**

### Control of Imported Animals

- o Parties affected include agriculturalists who must comply with any regulations affecting this issue, and all those who use or appreciate wildlife which might be affected by imported diseases or by genetic contamination. These user groups include hunters, recreationists/wildlife viewers, wilderness and tourism operators, subsistence hunters.
- o Livestock raising can occur wherever there is interest in agriculture. The effects of disease, or escaped animals can know no boundaries.
- o If no action is taken, the health of Yukon wildlife can be endangered by diseases transmitted by imported livestock.

- o Renewable Resources is the responsible agency, but existing legislation and regulations are weak.
- o These issues will recur in considering fur and game farming.

#### Problem Wildlife Control

- o This can affect any agriculturalist. Livestock can be harmed by predators, and many crops can be damaged by ungulates or waterfowl. Other affected parties include those who use or appreciate wildlife, and the government agencies which must contend with the problem.
- o Can occur on any agricultural parcel.
- o If no action is taken to define responsibilities and expectations for each aspect of this issue, individuals may be expected to attempt to control problem wildlife. Any variety of methods, including lethal ones may be used.
- o Renewable Resources is responsible for managing wildlife, while it shares responsibility with CTS for encouraging farm operations which minimize the potential for problems.
- o This is related to what might be thought of as a bundle of issues regarding farm design and operations.

#### Livestock Control

- o Parties affected include farmers, farm neighbors, the motoring public, and wildlife interests (free-ranging livestock can attract predators).
- o This issue can occur anywhere, but it is most acute along the more heavily traveled roads, and in districts where rural residential homes are interspersed with livestock operations.
- o If no action is taken, conflicts between owners of uncontained livestock and other segments of the public will continue and will increase in severity.
- o Responsibility is shared between RR, CTS, and relevant municipal authorities.

#### Garbage Handling

- o Affects agriculturalists, their neighbors, and wildlife interests.

- o Garbage handling problems can occur on any farm, but can be most acute in swine and poultry operations.
- o If left unattended, some operators will voluntarily handle garbage well, but inevitably, other operators will attract and create a wildlife problem with predators. Actual problem is not widespread at present.
- o This is the joint responsibility of RR, CTS, and some relevant municipal authorities.
- o Problem is linked to all other farm design and operating issues.

### Critical Wildlife Habitat

- o Affected parties include wildlife interests, and agriculturalists interested in locating on critical habitats.
- o Except for some waterfowl areas of concern, the overlap of agricultural interests and critical habitats is largely unknown.
- o If no action is taken, critical habitats will not be identified in the land review process. It is not known how serious an effect this would ultimately have.
- o This is the responsibility of RR, and to some extent, the Canadian Wildlife Service.
- o This issue is closely linked to that of land use planning.

### Fur Farming / Game Ranching

- o This involves several parties, including would-be entrepreneurs, and various wildlife interests who might object on philosophical or economic grounds.
- o This issue has no set boundaries. Only one game ranch and one fur farm exist in the Yukon at present, although interest is increasing.
- o If no action is taken on game ranching, interest will die quickly, since few products can be legally marketed. Fur farming is likely to provoke the ire of those trappers who compete with it.
- o Renewable resources is the primary authority.
- o These activities raise issues related to the procedural problems of obtaining public input and guidance in land use

planning tradeoffs. Operational problems are very similar to issues in conventional livestock raising.

### Land Use Planning

- o This is not strictly a Wildlife concern. The lack of land use planning has affected almost everyone in Yukon who has any interest in the landscape.
- o This problem is territory-wide, but its effects are particularly evident in the Whitehorse area and in the Klondike Valley.
- o If no action is taken to organize effective land-use planning, land allocation decisions will result from the efforts of special interest lobbies. The ultimate effect on the land and its resources is not known. Disaffected parties might be expected to raise political objections in time.
- o This is a joint responsibility of CTS and RR.
- o In its broadest sense, this underlies most of the important issues. It is directly linked to any land disposition decisions.

### C. AGRICULTURE / FORESTRY

#### Ownership of Timber Rights

- o Parties affected are loggers, fuelwood cutters, and agriculturalists.
- o Problem is not confined, but is not significant at present so far as sawlogs are concerned.
- o If no action is taken, conflicts will intensify, since parties disagree on this point.
- o On Federal lands, timber rights are allocated by the Yukon Forest Service. On designated lands which have been transferred to YTG, this matter must be resolved by RR, CTS.

#### Land Clearing Plans

- o This affects farmers, forest users, and the public in general which benefits from forests.
- o Almost any new development requires land clearing.
- o If no action is taken, landclearing will use a variety of approaches. Some will be appropriate, others will waste wood

and soil resources. The significance of this cannot be assessed.

- o Renewable Resources and CTS can devise landclearing standards.
- o Relates to all of the landscape and habitat concerns.

#### Access To Fuelwood

- o This affects holders of agricultural and grazing leases and options, and commercial and casual fuelwood cutters.
- o Problem occurs mostly in the Whitehorse area.
- o Conflicts will intensify if no action is taken.
- o Joint responsibility of RR and CTS.
- o Illustrates some basic confusion about rights to resources on the part of farmers and the general public.

#### Evaluation of Timber Potential

- o This step is omitted in application review processing.
- o Forest inventories are rudimentary, and rarely exceed the reconnaissance level.
- o This information is needed if informed land allocation decisions are to be made.

### D. AGRICULTURE / MINING

#### Potential Conflicts

- o The incidence of actual conflicts is almost nil.
- o Potential conflicts would be more likely to occur with Placer mining, although right of access across agricultural land might be asked by miners.
- o Historic placer districts and workings are known, and overlap with agriculture in few spots outside of the Klondike.
- o If no action is taken, present trends do not indicate that there will be a serious problem.

- o Mining is administered by DIAND and disputes are finally settled by the courts.

#### Water Rights

- o Water rights are not a conflict anywhere at present, and are unlikely to be a problem in the future. Most Yukon streams in agricultural areas have sufficient flows to support both activities, so long as sediment loading is not an issue.

#### Surface Rights Compensation

- o The occasion for compensating agriculture for surface rights has not arisen in the Yukon, and mining interests think that it is unlikely to be a problem. (They stress, however, that any land is in principle of interest to miners.)
- o Affected parties would be confined to miners and farmers, and the courts have been recognized to be the agents of settlements in case of dispute.
- o If no action is taken, little effect is likely - unless a strong demand for mining access emerges. In this event, mining interests are likely to gain access, barring any specific protection for agricultural lands.