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COMPETING INTEREST ON AGRICULTURAL LAND

Phase III: Concluding Report
March 17, 1987

Yukon
Renewable Resources

COMPETING INTERESTS ON AGRICULTURAL LAND

Phase III: Concluding Report

For the Department of Renewable Resources
Government of Yukon

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17 March, 1987

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FRIDAY

"Listen. You want to be extinct? You want them to shoot and trap us into oblivion? ... *We're* supposed to be the animals, so let's get back out there and *act* like it!"

Resource conflict resolution: the adversarial approach.

CONTENTS: PHASE III REPORT

COMPETING RESOURCES IN AGRICULTURAL LAND DISPOSITION: PHASE III

I. INTRODUCTION

This is the concluding report of a three-part inquiry into resource conflicts which can emerge in Yukon when new agricultural lands are selected and developed.

As stated in this project's terms of reference, the Government of Yukon has three goals in implementing an agricultural land disposition program:

a) to encourage the development of a self-sustaining agriculture industry;

b) to select the most suitable land for agriculture from an ecological, social, and economic perspective to ensure that agriculture represents the best use of the land; and

c) to encourage environmentally sound farming practices.

These goals for agriculture must be meshed with comparable development goals for other resource sectors, including trapping, enjoyment and use of wildlife, forestry, recreation and tourism, and mining. It should be no surprise that conflicts and incompatibilities emerge when these goals are pursued simultaneously. Land is not unlimited, and any piece can support only so many activities.

The most difficult issues in the land disposition program arise because the policies which should guide the resolution of resource conflicts are lacking or are inadequate. This has had several serious effects:

- o Identifying issues, and understanding their interrelationships and implications has been hampered;
- o Decisions on resource conflicts have been deferred - sometimes to be resolved by default;
- o The land disposition process has emerged ad hoc. Resource conflicts have been dealt with haphazardly and undemocratically - not all conflicts are recognized, nor have all affected parties been given voice;
- o Administrative confusion has occurred between the two departents primarily responsible for managing and allocating land resources;
- o Land applications have backlogged and applicants have experienced frustrating delays.
- o Land dispositions have occured which have adversely affected other resource interests because of inadequate planning and assessment.

The net result of these policy gaps in resource conflicts has reduced the government's ability to meet the three stated goals for the agricultural land dispostion program:

a) Unresolved or unaddressed resource conflicts undermine social consensus on developing agriculture - some interest groups have become opponents of agriculture by default, while some land applicants have become adversaries of the very agencies charged with facilitating their interests.

b) Lack of conflict resolution policies and processes inhibit selecting the best use of the land from an ecological, social, and economic perspective.

c) Lack of policies and poor understanding of issues inhibit the recognition and encouragement of environmentally sound farming practices.

This project began by focussing on the resource conflicts generated when agricultural interests overlap with trapping, wildlife management, forestry, and mining. Phase I of this project defined the various problems and examined their dynamics, the significance of their implications, the affected

parties and their stakes, and the connections between the issues. In Phase II, a range of policy options and actions to address these problems were identified and discussed. This report, Phase III, has three aims:

a) to summarize the most important findings of the Phase I and Phase II reports;

b) to identify the policy questions on which the Yukon Government must make decisions before it can adequately address resource conflicts, summarize and comment on the options; and

c) present a process by which resource conflicts may be adequately addressed in the disposition of land.

II. SUMMARY OF PHASE I AND PHASE II

This section is intended to provide an overview of the most important points and implications of two detailed reports. This is not a reiteration: although Phase III may be read singly as a summary document, it is best understood as the concluding companion report of a three-document folio. Readers requiring a fuller treatment of the resource conflict issues and the basis for the comments which follow should refer to the preceding reports.

A. THE BROADEST ISSUES

Resource conflicts in agricultural land disposition occur on two levels. On the strategic level, conflicts emerge over allocation when competing resources are mutually exclusive on a given piece of land. Below this level are the management issues - how to handle residual or neighboring interests after land has been allocated to a specific type of ownership or use.

The strategic level affects the broadest cross-section of people and interests and, in most jurisdictions, is recognized as requiring substantial, broadly defined public involvement. The management level generally affects various subsets of the general public. It is more amenable to solutions derived from more narrowly-defined groups: affected interests, resource managers, and administrators.

This study initially considered specific issues between agricultural dispositions and trapping, wildlife, forestry, and

mining interests. The most significant issues revealed themselves to be strategic-level. They are common to all of the resource sectors, and are centered on fundamental principles which govern land and resource allocation processes. These issues affect virtually everyone in Yukon since they decide how our immediate environment - the lands surrounding Yukon's communities - will be distributed, owned, and used.

Four problems are entertwined which hamper Yukon's ability to rationally allocate land. Each will be discussed further below.

- The first is that the allocation process itself is faulty: agricultural land disposition has been handled as if it were an administrative matter solely between the land applicant and the bureaucracy. Many more parties than these have legitimate stakes in land disposition.
- The second is that major policy gaps inhibit the resolution of issues which require unequivocal solutions.
- The third is that legislative and administrative arrangements remain sub-optimal for effective resource management and conflict resolution.
- The fourth, and most difficult to address, is that little social guidance has been obtained on the relative values of competing resource sectors. This is a fundamental problem which undergirds many of the unanswered policy questions. It affects basic matters of consensus and therefore, the legitimacy of land disposition goals and processes.

1. The Process Problem

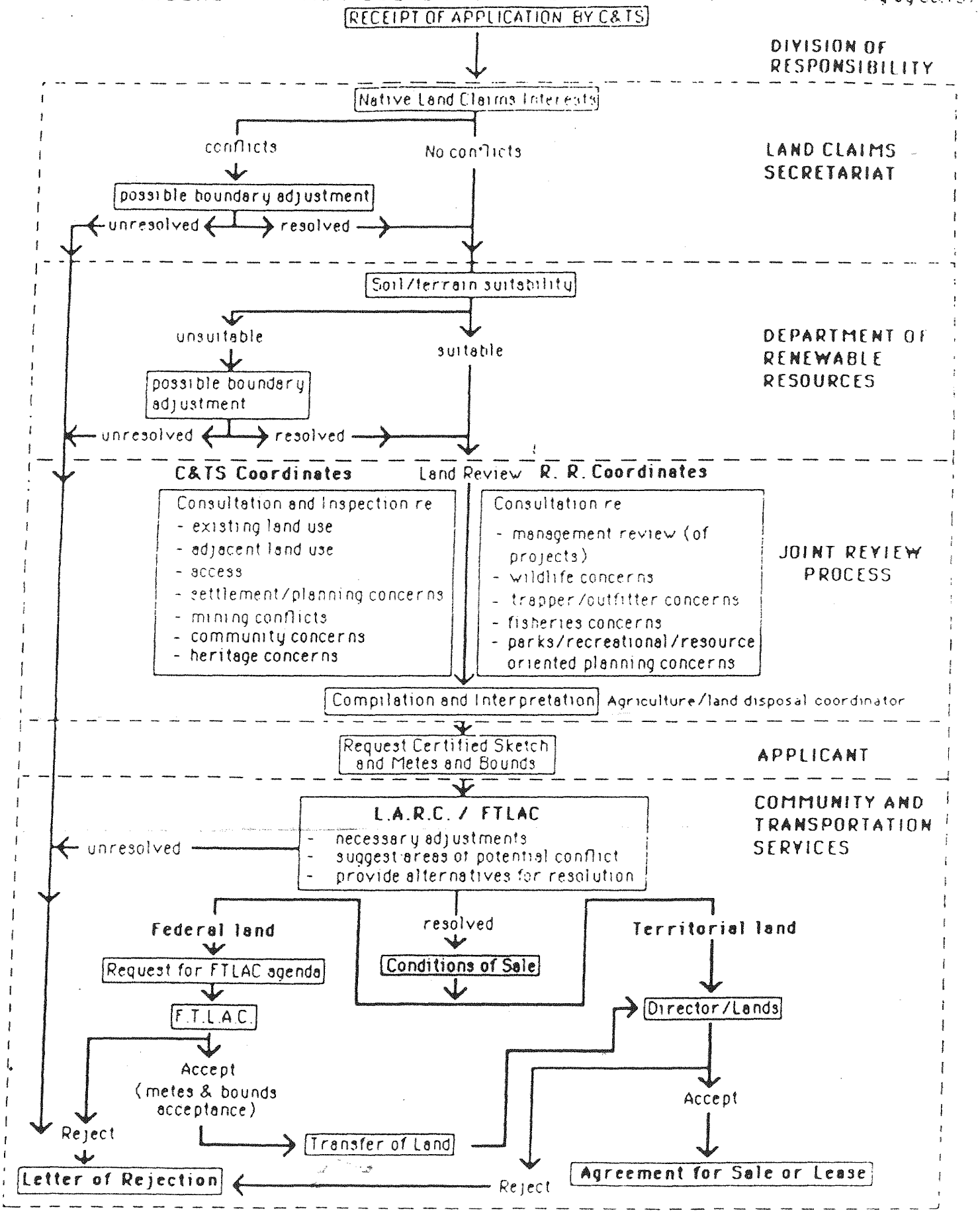
Until quite recently, only a portion of the affected resource sectors have been explicitly recognized in Yukon's agricultural application review procedures. Among the potential values in the land which were not formally considered were existing or forseeable recreational uses, demand for alternative community

needs such as rural residential sites, impacts upon regional viewscapes, and impacts upon demand for community services. Neither the general public nor the immediately affected neighboring interests had much opportunity to influence specific applications. No real forum existed for the public to consider the general, regional pattern of land disposition.

Under the terms of a recent agreement defining responsibilities between YTG Renewable Resources and Community and Transportation Services, some of these values have been identified as meriting departmental "consultation" (Fig 1., "Agricultural Review Process"). However, the land dispostion flow chart depicts no juncture at which the public collectively and as affected individuals can influence either the review of specific applications or the emerging pattern of land disposition.

Indeed, many closely affected parties are left unaware and unappraised that their interests in the land might be compromised. This process sweeps some categories of resource conflict under the rug - it does not make them go away, nor does it solve them. Since not all affected parties are consulted, the government's second land disposition goal - selecting the best use of the land from an ecological, social, and environmental perspective - might be achieved only by accident....unless one accepts that public servants possess sufficient information about resources and public values to make accurate decisions.

FIGURE 1 - AGRICULTURAL REVIEW PROCESS (Coordinated Entirely by C&TS)



2. The Policy Problem

Only a publicly supported land-planning process can adequately "resolve" strategic-level resource conflicts. The full range of competing interests must be examined by all affected parties in the broadest regional context. However, even if such a process existed in all agricultural districts in the Yukon, a serious policy vacuum would prohibit it from generating solutions which would consistently promote the common good.

In absence of policy statements to help guide tradeoff decisions, the "best" use of the land remains undefined in any situation. No criteria exist for choosing between disposition alternatives - public polling or bureaucratic fiat would be the only, and essentially arbitrary, decision mechanisms. Under the current agricultural disposition process, no policies make clear what standing - if any - competing resources have in the allocation decision. One interpretation of the existing process would consider "review and consultation" as simply identifying and if possible, mitigating resource conflicts.

Lack of resource policy inhibits effective treatment of management issues as well. Some generic problems simply require a policy call in order to reach a solution. For example: should a registered trapper retain trapping rights on an agricultural parcel after it is developed? If the policy call says "no", one category of management problem has been eliminated, while another category of social equity problem has been created. The point is that the land disposition process cannot decide this

matter. It, like the public servants who must administer the process, need to be guided by a policy framework which makes the "rules of the game" clear. Someone - Cabinet, or the appropriate Ministers - needs to decide on certain matters.

3. The Legislative/Administrative Problem

According to a memorandum of understanding between the departments of Renewable Resources (RR) and Community and Transportation Services (CTS), existing Territorial legislation charges CTS with responsiblity for land management and therefore agricultural land disposition. Renewable Resources is charged with managing renewable resources including fish and wildlife, forestry (on Territorial lands), agricultural development, wilderness and "outdoor" recreation, and parks.

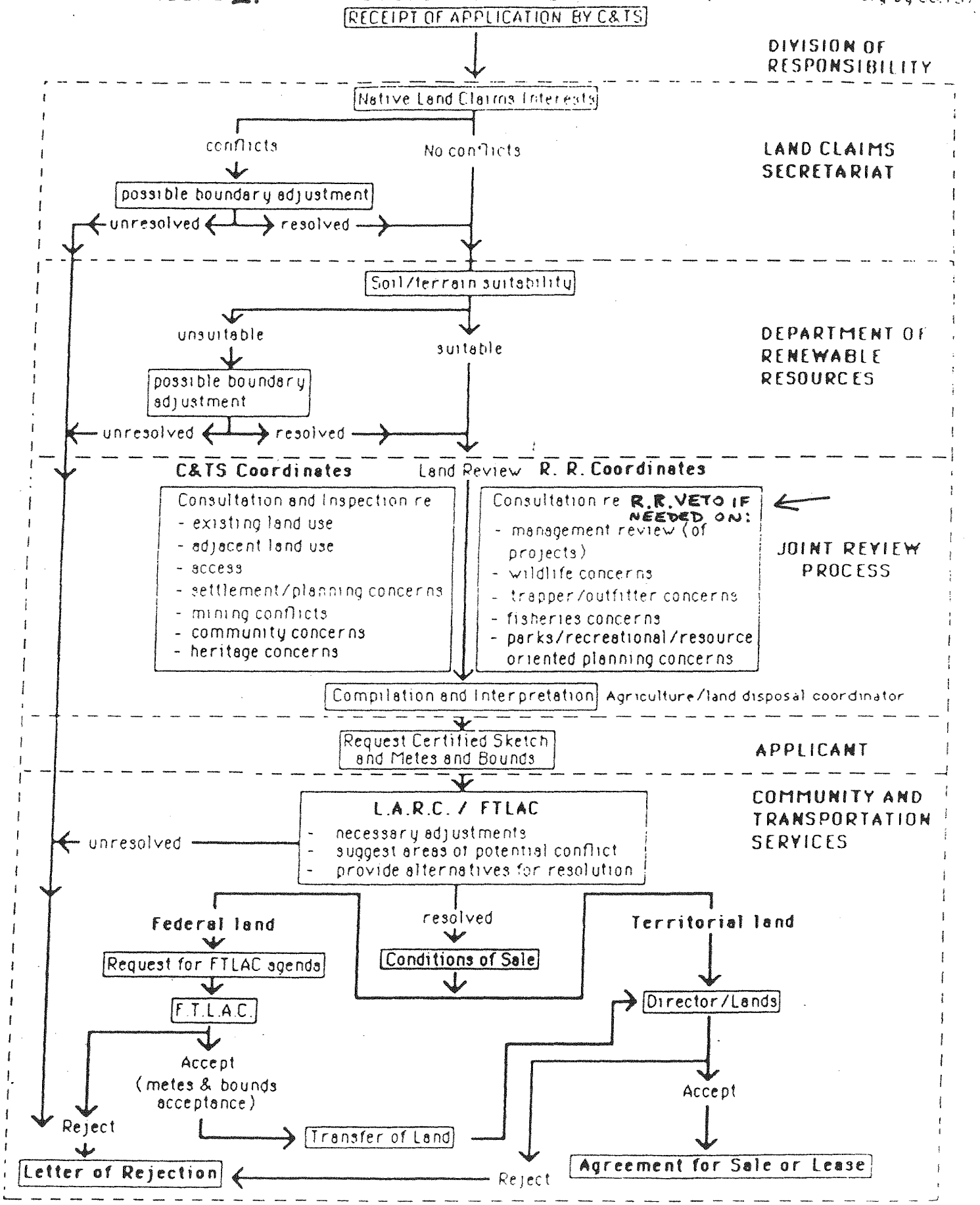
As land managers, CTS will be lead agency in receiving and processing agricultural applications, and RR will be "consulted" regarding conflicts with renewable resource use and management interests. This arrangement contains a quandary: renewable resources are land-based - they cannot be effectively managed without the authority to manage the land. Without authority to manage the rural land base, the Department of Renewable Resources has responsibility without the means of discharging it. On matters critical to renewable resource interests, the department's voice is apparently reduced to that of moral suasion. The effectiveness of this suasion depends entirely on the people involved - there are no institutional guarantees of standing.

This state of affairs apparently results from current legislation, but it is suboptimal. In reviewing agricultural applications, RR's role is passive - it can advise where its interests are affected, but it has no decision authority. In land disposition, renewable resource interests are ultimately decided by a review body with dissimilar goals and outlooks. CTS may be the lead agency, but it should not be expected to possess the professional training and outlook needed for resolving renewable resource management and conflict decisions.

If endowed with clear policy guidelines, RR might be expected to function as a "fair broker" in resolving renewable resource conflicts since as one agency it harbors responsiblity for agricultural development as well as for most of the other potentially competing resources. The Department of Renewable Resources has never been given a fair opportunity to authoritatively discharge this role in land disposition. Lacking policy resolutions to divisive resource management issues, RR's previous efforts in this field have been hampered.

The current disposition system may compound and perpetuate the problem of resolving resource conflicts. Even if RR is endowed with policies for sorting out resource conflicts, it will have no sure means of implementing them. CTS, bound by different mandates, is not obliged to accept RR's recommendations. An alternative arrangement which might better handle renewable resource conflicts would empower RR to veto applications in the "Joint Review" stage if conflicts with clearly priorized resource management goals cannot be resolved. (Figure 2.)

FIGURE 2. - AGRICULTURAL REVIEW PROCESS (Coordinated Entirely by C&TS)



4. The Social Values Problem

Land is managed or distributed to achieve various goals. These goals, and the decisions and tradeoffs made in order to achieve them, are founded upon basic values and outlooks. These values may be clearly recognized and stated, or they may never have been thought-out. In either event they are there. **There is no such thing as an "objective", neutral, value-free land disposition system.** Any system that one can establish will further - or thwart - someone's set of goals, and therefore, their set of values. This is inescapable, so it behooves people to be clear about the values which various land disposition systems represent. It is a paradox that "practical", results-oriented people can be most reluctant to think in these terms. But it is the ultimate impracticality not to - it is better that a land policy and management system achieve its ends consciously and rationally, rather than accidentally.

Many value sets apply to agricultural land disposition, but two major "schools" dominate. Each reverses the onus or "burden of proof" in cases of resource conflict. One represents the historical tradition of the agricultural frontier and considers that agricultural development is a higher good for capable sites than are other uses. Allied with populist homesteading slogans such as "land to Yukoners", this value set discounts the relative importance of wildlife habitat, forestry, recreational uses, trapping, or homesites compared with farm development. It would require these interests to furnish compelling reasons why a parcel should not be developed. The extreme expression of

these values would deny that other resource interests are even legitimate on agriculturally capable lands. This value set prevailed when lands in the Takhini Valley and Mayo Road districts were distributed. In a general way, APAC as an institution illustrates this set - no resource interests other than agriculture are represented on this advisory board.

The other dominant value set amalgamates several strains: ecological awareness, environmentalism, traditional lifestyles and occupations, and recreational values. It embraces the status quo in the landscape and would require agriculture to clearly demonstrate that it would somehow improve on it. This value set emphasizes that Yukon is not an open unoccupied frontier. The land already has many valuable and legitimate interests present in it: agriculture must demonstrate its case on each application if it proposes to displace these interests.

The burden of proof is crucial to both viewpoints. The "farm lobby" emphasizes the economic potential of agriculture and maintains that the strictly quantified economic values of competing interests are small and that the unquantifiable values should not apply. The "competing interests lobby" (for lack of a better label) point out that the presumed economic contribution of agriculture is unproven, while the benefits of the present interests are demonstrated. They assert that the intangible values of recreational uses, scenic qualities, and traditional occupations are profoundly important.

A third interest group are people wishing low-density, undeveloped, rural homesites. These people appear willing to ally with whichever value set will further these aims. An unknown portion of demand for agricultural lands may mask this underlying motive.

Awareness of these value sets is important to those who must design and administer a disposition program. These values are held by blocs of real people who vote and who influence affairs. Any disposition program will lend support in one direction or another...."neutrality" may be unachievable. A process which emphasizes the primacy of agricultural development on capable sites will by default tilt toward the "farm lobby". One which considers allocating land to competing interests "tilts" in the other direction insofar as the apparent momentum of development is altered.

If, as I suggest, the values tilt is unavoidable, the government and society must ponder how it is to be decided. Several options are possible:

a) Public servants can decide. The process which they design will reflect either their own value set or the values of their agency or of their professions.

b) The politicians can decide. This too, will be an amalgam of political and personal perceptions augmented by the input from senior agency officials (see above). This may be described as a reflection of the public will only in some distant, diluted sense.

c) The public can decide.

   - If this is done simply through raw numbers, as reflected in voting patterns or referenda, the outcome may be dominated by emotional and monetary objectives unaided by agronomic, ecological, and economic knowledge.

- Alternatively, some process - possibly similar in concept to the "Yukon 2000" - can attempt to elicit informed public input on land management values and objectives. Professionals of relevant disciplines, politicians, interest groups, and the general public might in such a process first present their perspectives, and then seek some understanding about how to set direction and agreed-upon "rules of the game" to guide a disposition policy and program. There is, of course, no guarantee that consensus can be reached. Perhaps the best that could be obtained is that the significant value-sets could be identified and expressed. Any resulting disposition process could at least be clear about its effects. This kind of process might be important in making sense of public input about resource tradeoffs in land-planning exercises.

d) No one can consciously decide. This is essentially what we have had so far, since no party has explicitly explored values as the premises for land disposition. The current lack of policies, the backlog of applications, and the traceable shifts in the rigor of application review is an effect of the uncertainties which result from these unexamined premises. (It is understood that split authorities between federal and territorial governments has aided this confusion.)

III. A SYNOPSIS OF UNANSWERED RESOURCE CONFLICT POLICY ISSUES

The preceding discussion on the importance of value-sets is evident in the following section on policy choices. Most of the issues summarized below require clear, unequivocal decisions. Whether the end result is consistent and coherent - or a hodge-podge - depends largely upon whether the choices have been unified by an articulate awareness of the values they represent.

In order to devise an agricultural land disposition process which adequately addresses resource conflicts, the Government of Yukon must decide on the following unresolved policy questions:

A. THE PROCESS QUESTIONS

1. Should the agricultural disposition process expand its frame of reference to include all affected interests and all affected parties?

   a) If yes, the process will require much broader public input. Possibly full public involvement would be required to adequately address recreational values, settlement density values, access corridors, and scenic/amenity questions. Very likely this would be best encased in a public planning forum for agricultural areas. Social legitimacy and consensus might be expected for the end product.

   b) If no, the process will remain administrative and will consider narrowly defined interests. As presently constructed, legitimate affected interests will remain excluded from the process. Resource conflicts will not be resolved.

Further Information Needs:

- Identification of affected interests and parties, identification of their stakes in allocation and management issues.

- Better knowledge of, and strategies for, devising effective citizen participation. The record shows flaws in these processes in Yukon, tracable to inexperience and lack of knowledge of these processes by both government and the general public. [The literature indicates that most failures occur if the public believes that it has no real influence on the end result. The public will either not show up, or it will withhold committed participation.]

2. Policy and application review procedures are silent on the standing of competing resource values (other than land claims) on agriculturally suitable lands. Do interests such as habitat, recreation, forestry, and trapping <u>really</u> have standing equal to agriculture when deciding <u>whether</u> to alienate land? The record of the existing disposition process would suggest not: where these interests have been mutually exclusive with agriculture, it appears that the review process has rarely, if ever, rejected agricultural development. The question then is: <u>should</u> these resources have equal standing? These are <u>fundamental</u> questions which cannot be summarized without trivializing them - refer to Phase II Report discussions under each sector heading.

   a) If some or all of these resource sectors are to be given equal standing, policy statements must make this clear, and provide some guidance on the kinds of criteria to be used in determining relative values. (This would represent a significant "tilt" towards the value set of the "competing interest lobby" discussed above.)

   b) If agriculture is to be given primary standing on capable sites, the role of the review process is simply to mitigate the avoidable effects. Although the process is simplified, this may in time create confrontations because the competing interests would be guaranteed losers in mutually exclusive situations.

<u>Further Information Needs:</u>

- o Fundamental research into methods of valuing competing resources so to obtain the highest social, economic, and environmental use of the land. This has never been solidly applied in Yukon resource management. An effective process requires sophisticated understandings of methods of factoring quantifiable and unquantifiable values. There is very good reason to be skeptical of the purported ability of benefit/cost analysis to adequately address the full range of needs in resource valuation.

Several kinds of data must be factored:

- Basic resource inventory measures. Wildlife habitat, forestry resources, mineral potential, furbearer capacity, ect.
- Measures of actual economic yield for existing resource use.
- Measures of potential or likely economic yield for alternative resource uses.
- Identification of recreational, cultural and other non-monetary uses and values in the landscape. Some form of comparative measures for these values must be devised.
- Identification of conflict potentials in alternative management scenarios, and the seriousness of predictable impacts.

Not all of these information needs have well defined, locally suitable methodologies yet. The overall evaluation process must be able to factor these sorts of information and present them so that the public, the government, and resource managers can arrive at sensible solutions. This is a priority research need. A number of optional processes exist: they should be assessed and modified if appropriate to suit Yukon conditions.

3. The Government of Yukon needs to devise a rural residential homesite policy. It should be integrated with an agricultural policy so that demand for these two different land uses can be incorporated into regional planning needs. If the government elects not to do this, some unknown portion of agricultural development will be undertaken by people using agriculture as their only legitimate pretext for obtaining rural residential lands.

Further Information Needs:

- design requirements for meeting rural residential needs - how much land per parcel? What kind of settlement densities? What kinds of sites are suitable to provide the desired amenities?
- demand for rural residential homesites.
- overlap of rural residential demand with agricultural demand
- relationship between agricultural development and rural residential development: transport and services needs, potential conflicts, potential compatibilities.

4. Should the Department of Renewable Resources be given "veto" power within defined parameters in the "joint review stage" of the application process? (Note: this question assumes meaning only if competing resources are given equal standing in allocation decisions, cf Policy Question 2.a. above.)

   a) Retain status quo: RR is "consulted" on resource conflicts but has no deciding authority. The goals and responsibilities of this department in both agricultural development and in resource management and protection would be controlled by outside agencies. The ultimate success of renewable resource management in agricultural districts would depend more on the personalities and objectives of second parties than on the institutional stability of the system.

   b) Provide RR with a veto in the joint review stage. RR would be endowed with authority commesurate with its responsibility to manage renewable resources. If clear policy parameters are provided for exercising this authority, renewable resource interests and agricultural interests might be better balanced. (Without good policy guidance, the department could suffer internal controversy between the branches managing agriculture, forestry, fish and wildlife, and wilderness recreation. The effect on agricultural land disposition would vary depending on the forcefulness of the actors involved. Internal controversy is entirely possible at present, given the general lack of policies.)

5. By what arrangements should YTG enforce management measures to protect other interests on land alienated for agriculture? This policy question asks how can conflict mitgation and resource protection measures be guaranteed? Some concerns such as access corridors could be addressed in the layout of parcels. Other concerns, such as fencing standards, garbage disposal, soil erosion control, landclearing practices, or non-agricultural uses deal with ongoing management of the parcel. These measures would result from choices made to the policy questions presented under the following resource sector headings. Several mechanisms exist: each appears appropriate for different situations:

   a) **Title caveats.** These may apply best for matters which affect the actual layout, design, and use of the property. Prohibitions against subdividing, or non-agricultural buildings can be addressed by these means. Access corridors are better protected if the public retains title to them than by caveats. The weakness of title caveats is that it can be relatively easy to change them through political interferance at a later date.

b) **Legislation and regulations.** Enabling legislation, backed by well-founded policies and regulations, can be very effective responses to a variety of concerns. Questions such as allocation of trapping rights and compensation, fencing standards, disease and genetic contamination prevention, and pollution control can be mandated by these means. Legislation should be framed to balance two needs: flexibility, to respond to changing conditions and information; and stability, to resist short-sighted tinkering. The "farm conservation plans" (discussed later) can be very effective ways to apply regulations as appropriate.

c) **Education and volunteer cooperation.** This is a vital component of any rural resource management system. The best management results when socially desired values are voluntarily held by resource users. However, the history of farm, forest, and wildlife use shows that beneficial management practices can quickly evaporate for the prospect of short-term gain.

d) **Disposition of agricultural rights only - public retains** title. This may be the ultimate way for the public to retain maximum leverage on agricultural management issues. Use of the land is granted in perpetuity for farming rights only. Land speculation and subdividing pressures are thereby firmly controlled, negotiated conservation measures are enforced, and the public resumes full ownership should agriculture fail as an economic land use....or if conditions of use are violated. This has been the practice in Alaska in the last decade - resource managers speak well of this system, while farmers complain that it restricts access to loans and borrowed capital. A designated public agricultural loan fund is one response contemplated to counter this criticism.

Further Information Needs:

- Consultation between government, the public, and affected interest groups on the parameters of acceptibility for alternative mechanisms. Legal, administrative, and resource management professionals sufficiently understand the applicability of the mechanisms described above.

MANAGEMENT LEVEL POLICY ISSUES:

The following policy questions are applied to specific resource sectors. The basic policy question of the standing of each resource sector in land allocation decisions was covered in a generic sense, above. A decision to consider competing resources as genuine alternatives in the allocation question would require the government to make efforts in inventory and valuation for each sector, as described in Policy Question 2, above. Specific management policy issues are covered in the following sections.

B. TRAPPING SECTOR POLICY QUESTIONS

1. Policy makers must decide if Trapping, as a resource value, should be considered as one of the sectors of equal standing in the allocation question.

   a) If yes, valuation and tradeoff measures must be devised and understood. If pursued with integrity, this approach will avoid antagonizing trapping by not treating it as a second-class sector. This also permits more flexible and realistic resource valuations, since the combination of trapping values, wildlife values, forestry values, and recreational values can be jointly considered under an integrated management alternative for any proposed parcel.

   b) If no, the allocation question will be simplified, but the forum for resolving potential conflicts with trappers will be displaced. Conflicts will probably intensify.

Further Information Needs:

- Discussed in Section III. A. 2., above.

2. Should registered traplines be retired in any cases to eliminate conflict with agricultural development? Across the entire Yukon, the overlap of trapping interests and agricultural interests is not widespread - but in selected areas, the overlap is intense. In 1986, 80% (116) of all agricultural applications fell on 10 registered trapline concessions. Retiring all or part of these traplines might be considered if:

- trapping and agriculture are likely to have intractable conflicts;
- these concessions have lands well suited to meeting agricultural development needs;
- the major portion of the trapline's productive habitat is likely to by usurped;
- land-use planning identifies the area of the concession as needed for an agriculturally "zoned" district.

If it should be true that agriculture and trapping have intractable conflicts, then retiring traplines would be an important policy response in some instances. If this were not an option, then either:

a) agricultural development on any trapline would have to be restricted below some poorly defined "threshold level" of conflict, or,

b) agricultural development on traplines would lock both groups in conflict. The government would have to accept the onus of having created and permitting this situation.

What is unknown is the extent and severity of likely conflict on the traplines most affected: will forseeable conflicts be sufficient to justify retiring all or part of any line?

3. If traplines are retired, or if they are substantially affected by agricultural development, should compensation be paid? If so, how should it be determined, and who should pay it? These questions are explored in detail in the Phase II Report - they must be cleared up by policymakers before trapping resource conflicts can be sensibly and systematically addressed in a disposition policy.

4. If agricultural development is permitted on a trapline, who, if anyone, should be alowed to trap on the farm?

a) If the trapline is retired, either the farmer should get it - or no one. Equity would suggest that the farmer should not recieve a right which was simply stripped from the trapper. **Thus this sub-question is connected to the question of compensation.**

b) If the trapline is not retired, distribution of trapping rights depends entirely on how severe the conflicts are likely to be if the trapper were to harvest fur on the farm. The degree of expected conflict is not known.

c) Where trapping concessions have not been retired, one method of redistributing rights would be to permit the trapper to sell his rights to the farmer. The exchange between willing seller/willing buyer might eliminate the need for social intervention in the form of compensation in some situations. The granting of farm or "hobby" trapping rights could be optionally negotiated in the transaction. This is a promising avenue, but it needs further research: a variety of scenarios and outcomes must be explored to guard against unwanted but unforseen results. At best it might be an occasionally useful option - not a cure-all.

5. Where needed, guarantees of access across farmlands and of the means for exercising trapping rights on farmlands must be formally developed and embedded in legally binding mechanisms. Conversely, protection of farm property and penalties for mischievious or negligent damage to farm property by trappers must be provided. Voluntary cooperation is probably not reliable. The mechanisms for achieving these needs can be assembled following a policy resolution on the previous questions.

C. WILDLIFE SECTOR POLICY QUESTIONS

1. Policy makers must decide if Wildlife, as a resource value, should be considered as one of the sectors of equal standing in the allocation question.

   a) If yes, then methods for valuing the importance of habitats for wildlife production - and for human use and enjoyment - must be developed and applied to potential farmlands. Clear criteria must be developed to specify which levels of importance are sufficient to affect the allocation question. Existing evaluation methods such as the U.S.F.W.S. "Habitat Evaluation Procedures" and "Human Use and Economic Evaluation" (or comparable ones) should be studied for applicability to Yukon needs. Arguments in favor of this option mirror those stated for this question in the trapping sector.

   b) If no, then the disposition process will simplified, but important Renewable Resources goals and mandates may be damaged - in some instances severely.

2. The concept of "critical habitat" must be refined and focussed relative to agricultural land disposition.

   - o Not all wildlife species will be of equal concern: clearly, loss of habitats for "common" species (such as red squirrel) will be valued differently than habitat loss for big game, waterfowl, or raptors. These are subjective choices and further research should test their social validity.

   - o Not all habitats are equally important to species of concern. Few crystal-clear benchmarks exist to differentiate "important" from "critical" habitats in all cases. If applied indiscriminately, this can be a strangling impediment to agricultural development. Assumptions about the incompatibility of various critical habitats with various forms of agricultural development should be tested.

3. The government must clearly state whether it will encourage or tolerate game ranching and fur farming. The current legislative, policy, and regulatory environments provide no guarantees of minimally secure operating climates for these kinds of businesses. Clear policies are needed to either support or prohibit them.

4. If fur farming and game ranching are to be given a mandate as economic activities, coordinated policy and regulatory stances must be taken on the following specific issues: habitat disruption, disease transmission, speciation (genetic contamination), exotic escapes, and predator attraction.

5. Farm management techniques can aggravate or mitigate the potential for conflict with wildlife. The spectrum of focussed regulatory responses to specific problems are well known. Lacking are identified goals relative to each problem, and policies which authorize the appropriate management and regulatory response. Garbage handling, livestock handling, predator control, fencing and facilities standards, soil erosion are sample problems. The range of responses runs from "hands off" to interventionary coersion.

6. Some potential problems are so poorly understood in Yukon that rational policy responses cannot be devised without further information. They are identified as potential problems based on the experiences of agricultural districts elsewhere, but it is not known if or how seriously they might emerge in the Yukon. Further research is needed on:

environmental pollution from fertilizers, pesticides, and herbicides, especially surface and groundwater contamination, and poisoning of non-target wildlife. These questions must not be ignored.

D. FORESTRY SECTOR POLICY QUESTIONS

1. Policy makers must decide if Forests, as a resource value, should be considered as one of the sectors of equal standing in the allocation question.

   a) If yes, then methods for valuing the importance of forests for timber, fuelwood, and for human use and enjoyment, must be developed, integrated with trapping and habitat evaluations, and applied to potential farmlands. Clear criteria must be developed to specify which levels of importance are sufficient to affect the allocation question. Arguments in favor of this option mirror those stated for this question under the trapping sector. **Actual spatial relationships of quantified forest resources and known agricultural potential is scarcely known - considerable field research would be needed to rectify this.**

   b) If no, then the disposition process will simplified, but important Renewable Resources goals and mandates may be damaged - in some instances severely. Economic development prospects for forest industries and community needs for fuelwood may also be damaged.

2. Yukon has no forest management policy. A committment to integrated forest management would ally improved harvest techniques, silvicultural treatments, regeneration, and genetic research with wildlife habitat management and with management of open space amenities. This would likely give very different values for forests stands - compared with values from presently unmanaged and primitively integrated stands. Yukon needs to make a decision on forest management, particularly since:

   - YTG will be assuming responsiblity for forests;
   - Awareness and concern about the relationship of forest management and resource conflicts is growing. Conflict resolution is hamstrung if major resources such as forests are omitted from the process;
   - Demand on the forest resource from industrial users, recreational users, agricultural users, and residential users is growing;

- o YTG through its ownership of Watson Lake Forest Products is itself an industrial consumer of forest products. Further, it has a stated policy goal of stimulating forestry as an economic development strategy. It therefore assumes a greater ethical responsiblility for regeneration and for integrated management.

3. Ownership and exercise of timber and fuelwood rights must be unequivocally clarified on the various categories of lands alloted to agricultural uses. These categories include: fee simple parcels, agreement-for-sale leases, option lands, grazing leases. Phase II Report presents the issues and the subsequent management implications of alternative responses.

4. YTG must decide if it has an interest in minimizing the waste of timber and fuelwood in landclearing. It must further decide if its stake is sufficient to require certain measures - or if it will limit its input to education and to moral suasion. Overview examination of this issue indicates that substantial quantities of forest resources are being squandered - resources which might ease the demand on other public lands for community fuelwood and for timber. If this is true, it is extremely shortsighted not to incorporate landclearing into regional resource planning for meeting public demand for forest products.

E. MINING SECTOR POLICY QUESTIONS

Strong existing legislation defines the relationship of mining to other resources so clearly that few policy questions exist - if the legislative status quo is to be accepted. The only significant questions are simply those of how mandated processes such as compensation will be guided and implemented. The Yukon Placer Act and the Yukon Quartz Act, both turn-of-the - century acts, did not anticipate the needs of modern integrated resource management. As senior legislation, these acts can undermine renewable resource management objectives - including those of agriculture - at a variety of turns.

1. The basic policy question in this sector is whether the Yukon Government recognizes the deficiencies of these acts sufficiently to press for their amendment. It is not the purpose of this report to present the arguments for and against this initiative. These issues have been documented elsewhere. However, the Yukon Government, if it is to create an effective approach to resolving resource conflicts and to managing resources, should carefully study the advisablity of having these acts amended.

2. Compensation to surface users such as farmers for mineral entry is provided for under the acts. The guidelines for determining how compensation or performance bonds should be determined have never been clarified. Standards of evidence in demonstrating the probability of minerals, and principles for valuing agricultural properties are unstated. How these are interpreted will determine the relative security of agricultural lands in the face of mining interests.

3. On federal lands, "quartz squatting" or "placer squatting" are ways by which people can pre-empt surface resources by using the mining acts - but circumventing their intent. These laws permit the claim-holder to use the timber and grazing resources of his claim in support of his "mining operations". The claim-holder is further entitled to live on the claim. The abuse can occur when claim-holders purport to be miners, but are not really and use their claims for primarily non-mining purposes. Again, standards of evidence establishing bona fide mining intent are undefined. The extent to which placer and quartz squatting has or might obstruct orderly agricultural and rural residential disposition programs is not known.

IV. A PROCESS FOR IDENTIFYING AND RESOLVING RESOURCE CONFLICTS IN AGRICULTURAL LAND DISPOSITION

A. PREMISES FOR DESIGNING A PROCESS

No process for addressing resource conflicts in land disposition can proceed by simple, step-by-step administrative procedures. Those who would apply such a system would trifle with important public issues and values affecting Yukon's most fundamental and irreplacable resource - the land. One object of this project was to examine a broad range of policy alternatives for each major issue - and thus call established assumptions and traditions into question. Designing a process should continue this approach by starting from scratch and adopting those assumptions and values which appear appropriate and fitting to the situation. Every attempt should be made to make each step transparent enough so that readers who take exception to the end result can specify at which point they differed and why.

In designing an agricultural disposition process which adequately addresses resource conflicts, responses to key policy questions must be assumed. For example, policy makers might take no response to any of the issues presented and thus perpetuate the present state of drift. Alternatively, a policy might be devised which would favor one or another resource sector in most or all cases of conflict. Other choices might reject the need for public participation in favor of purely administrative procedures. If all the variables were considered, a multitude of processes could theoretically be designed.

The range of possiblities must be narrowed by making assumptions. In the following section, the assumptions and process design criteria are based on the author's analysis of:

o the situation as it exists;

o the situation as it should exist, in light of
  - conversations with resource managers at all levels
  - conversations with affected resource users
  - stated resource management and development goals
  - implied resource management and development goals
  - observed and expected effects of current practices
  - stated and implied principles of social and political values (ie. "democracy", "equity", "legitimacy", "public involvement in decisions", ect.)

Assumptions will be stated and explained or justified bearing in mind that this is not a treatise on political science. (Indeed, this project occupies an intersection of political science, resource management, and public administration.) We will begin at the most general levels and work towards the specific.

In the first two reports, we concentrated on substantive or "is" statements about resource conflicts: what we have, how it works, how it got that way, how it is changing, and how it might change in the future. Now we need to recommend a process based on an analysis of those statements. We deal now with normative, or "ought" statements. We need to develop concensus on what ought to be achieved by a disposition process, and about how it ought to function. We will proceed with a series of "ought" statements about guiding principles (policy) for land disposition, and continue with more specific "ought" statements about the process itself (design).

The following principles ought to be incorporated into the philosophy guiding a disposition process. It is important to start at this seemingly abstract level, since the process which emerges flows from the principles adopted.

1. A process ought to be consistent with society's commitment to democracy.

   - o The public should have meaningful influence on the setting of goals, and on the outcome of issues.
   - o Delegation of authorities to government and to the bureaucracy does not relieve these institutions of their responsiblity to obtain informed, influential public involvement in resource disposition.

2. A process ought to embody principles of equity:

   - o All affected parties should have influence over decision-making in proportion to the negative impacts they might bear;
   - o No party should enjoy special status in the decision-making process unless this is agreed upon by the larger whole;
   - o No one should have to bear costs if they do not share in the benefits of changes in land status.

3. A process ought to reliably generate results consistent with the public good as expressed by the integration of the goal statements generated under principle one, above.

   - o valuation of resources and of management alternatives should represent the best currently understood methods of ascertaining the public good;
   - o the process should weigh alternatives fairly, and not obtain preconceived ends;
   - o those who administer the process should function as, and be recognized as, honest brokers;
   - o the process and the valuation methods should be understood by the public.

4. The process ought to embrace principles of integrated resource management. The preceding reports (supported by a large body of literature) demonstrate that we don't have it, that we would be better off if we did, and that we can and should do better than we are doing.

B. GENERAL POLICY ASSUMPTIONS ABOUT PROCESS DESIGN

1. In keeping with Integrated Resource Management, the Yukon Government will attempt to balance its management objectives for the spectrum of natural resource sectors when considering tradeoffs and conflicts. It will not seek to maximize any resource sector at the expense of other sectors on an across-the-board basis.

2. In allocation tradeoffs, the full range of resource values in the land will be considered. Both economic and non-economic values will be considered.

3. The public will be meaningfully involved in the following steps in a conflict resolution process:

   - o resource management goal setting;
   - o identification of affected interests;
   - o issue identification;
   - o resource valuation (this is linked to the preceding two steps and recognizes that the public as informal groups may be the sole posessor of important knowledge about resources);
   - o choosing among alternatives

These assumptions have narrowed the range of process design options. If these assumptions are accepted, it should be evident that **land disposition should be embedded within the context of regional resource planning.** Only a public planning process has the institutional capacity to fairly and adequately survey the range of values in the land, value the alternatives, and choose among them.

Yukon's history of land disposition so far has demonstrated this assertion in a backhanded way. It has been an administrative process operating in a policy vacuum, reduced to a crawl by the pulls of competing special interests, while ignoring or overlooking legitimate concerns of unorganized interests. These weakness are logically and causally interconnected: no reliable institutional means existed for obtaining a balanced understanding of public needs and values - only special interests have had influential access to decisionmakers on land matters. Policy paralysis is an expected result when policymakers do not have confidence that they understand the larger public good.

The irony is that many individuals both within and outside of government understand that the system is flawed and that it does not produce optimal results. Unfortunately, the largest effort at rectifying it has centered on changing bureaucratic arrangements - clarifying the roles of the government departments involved. No amount of flow charts and interdepartmental agreements will produce reliable solutions to resource conflicts if broadly-based, <u>influential</u> public involvement is not built into the process. The institution of public planning may be the most reliable means of structuring the elements needed for resolving resource conflicts. We probably do not need to innovate entirely new processes so much as we need to apply and modify processes we know about to obtain the results we ought to have.

C. GOAL OF THE DISPOSITION PLANNING PROCESS: TO INTEGRATE CONFLICT RESOLUTION, RESOURCE MANAGEMENT, AND LAND DISPOSITION.

The process which is presented will be based on the preceding assumptions. The process has the following goals:

- To determine the "best use" for the land considering ecological, social, and economic values; (this implies balancing the stated development and management goals for the range of natural resources)
- To provide results which are socially legitimate by obtaining the involvement, and ultimately the consent of all affected parties; (in most instances of land disposition this means the public at large within a specified region).
- To minimize or eliminate resource conflicts where possible, and to mitigate them where required according to accepted policies and objectives for resource management.

The process should be modified to suit different areas. In areas of relatively high demand for agricultural land such as Southern Lakes-Whitehorse-Takhini Valley and Klondike Valley, the entire process would apply. A regional land use map would result, depicting society's agreement on how the area should develop. In areas with less pressure and less expected conflict, such as the Stewart Valley, a scaled-down version with less formalized public involvement steps could be used to review land applications as they were submitted. In either case, the process would be guided by agreed-upon principles and goals.

D. THE LAND DISPOSITION PLANNING PROCESS

Process flow chart: Fig. 3.

STEP ONE: PRE-PLANNING STAGE - DEFINING THE RULES OF THE GAME

This has three elements:

1. Define the planning team, define the planning area.

2. Analyze existing laws and plans, if any, applying to the area.

3. Public process. This has four sequential purposes:

    a) To raise the public's level of awareness about the planning process, what is needed from them, and why their self-interest makes it vital that they become involved.

    b) To begin increasing the public's skill as participators and as the "board of directors" of a planning effort.

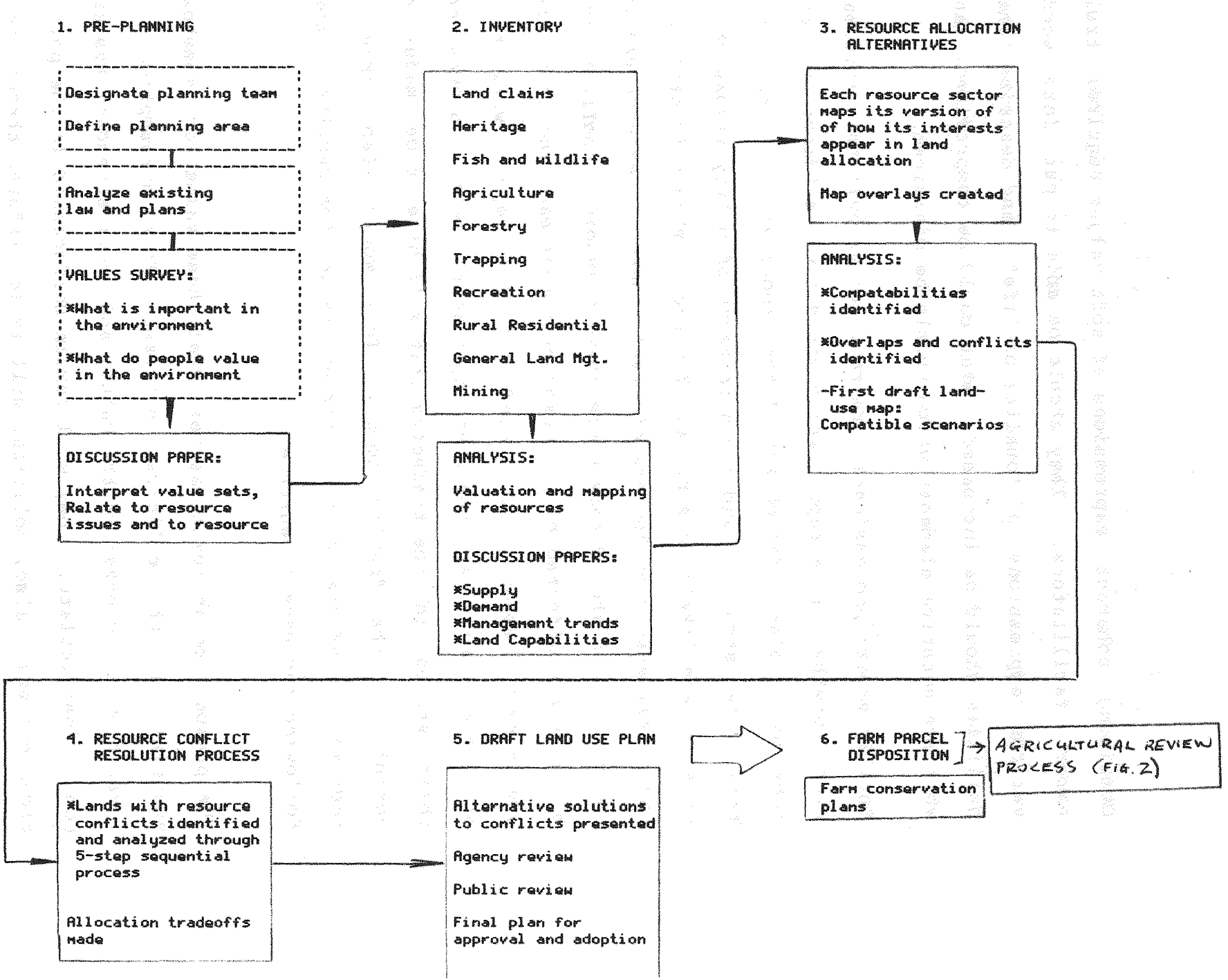
    c) To define issues as they are currently understood, and identify what visions or aspirations exist for the future of the region.

    d) To survey the full range of values which influence the public's interest in the land. This will be a combination of concrete goals (often economic or measurable in monetary terms) and subjective, emotional descriptors which define "quality of life" values.

These "soft" values are difficult to obtain, but they are crucial: they are the second, often invisible half of the criteria by which people choose between competing alternatives in land management. Because they are often unarticulated, they are rarely formally recognized. Decision-making in resource planning then places inordinate emphasis on the clearly stated goals of organized, self-aware interests. The ultimate decisions might not reflect the real interests of residents - while a common vocabulary for discussing the failure will not have even reached the public forum.

FIGURE 3

LAND DISPOSITION AND PLANNING PROCESS



Obtaining coherent expressions of soft values requires truly expert facilitators. They should be able to put into words various expressions of "quality of life", and describe what qualities should be increased, what could be compromised, and what are negative elements which should be minimized.

Equally expert professionals are required to pull this information together in a report which would give guidance to the subsequent plan. The object of the report would be to give these views structure and focus in terms of policy issues which exist or are likely to surface. The report should identify the major value-sets or "points of view" regarding resource use in the region. It should show where these viewpoints conflict, and how they are affected by the resource issues emerging from the preliminary research. This kind of "values report" will help both the public and the planning team to better understand their stakes in the tradeoffs that will have to be made in pursuit of the "public good". This would also provide additional informal criteria for evaluating the results of the following resource inventories.

The presumption in Yukon has been that these values are somehow expressed in the political process. This presumption is invalid on two counts: if the values and their attendant issues remain inarticulate, they will remain unaddressed in the political process; also, political will is so diffused through the delegated authorities of the bureaucratic structure that many

values in the land are disposed by functionaries who are unaware or unresponsive to them.

STEP TWO: RESOURCE INVENTORY STEP - MEASURING WHAT IS IMPORTANT

The categories of resources to be inventoried may vary somewhat throughout the Yukon, and they may require different degrees of scrutiny from region to region. An inventory seeks quantitative (how much?), qualitative (how good or important is it?), and locational (where is it?) information about resources and uses of the land.

Inventory provides a factual basis for decisions which follow. If it omits important categories, it will provide a flawed picture of the planning environment. (This has been a problem with land disposition to date; important categories of resources and uses have been omitted from the review process.) A well-executed pre-planning public process will now provide its first dividend: it will indicate categories of needed information which might not have been obvious to the planners, and it will give an idea of how intensively the categories need to be studied.

The categories to be inventoried should include the following resources:

Landclaims interests.

Heritage/archeological interests.

Fish and Wildlife: species present, productivity of habitats, importance of habitats by species and season.

Agriculture: agroclimatic capability, existing farms and grazing leases, known locations of future interest in farm development.

Forestry: volumes of timber and fuelwood, productive capability of sites, existing access, cutting plans of local firms and individuals.

Trapping: registered traplines, trails, facilities, areas of special productivity or importance, value of harvest, access.

Recreation: hiking, ski, mushing, and snowmachine trails; hunting, fishing, berry picking, wildlife viewing, swimming, camping, ect....sites; boating, canoeing streams and lakes; viewsheds; access; other values as suggested.

Rural Residential: existing homesites and "amenity buffer zones" (including viewsheds), homesite potential, "social carrying capacity" conforming to local values.

General Land Management: formal and informal road network, rights of way, community services...

Mining: claims, mines, mineral terranes (areas of possible future interest), access.

It is very important that the public be involved in the inventory stage. The public possess much specific knowledge about biophysical resources which professional researchers might miss altogether. The public is ultimately the only real source for data on unorganized recreation, acceptable levels of settlement density, informal access corridors, and other uses of the land.

A Note on Resource Valuation:

Some inventory needs require straightforward measurement and mapping. For example, methodologies for locating and measuring timber resources are fairly well-developed. Not so clear are other resources: the importance of wildlife habitats can be alternatively exaggerated or dismissed depending on the party reviewing them. Evaluation methods must have the confidence of most objective observers as being capable of yeilding consistent and plausible results.

Other, "softer" values are even more difficult to measure. How important are various rural recreation sites? How should "social carrying capacity" be applied to rural residential needs? What defines "viewsheds"? To say that these are difficult to measure does not mean that they are unmeasurable. The fact is, people can and do evaluate these soft values all the time....without putting precise words to their processes. The pre-planning process can provide the range of "soft values", the inventory step helps to locate where concerns for these values occur, and estimates how important these concerns are. These are qualitative, comparative estimates - a product of sensitively interpreted social input.

Our capability to evaluate the importance and significance of "soft" values is not well developed in Yukon, although much work has been done by professionals in the field of values research and measurement elsewhere (cf earlier reference to U.S.F.W.S. "Human Use and Economic Evaluation" procedures).

Little of it has been applied to the Yukon. This is an important area requiring further research into suitable methods for this region.

PRODUCT OF INVENTORY STAGE

From the inventories should come a clear understanding of what is, and of what might be. This information is mapped to show spatial relations and areas of overlapping uses and interests. Resource professionals digest the qualitative, quantitative, and locational information to produce resource discussion papers on issues, and trends in supply, demand, and direction of management efforts. These are made available to all concerned to focus and sharpen awareness for the next stage.

STEP THREE: MAPPING RESOURCE ALLOCATION ALTERNATIVES

The previous steps focussed on what exists now, and what the capabilities are of the environment to produce goods, services, and amenities. In this stage, the various resource interests map and describe what they want, or how they would like the future to look as expressed in the land use patterns of the study area. Each resource sector or use, assisted by its agency "sponsor" if there is one (eg. Director of Agriculture for farm development, Director of Lands, CTS for rural residential,.....) would describe and map how they would want their interests reflected in land-use allocation. Each group maps

only its interests, and should stratify them into layers of importance. Note that this is done by the affected parties.

Some sectors will have little difficulty mapping their interests: wildlife, forestry, agriculture have needs which are not difficult to define and map. This is not the case for less well-defined "quality of life" or "amenity" interests (informal recreation, settlement densities and patterns, scenic qualities,...). The work done in the pre-planning stage enables people to effectively identify, describe, and locate these interests. These concerns might otherwise have remained unspoken, since people often lack sufficient awareness to even discuss them.

The planning team creates a folio of map overlays from these submissions and analyzes them for conflicts and incompatibilities. Where no conflicts exist, these maps form the core of a land-use "zoning" map for the area, except where they conflict with well-established resource management or environmental policies.

Analysis must next be brought to bear on areas of conflict and overlapping interests. There are several ways which these can be resolved. Most processes involve negotiation and/or imposed settlements. Negotiation all too often favors interests with greater numbers, greater economic clout, greater stamina, or greater pushiness. None of these factors necessarily produce good solutions.

I would suggest subjecting conflicts to a decision-process which by its form generates solutions. The process is based on publicly derived principles and values expressed in the pre-planning stage, and on publicly supported resource policies. It is unlikely that each region in Yukon would employ an identical decision-process. Since none of these values and principles have been articulated in the Yukon, the following example supplies its own. The policy assumptions and tradeoff rules which guide the sample process are from my analysis of obtaining the public good based on this research effort. If my critique is valid, my suggestions - or anyone's - would have to be confirmed by the public to be legitimate.

STEP FOUR: RESOURCE CONFLICT RESOLUTION PROCESS (LAND-USE ALLOCATION LEVEL)

I suggest these objectives for the decision process:

1. Maintain important wildlife values as indicated by "critical wildlife habitats."
2. Maintain important existing resource values, minimize the opportunity costs of foregone resource values.
3. Minimize the potential for conflict between resource-users.
4. Maximize agricultural development potential with regard to the preceding objectives.

The philosophical values on which these objectives are based are:

- Wildlife and various socio-environmental resources have rights in the land of prior occupation: they should be displaced by a mutually exclusive land-use only when it is demonstrated that the public will not be a net loser by the transaction.

- Multiple-use management is fundamental: the value of undeveloped land is gauged by the sum of compatible uses and values present or capable of being present in the land. A wildlife/forestry/trapping/recreational complex of values will rank as a valuable land-use.

- Social harmony as expressed by conflict resolution and by orderly, publicly legitimate processes must be achieved.

- As a development goal, agriculture enjoys special emphasis over many other possible land values. Sites with high agroclimatic capability are recognized as more important than less capable sites. This ties allocation priorities more to the objective capabilities of the site, and relies less on the subjective opinion of what a prospective farmer thinks can be done with it.

The Resource Conflict-Resolution Process

Each case of overlapping or conflicting interests will be examined on a site-by-site basis according to the following flow chart:

1. Site has critical wildlife habitat which cannot be duplicated?

NO (continue) ▼

YES: Select for habitat protection

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2. Site has Class 3 agroclimatic capability?

NO (continue) ▼

YES: Select for agriculture subject to policy screening and public review.

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3. (Agroclimatic capability class 4 and 5 sites) Site has high index for any combination of wildlife/forestry/recreation/ trapping values?

NO (continue) ▼

YES: Select for natural complex.

---

4. Site is highly used by any resource group?

NO (continue) ▼

YES: (refine data, obtain public input. Can be allocated to agriculture if consultation indicates.)

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5. Site has high potential value for any resource sector?

NO: Select for agriculture

YES: (refine data, obtain public input. Can be allocated to agriculture if consultation indicates.)

The value of sound information from the inventory stage and from the public review of site alternatives is vital to this

sequence: poor data --> poor results. It can be seen that the series of questions asked considers, integrates, and priorizes a wide spectrum of socio-environmental values of the land in five brief steps. As a definitive process, there is little reason for inordinate delays due to policy uncertainties.

STEP FIVE: DRAFT LAND-USE PLAN

The information from the map overlays with the clarification of overlaps provided by the conflict decision-process would be the base of a regional land use plan. The planning team would integrate this with existing resource and environmental management policies to create a draft plan. Included in this would be management guidelines which would generally apply to lands identified as suitable for agricultural development. These guidelines would flow from the policy statements which would (hopefully) be made on the policy questions listed in Section III of this report. Designated lands would be open for applications.

The public should not only review the plan, it should approve and formally accept it. The plan should be a legally binding social contract - not a guide to be circumvented when expedient. If society "buys into" this plan by helping to create it and by formally accepting it, this should provide a decision-making environment of stability and relative certainty. Plans should have a specified lifespan and be redrawn on schedule.

Society can then register its satisfaction or correct its discontent with the social contract in the next iteration.

STEP SIX: FARM PARCEL REVIEW AND DISPOSITION

The land-use planning process made broad-brush resource allocations. Setting actual boundaries of management zones, of rural residential sites, and of agricultural parcels would need a tighter focus. At this level, farm disposition should pass under an agricultural review process as was discussed earlier in this report (cf pp. 8-9, Fig. 2).

The finest grain of resource management and conflict mitigation responses would be applied to individual farm parcels by a technical committee of the Agricultural Review Process. This would be the "farm conservation plan" (cf Phase II Report, Conclusion) in which site-specific concerns such as landclearing, windbreaks and erosion control, fencing standards, riparian leave strips, or facilities design would be addressed. The "farm conservation plan" would guide the development and management of the farm and would be drafted jointly by the farmer and the resource management agencies. It would be a binding agreement which describes the conditions and mandated operating procedures under which agricultural activities are permitted. It could be amended by mutual consent if the changes did not conflict with significant public resource values.

E. LAND DISPOSITION OUTSIDE OF PLANNING AREAS

Land disposition must be imbedded within a planning process in areas of high demand -but not all parts of Yukon are likely to receive planning efforts in the near future. Demand for land cannot be frozen in the meantime. In areas of less intense demand and therefore less conflict potential, an abbreviated form of the planning process could be applied to review applications as they were submitted. This is not optimal, but it is functional.

The review process would use the skeleton of the planning effort. An application would first be screened through land claims and agroclimatic capability criteria. The parcel would next be subjected to a "mini inventory" of the resource values described above in the planning process. This would be done by agency staff with relevant experience and it would conform to defined procedural standards. Public concerns would be solicited by mailing to each boxholder in the immediate district a description of the proposed farm with mapped boundaries at a large scale (1: 10,000 or so). Concerns would be analyzed for significance and would either be dismissed or studied further.

The application would next be subjected to a decision-process as in Planning Step Four, above. The "tradeoff sequence" of the decision-process would be determined for each district outside of a planning area from local public input, from resource policy guidelines, and from the best estimate of the resource

management agency of the social, ecological, and economic needs of the district. Even in absence of a complete, formal planning process, each district could benefit from a workshop in which land and resource values - "hard" and "soft" - could be clarified and expressed to guide resource tradeoffs in land disposition.

Clearly this process endows the government with greater latitude than it would have in a publicly controlled planning process. This is probably inevitable in areas which (for whatever reason) will not have a planning effort in the near future. Even so, this process would have significant improvements over the present administrative application review process:

- o it would receive much more public input;
- o it would be based on better, more complete information;
- o it would incorporate legitimate values which are presently unrecognized;
- o it would assess resource tradeoffs by defined tradeoff procedures
- o it would allow light into a presently secretive process.

Management-level resource conflicts and mitigation measures could again be incorporated into "farm conservation plans".

CONCLUSION

Investigating methods for resolving resource-conflicts in Yukon is a little like pulling on a loose string of a knitted sweater: issues and complexities proliferated as research progressed. What was initially hoped to be a minor modification or tinkering with an existing land disposition system grew into a questioning of the system itself.

There is little question that the existing system is an inadequate means of disposing land. Its shortcomings need not be reiterated. One may object that the alternative process which I have submitted is complicated by comparison. That is indeed so, but that is of little consequence if it yields better decisions. Moreover, it need not function slowly. Much inertia will be overcome once clear policies are drafted to the questions explored in these reports. The proposed process would avoid much of the present indecisiveness because it obtains information neccessary for decision-making and analyzes it in defined decision-sequences. In doing so, it gives genuine influence to the public - who must aborb both the costs and the benefits of land disposition. If we take democracy seriously, we must recognize this as both needed and desired.

Times have changed since the old homesteading days when land could be appropriated at will. We still value land by a similar kind of yardstick: what is its capacity to provide goods, services, and amenities? However, we now recognize far more of these products in undeveloped land than we did a century or

even a generation ago. It is bad business and it is bad public policy to ignore existing values in the land and not to compare them with the expected benefits of alternative uses. Those who would advocate an "inside track" for any resource use would shortchange the rest of society by depriving them of their right to manage the most basic resource of all.