

Yukon Protected Areas Strategy

December 1998

Technical Papers

- No. 1: Roles and Responsibilities for Implementation
- No. 2: Types of Protected Areas and Criteria for Selection
- No. 3: Planning and Establishing Protected Areas
- No. 4: Protected Areas and Yukon First Nation Final Agreements
- No. 5: Socio-economic Assessments of Protected Areas
- No. 6: Interim Protection and Third Party Interests
- No. 7: Reviewing and Updating the Strategy

Yukon Protected Areas Strategy

Technical Paper No. 1

Roles and Responsibilities for Implementation

December 1998



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Publications of the Yukon Protected Areas Strategy

The Yukon Protected Areas Strategy is made up of seven Technical Papers and the summary booklet, *Wild Spaces — Protected Places: A Protected Areas Strategy for the Yukon*. All publications can be obtained by contacting the Department of Renewable Resources, details at the bottom of this page.

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Work Plan

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Government of the Yukon
Department of Renewable Resources
P.O. Box 2703
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Outside Whitehorse call toll free 1-800-661-0408, extension 5648.

Introduction

Implementation of the Yukon Protected Areas Strategy (YPAS) will be based on the principles of cooperation and participation. The process will include public and stakeholder participation. It will also involve building partnerships between federal, territorial, First Nation and local community governments, mandated boards and councils and non-government organizations.

YPAS is a coordinating strategy. It provides the framework for implementing a number of different types of protected areas. Under existing legislation, several different agencies are responsible for planning, establishing and managing different types of protected areas. A YPAS Secretariat will be established to facilitate coordination between these different agencies. Cooperation among the different governments and agencies will be key to the successful implementation of the strategy.

This technical paper briefly outlines the roles and responsibilities of the parties that will be involved in implementing the Protected Areas Strategy. This includes the roles that will be involved in the implementation of the strategy in general, as well as the roles that will be included in the planning and establishment of Goal 1 and Goal 2 type protected areas.

The specific steps involved in planning and establishing protected areas are described in more detail in Technical Paper No. 3: Planning and Establishing Protected Areas.

Public participation

Public participation is central to the strategy.

Implementation will be done in an open and public manner. Annual Work Plans and progress reports will be made available to Yukon people. Public stakeholder groups and non-government organizations will be invited to participate in the annual work plan reviews and updates. Public consultation will also be a key component of the five-year review of the Strategy. These annual and five year reviews are described in more detail in *Technical Paper No. 7: Reviewing and Updating the Strategy*.

For planning and establishing Goal 1 areas, the public and affected stakeholders will have opportunities to participate at all stages of the planning process. This will include participation through public workshops and meetings, open houses, individual visits, and open meetings of the Local Planning Teams.

Special public forums for discussion and input will be held at key stages of the Goal 1 planning process, including:

- identification and review of initial broad areas of interest for protection;
- review of study area proposals;
- review of protected areas proposals; and
- review of draft management plans.

These public forums will be open to participation by all members of the public. This includes public and stakeholders from the local area as well as people that may represent broader territorial or national interests,

To ensure that local concerns are adequately considered, regular meetings of the Local Planning Teams and forums for public consultation will be held in the communities most affected by the protected areas proposals. In some cases, special meetings or public forums may also be held outside the region to facilitate participation by broader territorial or national interests.

Public participation will also be an important part of planning and establishing Goal 2 protected areas. The specific mechanisms for public participation will vary according to the processes involved. These processes are described in more detail in *Technical Paper No. 2: Types of Protected Areas and Criteria for Selection*.

Government roles

Yukon government

The Yukon government will play a lead role in implementing the Yukon Protected Areas Strategy.

YPAS Secretariat

A YPAS Secretariat made up of government staff will be established by the Yukon government to coordinate the overall implementation of YPAS. In this role, the Secretariat will work to:

- encourage inter-agency coordination in relation to protected areas initiatives;
- coordinate data collection, analysis, synthesis, interpretation, and dissemination related to protected areas;
- maintain ongoing contact with First Nation governments, Renewable Resources Councils and Regional Land Use Planning Commissions;
- maintain ongoing contact with other governments, agencies and mandated board and councils;
- maintain ongoing contact with non-government organizations and affected stakeholder groups;
- prepare coordinated work plans; and
- coordinate annual YPAS Work Plan reviews and updates.

The Secretariat will also take a lead role in planning and establishing Goal 1 protected areas for ecoregion representation. It will:

- identify proposed priority ecoregions and initial areas of interest for planning;
- establish the Local Planning Teams;
- participate on and co-chair the Local Planning Teams;
- provide planning and technical support to the Local Planning Teams;
- coordinate interdepartmental input (including resource inventories and assessments) into the protected areas planning process;
- coordinate interdepartmental reviews of protected areas proposals; and
- coordinate social and economic assessments of protected areas proposals.

The Yukon government and Secretariat will also be involved, as required, in the coordination, planning and management of Goal 2 protected areas, which may include Habitat Protection Areas, Heritage Sites, Heritage Rivers, Recreation Sites and Ecological Reserves.

The Yukon government Cabinet will have a key role in implementation. It will be responsible for:

- approving annual YPAS work plan priorities;
- approving revisions to YPAS;
- approving amendments to territorial protected areas legislation;
- pursuing intergovernmental cooperation on protected areas with adjacent governments in the Northwest Territories, British Columbia and Alaska;
- approving priority ecoregions for planning;
- approving proposed study areas for ecoregion representation;
- making requests for interim protection to the federal government as appropriate;
- approving final protected areas proposals;
- making requests for land transfers from the federal government as appropriate (if needed for the type of designation being proposed);
- approving protected area designations (for territorial designations only); and
- approving protected areas management plans (for territorial designations only).

First Nation governments

Yukon First Nation governments also play a key role in establishing protected areas in the Yukon.

Several Special Management Areas (SMAs) have already been created through the Yukon First Nations Final Agreements that are now in effect. These SMAs include areas that are, or will be, designated as National Parks, National Wildlife Areas, Territorial Parks, Ecological Reserves, Habitat Protection Areas, Heritage Sites or Historic Sites. SMAs play an integral role in protecting important natural and cultural features of the Yukon and they will make a significant contribution towards the completion of a protected areas network.

Several Yukon First Nations are still in the process of negotiating their claims. The process of establishing SMAs through the Final Agreements of these First Nations will continue. While SMAs established through Final Agreements do count towards achieving protection goals, it should be emphasized that they are in no way driven by Yukon Protected Areas Strategy.

Most, if not all, of the protected areas which will be created under YPAS will meet the definition of a Special Management Area as set out in First Nation Final Agreements. YPAS will not take away from, nor replace, Chapter 10 provisions for creating SMAs. All requirements related to SMAs as described in First Nation Final Agreements will also apply to protected areas created through YPAS. In this way, YPAS provides a coordinating and planning mechanism that respects all aspects of Chapter 10 and related chapters that set out procedures for consultation, planning and management of SMAs.

Chapter 10 of Yukon First Nations Final Agreements identifies several requirements for the involvement of Yukon First Nations in the planning, establishment and management of Special Management Areas.

First, a Special Management Area may not include settlement land without the consent of the affected First Nation.

Second, if a Special Management Area is proposed that may adversely affect a Yukon First Nation, Government and the affected First Nation must negotiate an agreement that will:

- establish any rights and benefits of the affected Yukon First nation in the established use, planning, management and administration of the Special Management Area;
- reduce any negative effects on the affected First Nation; and
- address the rights of Yukon Indian people for harvesting fish and wildlife within the Special Management Area.

The agreements may also address economic and employment benefits for the affected Yukon First Nation, and the terms applying to any settlement lands that may be included in the Special Management Area. The affected First Nation and Government may also refer the issue to mediation.

Technical Paper No. 4: *Protected Areas and First Nation Final Agreements*, contains the full text of Chapter 10 of the Umbrella Final Agreement, which identifies the conditions that must be met in creating SMAs.

In addition to meeting all Chapter 10 requirements for First Nation involvement in relation to SMAs, Yukon First Nation governments will also be invited to:

- participate in YPAS discussions on the selection of priority ecoregions for planning;
- participate in discussions on the selection of initial broad areas of interest for protection;
- participate on Local Planning Teams in the preparation of protected areas proposals and management plans;
- provide local and traditional knowledge relevant to the planning process; and
- participate in the annual review and updating of the YPAS.

The Inuvialuit Final Agreement (IFA) and the Gwich'in Comprehensive Land Claim Agreement also specify roles for First Nation involvement in planning and establishing protected areas, within their respective claim areas.

The Inuvialuit Final Agreement establishes a special conservation regime for the Yukon North Slope, which for the purposes of the UFA includes the Yukon's nearshore and offshore waters and lagoons. The IFA also establishes mandated boards and councils to participate in matters pertaining to resource management, conservation and protected areas within the Inuvialuit Settlement Region. These boards and councils will be involved in the implementation of YPAS a manner consistent with the requirements of the IFA

First Nations governments which have completed transboundary claims in the Yukon, such as the Tetlit Gwich'in, will be involved in a manner consistent with their land claim agreements.

Government of Canada

The federal government will play a key role in implementing the Protected Areas Strategy.

Nationally, the federal government is responsible for planning, establishing and managing a number of the different types of protected areas. Seven protected areas under federal designation already exist in the Yukon. The federal role in planning, establishing and managing federal protected areas will continue.

Parks Canada (Canadian Heritage) establishes and manages National Parks and National Marine Conservation Areas. These areas are selected to protect representative examples of the country's natural regions and marine natural regions. Parks Canada is also responsible for establishing and managing National Historic Sites.

Environment Canada, through the Canadian Wildlife Service, is involved in establishing and managing National Wildlife Areas, Migratory Bird Sanctuaries, and Marine Wildlife Areas. These types of areas are established to protect areas of critical wildlife habitat and unique or productive ecosystems that are important for the conservation of wildlife.

The Department of Fisheries and Oceans has the authority to establish Marine Protected Areas for the conservation and protection of endangered or threatened marine species and their habitats, unique habitats, and marine areas of high biodiversity or biological productivity.

The federal government, through the Canadian Biodiversity Strategy, has identified a number of commitments for these agencies in regards to their continuing role in establishing and managing protected areas. The document, *Implementing the Canadian Biodiversity Strategy: Protected Areas* (Government of Canada, 1997), identifies the following targets.

Parks Canada (lead agency) will:

- work toward completion of national park system by the year 2000;
- expand the national marine conservation system; and
- pass new federal legislation for the creation and administration of National Marine Conservation Areas.

Canadian Wildlife Service (lead agency) will:

- work towards the protection of special habitats through the establishment and management of protected areas;
- develop criteria to guide identification and selection of marine wildlife areas under the *Canada Wildlife Act*;

- develop a regulation and strategy for marine wildlife areas and continue marine bird inventories to identify important marine wildlife habitats;
- fully apply the provisions of the Income Tax Act to establish extended taxation benefits and remove taxation barriers to private and corporate land owners for land donations of conservation value by the year 1998;
- promote the development of mechanisms for conservation easements and covenants and their implementation;
- support the protection of priority habitats and species by establishing national wildlife areas and by participating in partnership programs;
- further expand the national network of protected globally significant wetlands in Canada, particularly in coastal zones; and
- establish national wildlife areas and marine wildlife areas under the *Canada Wildlife Act*.

Department of Fisheries and Oceans will:

- develop a policy and process framework for the establishment and management of marine protected areas under the *Oceans Act*; and
- identify possible marine protected area candidate sites under the *Oceans Act*, including the rationale for their designation.

Canadian Forest Service will:

- identify which representative and critical forest ecosystems are protected within Canada's protected areas network.

As the manager of federal Crown lands in the Yukon, DIAND also has a role in the creation of protected areas. DIAND makes land available to other federal government departments and the Yukon government for protected areas. The federal government also owns all waters in the Yukon. Most protected areas proposals are expected to include federal land and all will include federal water. For some types of protected areas, such as territorial parks, the federal government will have to approve the proposed land use and transfer the land to the Yukon government before designation can take place.

In the Yukon, the federal government is also responsible for the regulation and management of forest resources, mineral resources, migratory birds, wildlife of national or international significance, migratory fish (salmon), all fish habitat, marine mammals, off-shore marine areas, water use, and land use on federal crown lands. This may change through devolution but, at the present time, any recommendation affecting the management or regulation of the above-noted resources would require approval from the federal government.

The federal *Yukon Quartz Mining Act* and *Yukon Placer Mining Act* regulate mining activities in the Yukon. Any request for interim or permanent subsurface withdrawal of mineral resources must be approved by the federal Cabinet. The federal government is also responsible for issuing surface withdrawals by federal Order-in-Council under the *Territorial Lands Act*. These

processes are described in more detail in Technical Paper No. 6: *Interim Protection and Third Party Interests*.

In addition to the above-noted responsibilities, the federal government will have the opportunity to participate in the implementation of YPAS through being invited to:

- participate in the annual review and updating of the YPAS Work Plan;
- participate in discussions on the selection of priority ecoregions for planning;
- participate in discussions on the selection of initial broad areas of interest for protection;
- participate on the Local Planning Teams;
- participate in conducting resource inventories and assessments within its areas of responsibility;
- contribute technical expertise and research to protected areas planning processes;
- initiate, as appropriate, proposals for protected areas, and
- participate in intergovernmental reviews of protected areas proposals and plans.

Local community governments

Local communities will also have opportunities to participate. Protected areas can have important impacts on nearby communities, the regional land base, and local recreation, tourism and business opportunities. In cases where a proposed protected area is expected to have an impact on a local community, the affected municipal government will be invited to participate on the Local Planning Team.

To facilitate local involvement, the majority of planning meetings will be held in the community most affected by the protected area proposal.

A representative of the Association of Yukon Communities will be invited to participate in the annual reviews and updates of the YPAS Work Plan.

Mandated Boards and Councils

Renewable Resources Councils

Renewable Resources Councils will play a key role in implementation.

First Nation Final Agreements specify that a Special Management Area proposal, after the effective date of the agreement, will be referred to the affected Renewable Resources Council (RRC) for its review and recommendations. (Heritage related proposals may be referred to the Yukon Heritage Resources Board instead of an RRC.) Renewable Resources Councils may also make recommendations to the Minister and affected Yukon First Nation on any matter related to conservation of fish and wildlife.

In addition to the above mandated roles, RRCs will be invited to:

- maintain ongoing contact with the YPAS Secretariat;
- participate in the annual reviews and updates of the YPAS Work Plan;
- participate in discussions on the selection of priority ecoregions for planning;
- participate in discussions on the initial selection of areas of interest for ecoregion representation; and
- participate on, and co-chair, the Local Planning Teams;

Renewable Resources Councils will also be able to make independent proposals for Habitat Protection Areas or other types of Goal 2 protected areas that are not being considered in a planning process for ecoregion representation.

In the above ways, RRCs will be able to play a key role in facilitating local public participation and identifying, planning, and establishing different types of protected areas. This will ensure that local concerns are considered in the different planning processes involved, and that local and traditional knowledge will be brought forward.

Yukon Heritage Resources Board

First Nation Final Agreements state that the Yukon Heritage Resources Board may review proposals for territorial historic parks, national historic sites and heritage sites. The Board may also make recommendations on:

- ways in which the traditional knowledge of Yukon Indian elders may be used in the management of certain heritage resources;
- the development of a strategic plan for heritage preservation and management of certain heritage resources and Heritage Sites in the Yukon;
- the designation of Heritage Sites; and
- any other matter related to heritage resources of the Yukon.

All protected areas proposals which include heritage and historic resources may be referred to the Yukon Heritage Resources Board for review and recommendation.

In addition to the above mandated roles, the Yukon Heritage Resources Board will also be invited to participate in the annual YPAS Work Plan review and update.

Yukon Fish and Wildlife Management Board

The Yukon Fish and Wildlife Management Board may make recommendations for the management of fish and wildlife and their habitats. It may also review proposals and make recommendations for Habitat Protection Areas.

The Board will also be invited to participate in the annual review and update of the YPAS Work Plan.

Yukon Land Use Planning Council

Yukon First Nation Final Agreements specify that the Yukon Land Use Planning Council shall make recommendations to governments and affected Yukon First Nations on land use planning policies, goals and priorities, the identification of planning regions and priorities, general terms of reference for Regional Land Use Planning Commissions, the boundary of each planning region, and other matters as governments and Yukon First Nations may agree.

In keeping with the above mandate, the Council will be invited to participate in:

- discussions on how regional land use planning and protected areas planning can be best coordinated;
- discussions on priority ecoregions for planning; and
- the annual review and update of the YPAS Work Plan.

Regional Land Use Planning Commissions

In regions where both regional land use planning and protected areas planning are in progress, the YPAS Secretariat will work with the Yukon Land Use Planning Council and the established Regional Land Use Planning Commission at the outset to:

- determine the best way to coordinate the two initiatives;
- avoid the duplication of work;
- ensure that planning and decision making for protected areas will be done in a timely fashion; and
- ensure that the provisions of Chapter 10 (Special Management Areas) and Chapter 11 (Land Use Planning) of Yukon First Nations Final Agreements are upheld.

Specific methods for coordinating protected areas planning and regional land use planning will be dealt with on a region-by-region basis. In some cases, where conservation values are at risk

for example, it may be desirable to undertake protected areas planning on a faster time frame than land use planning. In most cases, it is expected that the Local Planning Teams will continue to lead the protected areas planning process and provide recommendations to the Regional Land Use Planning Commissions and governments regarding Goal 1 protected areas proposals. The Regional land Use Planning Commission will be invited to appoint one or more members to sit on the Local Planning Team to ensure appropriate coordination with the land use planning process.

The specific roles to be assumed by the Local Planning Teams and Regional Land Use Planning Commissions, and the criteria to be used to evaluate protected areas alternatives, will be specified in the Terms of Reference established for these groups. Any process that deals with the planning and establishment of protected areas for ecoregion representation (Goal 1) however, will be consistent with the general planning principles and processes outlined in Technical Paper No. 3: *Planning and Establishing Protected Areas*.

Yukon Development Assessment Board

The Yukon Development Assessment Board is referenced in the Umbrella Final Agreement and will be established through the development assessment legislation which is currently being prepared. Development assessment legislation will identify terms and requirements for the assessment of development projects, which may include the establishment of protected areas.

The Development Assessment Board will be involved in protected areas planning and establishment in a manner which is consistent with the requirements of the upcoming legislation. This may include overseeing or conducting assessments of protected areas proposals, and making recommendations on those proposals before they are sent to governments for final review and approval.

The Development Assessment Board or designated office, as appropriate, will be consulted early on in the protected areas planning process to identify technical requirements for DAP assessments. This will be done to ensure that the planning steps and analysis work carried out in the protected areas planning process will meet the technical requirements of the development assessment process. This will be done to avoid duplication of work, and it may also expedite the assessment process when the protected areas proposals are being reviewed by DAP.

Boards and Councils Created by the Inuvialuit Final Agreement

The Inuvialuit Final Agreement (IFA) creates a number of Boards and Councils that have mandated roles within the Inuvialuit Settlement Region. These include the Wildlife Management Advisory Council, North Slope, (WMAC), The Inuvialuit Game Council, the Fisheries Joint Management Advisory Council, the Aklavik Hunters and Trappers Committee and the Research Advisory Council. In the Yukon portion of the settlement region, Boards and Councils created for the purpose of resource management in the Yukon North Slope will be involved in protected areas establishment in a manner consistent with the requirements of the IFA.

The Wildlife Management Advisory Council, North Slope, for example, is mandated to advise on measures required to protect habitat that is critical for wildlife or harvesting on the Yukon North Slope.

WMAC will be invited to provide input to protected areas planning and establishment for the Yukon North Slope. They will be consulted on all wildlife and habitat-related proposals that are made for protected areas in the Yukon North Slope. WMAC will also be invited to co-chair any Local Planning Team which is established to develop protected areas plans, proposals or management plans that are located in the Yukon North Slope.

Boards and councils created by the Gwich'in Comprehensive Land Claim Agreement

The Gwich'in Comprehensive Land Claim Agreement identifies specific roles for Tetlit Gwich'in participation in renewable resources management for areas in the Yukon that are covered by the claim. These roles and responsibilities will be upheld in the implementation of YPAS.

Other established boards and councils

All related boards and councils which have been established by governments to fulfill specific mandates, such as the Porcupine Caribou Management Board and the Yukon Council on Economy and Environment, will be consulted and involved according to their mandates.

Non-government organizations

Non-government organizations (NGOs) representing conservation, industry and affected stakeholder interests will be invited to participate in various aspects of the implementation of YPAS.

NGOs and stakeholder groups will be invited to maintain ongoing contact with the YPAS Secretariat to ensure that their concerns are considered at the territorial level.

NGOs and stakeholder groups will also have opportunities to participate directly in the planning and establishment of protected areas. NGOs, as well as the public at large, will have opportunities to make recommendations for areas of interest for protection. NGOs will also be invited to participate in the annual YPAS Work Plan reviews and updates. Two or three non-government organizations or stakeholder groups will be invited to select a representative to participate on the Local Planning Teams to ensure balanced representation of conservation, industry and tourism interests. All non-government organizations, affected stakeholders and members of the public will be invited to participate in Local Planning Team meetings and in all aspects of public consultation during the planning process.

Local Planning Teams

Local Planning Teams (LPTs) will play a central role in the planning process for areas for ecoregion representation (Goal 1). Once priority ecoregions and initial areas of interest have been identified, a Local Planning Team will be established to lead the public planning process of identifying study areas, making protected areas proposals and preparing protected areas management plans

Membership

The Local Planning Team will be made up of representatives from:

- the Yukon government;
- the First Nations government within whose Traditional Territory the proposed area of interest is located;
- the affected Renewable Resources Council;
- the federal government;
- the Regional Land Use Planning Commission (where established);
- the affected municipal government (if the proposed area is expected to have impacts on the municipality); and
- two or three non-government organizations or stakeholder groups to provide balanced representation of conservation, industry and tourism interests.

If a proposed area of interest for protection is located in an area of overlap that involves more than one Traditional Territory, all affected First Nations and Renewable Resources Councils will participate in a manner consistent with their overlap agreements.

The Renewable Resources Council will be invited to co-chair the Local Planning Team along with the Yukon government. Together, the co-chairs will determine which non-government organizations or groups will be invited to participate on the LPT.

Each member government or organization will be responsible for selecting its own representative to the LPT. NGOs will be encouraged to select a representative from the local region where possible.

Public participation in Local Planning Team meetings

The public, NGOs and stakeholders will be invited to attend and participate in LPT meetings. Public notices of meeting times and locations will be done both in the region as well as outside the region. Regular LPT meetings will be held in local communities most affected by the protected area proposals. The meetings will take place in an open round-table format to facilitate open discussion and participation by all in attendance.

Responsibilities

The Local Planning Team will lead the process of developing plans and proposals for Goal 1 protected areas for ecoregion representation. Responsibilities include:

- reviewing technical information;
- confirming areas of interest for protection;
- facilitating public participation;
- ensuring that local concerns, knowledge and information are adequately considered;
- developing study area proposals;
- finalizing protected areas proposals; and
- preparing draft and final management plans.

Upon agreement of the parties to establish a Local Planning Team and proceed with a planning process, the YPAS Secretariat will prepare a Terms of Reference for the team. This will address:

- planning area;
- membership;
- operating procedures;
- planning goals and objectives;
- planning process;
- public participation;
- coordination with other related planning processes;
- timelines;
- budgets; and
- products.

Guidelines for the planning process to be followed by the LPTs is described in more detail in Technical Paper No. 3: *Planning and Establishing Protected Areas*.

Yukon Protected Areas Strategy

Technical Paper No. 2

Types of Protected Areas and Criteria for Selection

December 1998



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Fax: (867) 393-6223 Phone: (867) 667-5648
Outside Whitehorse call toll free 1-800-661-0408, extension 5648.

Introduction

This paper describes different types of protected areas and the criteria that will be used for their planning and selection. Criteria ensure that consistent standards are applied to the selection of protected areas throughout the Yukon.

Although this paper emphasizes formal protection measures, it is important to recognize that, on most public lands, ecosystems and species will continue to be managed through general land use regulations and permitting processes rather than through outright protection. Good management is particularly important on unprotected lands near core protected areas to ensure that the values being protected are not affected by pollution or inappropriate development.

Ecosystems

Ecosystems can vary in size from the relationships among life forms on the entire planet, to the relationships among life forms in a single drop of water. To help maintain biodiversity in our part of the world, the Yukon network of protected areas will:

- represent the full range of terrestrial and aquatic ecosystems in the Yukon,
- sustain the proper functioning of these ecosystems,
- protect the needs of different species throughout their range, and
- set aside wilderness areas as a legacy for the future.

The value of undisturbed areas will continue to rise as natural ecosystems world-wide become increasingly rare. Protecting the ecosystems in our region will also help preserve subsistence harvest opportunities which are so important to many Yukon residents, especially First Nation people.

Ecoregions of the Yukon: a framework for protected areas planning

The Yukon government, like other governments across Canada and the United States, has adopted a framework of ecoregions for planning protected areas.

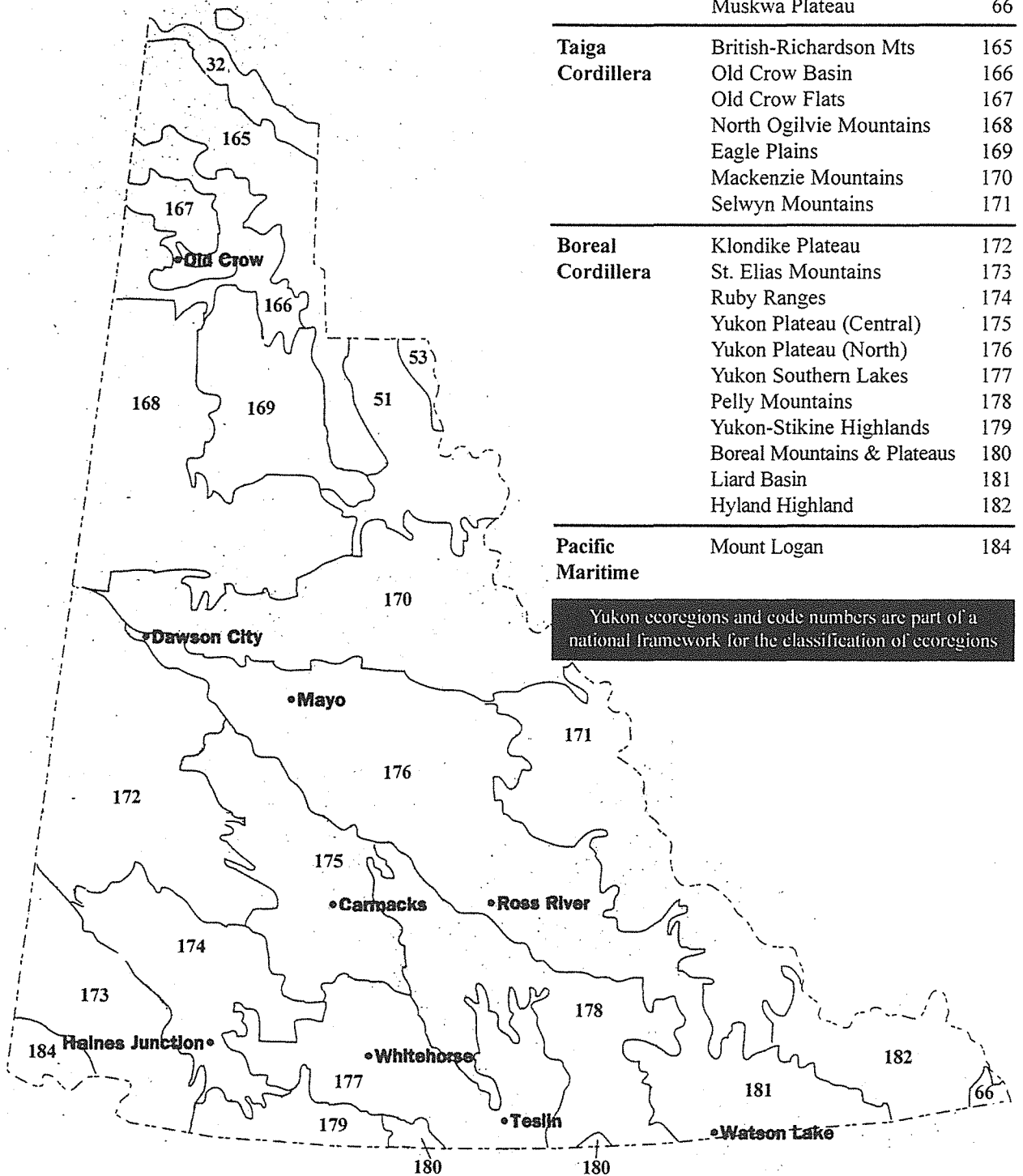
Ecoregions are areas of similar climate, landforms and soil types (physical features), on which life forms (biological features) and ecosystems depend. Ecoregions are included as part of an ecological classification system for Canada that was established by the Canada Committee on Land Classification. They are recognized across the country as a legitimate and valuable way of describing and classifying natural regions.

Over 400 ecoregions and 29 natural marine areas have been identified in Canada. Twenty-three ecoregions are located in the Yukon. Some lie entirely within the territory. Others extend into the Northwest Territories, British Columbia and Alaska (See ecoregion map). One natural marine area lies off the Yukon's arctic coast.

The ecoregion system is an important tool in planning for biodiversity. If the range of physical and biological features within an ecoregion are protected, then the range of ecosystems and biological diversity which are supported by those features are also more likely to be protected.

Ecoregions of the Yukon

ECOZONE	ECOREGION	CODE
Southern Arctic	Yukon Coastal Plain	32
Taiga Plain	Peel River Plateau	51
	Fort McPherson Plain	53
	Muskwa Plateau	66
Taiga Cordillera	British-Richardson Mts	165
	Old Crow Basin	166
	Old Crow Flats	167
	North Ogilvie Mountains	168
	Eagle Plains	169
	Mackenzie Mountains	170
	Selwyn Mountains	171
Boreal Cordillera	Klondike Plateau	172
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Yukon ecoregions and code numbers are part of a national framework for the classification of ecoregions

Goal 1: To protect representative core areas within each ecoregion

Objective

The primary objective of the strategy is to help maintain biodiversity and ecosystem processes by protecting representative core areas within each of the Yukon's 23 ecoregions and one natural marine region.

Representative core areas will form the backbone of a protected areas network in the Yukon. These areas will be established to represent the ecological characteristics of an ecoregion and help maintain the biodiversity and ecological integrity of the region. They will help to maintain the important ecosystem functions of the region.

Level of protection

Goal 1 areas for ecoregion representation will receive a high level of legislated protection to ensure that the natural ecosystem processes within them can continue undisturbed. These areas will be permanently protected from any development activity that could significantly interfere with the ecological integrity of the area. Mining, logging, agriculture, hydro-electric projects, oil and gas surface work and townsite developments will not be allowed.

Four criteria for selecting representative core areas

A standard set of criteria will be used to identify and evaluate areas of interest being considered for protection as representative core areas. These criteria are widely accepted and used in protected area strategies across Canada.

1. Representativeness

Representative protected areas will contain, in natural proportions, the full range of ecosystem types present in each ecoregion, including characteristic climate, landforms, soils, hydrology, aquatic and terrestrial habitats, wildlife and vegetation.

Representation of Marine Natural Areas

Representative marine conservation areas may also form part of the system of protected areas. The Yukon's arctic coast lies within one of Canada's 29 natural marine areas; an area which is not yet represented by a marine conservation area.

The Yukon Territory boundary does not, however, extend off shore. Off shore areas are part of the Inuvialuit Settlement Region. Responsibilities for protection of marine resources in off shore areas are primarily federal, and subject to the requirements of the Inuvialuit Final Agreement.

In some cases, Goal 1 areas will be shaped by the need to represent large-scale wilderness ecosystems. Other Goal 1 areas will be formed around smaller-scale ecosystem features that are not adequately represented in the larger areas. These may include specific sites or features that are particularly important to the ecological processes within the ecoregion or areas that contribute significantly to its biodiversity.

Representativeness will be measured by identifying areas that serve important ecological functions and by examining geophysical and biological components including:

- bedrock age, lithology,
- surficial materials,
- physical habitats,
- soil development,
- elevation gradient,
- topographic patterns,
- hydrology,
- climatic subzones,
- land cover types,
- biomass productivity, and
- terrestrial and aquatic plant and animal populations.

2. Naturalness

Areas of interest for ecoregion representation should have experienced a minimal degree of development and human-caused disturbance.

Ability to meet the naturalness criterion will be measured by examining existing and potential disturbances such as:

- roads;
- settlements or land developments;
- surface disturbances due to resource exploration and development; and
- existing land tenures.

The ability of disturbed areas to be returned to a natural state will also be evaluated. In some cases, however, evidence of past activities or development may be worth preserving for heritage value, and this will be considered as appropriate.

3. Ecological viability

Ecological viability is the ability of ecosystems, species and populations to be sustained and allowed to evolve naturally. Viability depends on how intact an ecosystem is and whether or not the ecological relationships within the ecosystem can be maintained.

Fragmentation of natural ecosystems is recognized as one of the greatest threats to biodiversity. For example, the access provided by construction of new roads into an area can have tremendous impacts on wildlife populations.

To maintain ecological viability, representative protected areas should:

- be large enough to preserve the interrelationships among ecosystem elements and ensure the long-term survival of flora and fauna species;
- be large enough to allow for survival and recovery of ecological functions following natural disturbances;
- include transitional or edge habitats where two or more habitat types meet;
- connect with important habitat links such as rivers, valleys, wildlife trails and migration routes; and
- be free of barriers to movement of wildlife.

4. Research and education values:

Representative core areas can also have value for long term research, education and maintaining traditional knowledge. Areas of interest should include:

- natural areas which can serve as benchmarks for studying and understanding natural processes so that they can be compared with changes taking place in areas that are not protected, and
- representative and unique gene pools which are important for scientific research as well as ecological viability.

Protected area designations suitable for Goal 1

Protected area designations which would meet the goal of protecting representative parts of ecoregions must prohibit by legislation industrial uses such as mining, logging, hydro-electric development, agriculture, surface disturbance related to oil and gas development, and other land uses that might affect the features being protected.

The Yukon *Parks Act* will be amended to ensure that protected areas created under this statute will provide legislative protection from the types of development listed above. National parks already meet this standard.

Other designations may also be considered for areas set up under Goal 1 if it can be demonstrated that they would meet the same standard of protection. Other designations that may be considered include Habitat Protection Areas under the *Yukon Wildlife Act*, Wilderness Management Areas under the Yukon *Environment Act* and Marine Protected Areas under the *Canada Oceans Act*.

Yukon and federal protected area designations are described in more detail on pages 13-25.

The zoning system which may be used to manage recreational and other land uses inside territorial parks is laid out in the Appendix (page 26).

Process for establishing Goal 1 areas

The process that will be followed to select and establish Goal 1 areas is described in detail in Technical Paper No. 3: *Planning and Establishing Protected Areas*.

Goal 2: To protect the special places

There are six objectives under the goal of protecting special places. The criteria that will be used to identify these places, and suitable designations for protection, are listed here. More detailed descriptions of the different designations and their levels of protection begin on page 13.

In some cases, the values listed here may also be included within areas that are set aside to represent an ecoregion (Goal 1).

Objective 1: To protect important vegetation and fish and wildlife habitat

This objective refers to habitats in relation to both flora and fauna. Flora, or vegetation, is the lifeblood of the food chain in the Yukon upon which other inhabitants in the natural world ultimately depend. Fauna includes mammals, invertebrates, birds, fish and amphibians. Fauna includes resident species which survive in the Yukon year-round and migrant species which live for only part of the year in the north. Both resident and migrant species depend on important habitats and sites for survival.

Healthy fish, wildlife and vegetation populations are critical to the continued functioning of our ecosystems. They also help support lifestyles and businesses in the Yukon. Yukon people place a high importance on protecting areas that are significance for vegetation, fish and wildlife.

Some habitat areas in the Yukon are actively being researched to learn more about the flora and fauna of the Yukon and the ecosystems that affect them. This scientific research is adding greatly to our knowledge of ecological processes and habitat relationships. It is important that these research sites are properly managed so that this scientific work can continue.

Criteria

Areas of interest should contain exceptional biological values and important ecological functions. These may include:

- highly productive habitats;
- high concentrations or diversity of species;
- nesting, congregating, staging, calving, lambing or spawning areas;
- important seasonal feeding, resting or wintering ranges;
- habitats for endemic, rare, vulnerable, endangered or threatened species;
- habitats for species at the limits of their geographical range or with a limited distribution in the Yukon;
- areas affected by geological or micro-climatic anomalies;
- important migration routes and other habitat links, and
- areas that are under active scientific study in regards to vegetation, fish, wildlife, ecological processes or ecosystem functions.

Potential designations

Yukon

- Habitat Protection Areas
- Ecological Reserves
- Natural Environment Parks (if values are included in areas set aside under Goal 1)

Federal

- National Parks (if values are included in areas set aside under Goal 1)
- Marine Protected Areas
- Migratory Bird Sanctuaries
- National Wildlife Areas
- Marine Conservation Areas
- Map Notations and Land Reservations (suitable for habitat research sites only)

Objective 2: To protect uncommon landforms and natural features

The Yukon is home to several sites which contain unusual or unique natural features, such as sand dunes or hot springs. These sites are often also associated with uncommon or rare plant and animal species, and thereby contribute to the overall biodiversity of an area. They can also be scientifically or culturally important. Yukon people have consistently noted the importance of protecting these types of areas.

Criteria

Areas of interest should include exceptional or unique natural features, such as:

- exceptional landforms, geological or hydrological features (i.e. sand dunes, waterfalls, hot-springs);
- exceptional paleontological (fossil-related) features; and
- rare or endemic plant and animal species.

Potential designations

Yukon

- Ecological Reserves
- Natural Environment Parks (if values are included in areas set aside under Goal 1)
- National Landmark site

Objective 3: To protect areas of cultural, heritage and spiritual value

The Yukon has had a long and rich history. There are numerous areas and sites in the territory that have cultural, spiritual, heritage and historic value. These areas are important to Yukon people as well as to visitors that come to appreciate and learn about our heritage.

Criteria

The Yukon *Historic Resources Act* defines processes for designating heritage sites in the Yukon. Heritage sites may include the heritage of First Nation as well as non-First Nation peoples. There are existing inventories of historical, archaeological and paleontological resources throughout the Yukon that have been assembled, updated and maintained by the Yukon government as well as by First Nations. The significance and potential designation of these resources is evaluated using criteria based on thematic frameworks taking into consideration uniqueness, representativeness, authenticity and condition. Both scientific and traditional values are applied.

Features to be considered include:

- sites or areas representing the diversity of heritage resources in the Yukon;
- heritage sites, trails or cultural landscapes;
- spiritual and sacred sites; and
- areas used for important social or traditional activities.

Potential designations

Yukon

- Heritage Sites, Historic Sites and Historic Parks
- Natural Environment Parks (if values are included in areas set aside under Goal 1)

Federal

- National Historic Parks and National Historic Sites
- Natural Environment Parks (if values are included in areas set aside under Goal 1)

Objective 4: To protect areas of high value for outdoor recreation and tourism

Outdoor recreation is an important part of northern lifestyles. Many areas and sites in the Yukon are already heavily used for recreation purposes such as hiking, skiing, camping, boating, fishing, hunting and sightseeing. These activities are also important to the tourism industry in the Yukon. It is important that outdoor recreation be properly identified and managed so that recreational values can be maintained into the future.

Criteria

Areas of interest should include:

- territorially and regionally rare, scarce or exceptional recreation features;
- areas with a high concentration or variety of recreation features;
- areas that meet the demand for natural environment recreation; or
- areas with opportunities for nature and heritage appreciation and education.

Potential designations

Yukon

- Outdoor Recreation Sites
- Natural Environment Parks (if values are included in areas set aside under Goal 1)
- Canadian Heritage Rivers
- Other (i.e. Recreation Corridors)

Objective 5: To protect wilderness values

Wilderness means any area of the Yukon in a largely natural condition in which ecosystem processes are largely unaltered by human activity or in which human activity has been limited to developments or activities that do not significantly modify the environment, and includes an area restored to a largely natural condition (*Yukon Environment Act*).

Wilderness is part of the identity of the Yukon. Different people see, use and appreciate wilderness in different ways. The vast expanse of undisturbed natural landscape that covers much of the territory, however, is important to us all.

Maintenance of wilderness areas can help ensure the conservation of large predator-prey ecosystems, intact watersheds, and natural areas and processes. Wilderness areas help support subsistence lifestyles that are important for many Yukon people. Wilderness areas are also important to the Yukon's expanding tourism industry.

Both Goal 1 and Goal 2 carry provisions for the protection of wilderness. Wilderness areas under Goal 1 will be selected for their representative values and will not allow any industrial developments such as mining, timber harvesting or hydro development. Wilderness areas under Goal 2 will be selected for wilderness values independent of representativeness and will be managed so as to maintain those values.

In recognition of the unique opportunity Yukon offers for preserving increasingly rare and valued wilderness areas, the *Yukon Environment Act* provides for the creation of Wilderness Management Areas.

Criteria

Areas of interest should include exceptional wilderness values, including:

- areas that are in a largely natural condition in which ecosystem processes are largely unaltered by human activity, or in which human activity has been limited to developments that do not significantly modify the environment;
- large tracts of roadless landscape, involving intact ecosystems or watersheds, and
- large tracts of wilderness with important intrinsic ecological values and associated economic values.

Potential designations

Yukon

- Wilderness Management Areas
- Natural Environment Parks

Federal

- National Parks, National Park Reserves

Level of Protection for Goal 2 Areas

The level of protection in Goal 2 protected areas will vary, depending on the objectives of the area. Protection levels will be determined through publicly developed management plans which will consider conservation needs as well as compatible activities and sustainable resource management practices.

Process for Establishing Goal 2 areas

Processes for establishing Goal 2 areas will vary with the type of designation that will be used. Most designations suitable for Goal 2 areas already have existing processes identified for their establishment. These will continue to be used.

Further information on processes for establishing Goal 2 areas is contained Technical Paper No. 3: *Planning and Establishing Protected Areas*.

Criteria for determining adequate protection

To determine when adequate protection has been achieved, ecoregions and protected areas will be assessed to determine their effectiveness and completeness in meeting the goals of the strategy.

Protection will be considered to be adequate when the following conditions are met:

- the full range of representative characteristics of the natural environment are captured within protected areas;
- important ecosystem functions are able to continue on the landscape as a whole;
- populations of wildlife which are recognized as indicators of ecological integrity, such as large carnivores and ungulates, are viable and not threatened by development;
- areas of outstanding biological value are managed so that those values are maintained;
- areas with unique or uncommon natural features are protected;
- areas with important spiritual and cultural values are conserved;
- areas of exceptional public recreational and tourism values are protected; and
- areas with exceptional wilderness values are managed so that those values are maintained in perpetuity.

Summary of Yukon government options for protected areas

1. TERRITORIAL PARKS

Government agency

Department of Renewable Resources

Legislation

Parks Act (Parks and Outdoor Recreation Policy, 1991)

Designation and purpose

Purpose varies depending on classification.

Natural Environment Parks protect representative and unique landscapes. They provide backcountry recreational opportunities in a largely undisturbed natural environment.

Ecological Reserves preserve examples of rare or endangered species, representative examples of natural phenomena, unique natural features, or genetic diversity.

Historic Parks protect Yukon historic or archaeological resources.

Recreation Sites provide public access to regionally significant recreation sites.

Level of protection

“The Commissioner ... shall limit development in each park to such development as is consistent with the purpose for which the park was established...Notwithstanding ... the Commissioner ... may permit development within specific zones in a park... where he deems it to be in the best long term interest of the Yukon.”

(The Yukon *Parks Act* will be amended to ensure protected area designations under this statute can provide full legislative protection from mining, logging, agriculture, hydro-electric projects, and oil and gas surface work.)

Management bodies

The Commissioner may appoint advisory committees or boards.

Some First Nation Final Agreements specify joint management regimes for Special Management Areas created through those agreements. Joint management may involve First Nation, Yukon and federal governments as well as Renewable Resources Councils.

Existing territorial parks

Herschel Island Territorial Park; Coal River Springs Ecological Reserve

Planning and establishment process

See Technical Paper No. 3: *Planning and Establishing Protected Areas*.

2. TERRITORIAL HISTORIC SITES

Government agency

Department of Tourism

Legislation

Historic Resources Act and Amendments; Yukon Archeological Sites Regulations; Yukon First Nation Final Agreements (Ch. 13).

Designations and purpose

Yukon Archeological Sites are administered by Yukon government under the federal *Yukon Act* which provides for protection and management of archeological and palaeontological sites.

Historic Sites provide for the study, interpretation, protection and preservation of Yukon's Historic resources.

Level of protection

Designated Historic Sites are protected and managed in ways that will preserve the historic character of a site. Activities at the site are regulated by permits and approved management plans. Management planning may involve impact assessments.

Management

Historic sites are subject to various forms of joint management involving Yukon and First Nation governments. The Yukon Heritage Resources Board advises on historic site designations. This Board has been established under both the Umbrella Final Agreement and the Yukon *Historic Resources Act*. It has equal representation by Yukon First Nation and Yukon government nominees. The Minister responsible for heritage makes the appointments.

Existing and proposed heritage sites

Fort Selkirk, Rampart House, Lapierre House and Lansing Historic Sites;

Forty Mile, Fort Cudahy and Fort Constantine Historic Site;

Heritage resources at Sha'washe (Dalton Post) Special Management Area.

Planning and establishment process

Step 1: Nomination proposal

The process may be initiated with a proposal from a property holder, member of the public or the Yukon Heritage Branch. The proposal is made to the Heritage Resources Board.

Step 2: Research and assessment

The Heritage Branch, acting as a secretariat to the Board, completes research to evaluate and assess the site to see if it meets the guidelines for representative or unique themes of Yukon history.

Step 3: Nomination recommendation

If approved by the Board, the nomination of a site is recommended to the Minister.

Step 4: Notice of intent and public consultation

The Minister gives notice of intent to designate a site for public response.

Step 5: Management plan

Management issues related to a proposed historic site are addressed and recommendations made to the Board by the Heritage Branch. A management plan forms the basis of the terms of designation by the Yukon government, whether it be in agreement with a First Nation or other property owner.

Step 6: Designation of historic site

Upon recommendation by the Board, the Minister may announce the designation of a historic site.

Step 7: Appeal process

An appeal regarding the designation of a historic site may be made to the Yukon Historic Resources Appeal Board, and ultimately to the Supreme Court.

3. HABITAT PROTECTION AREAS

Government agency

Department of Renewable Resources,

Legislation

Wildlife Act and Amendments; Yukon First Nation Settlement Legislation

Purpose

To protect important fish and wildlife and their habitats

Level of protection

To be defined in management plan.

Management

Integrated management involving the Yukon government, First Nation governments and Renewable Resource Councils.

Existing habitat protection areas

Horseshoe Slough; Ddhaw Ghro; Llutsaw Wetlands; Nordenskiold Wetlands.

Planning and establishment process

Step 1: Nomination

Some Habitat Protection Areas are identified and established as part of a First Nation Final Agreement. Other proposals may come from government, Renewable Resources Councils, conservation groups or individuals.

Step 2: Evaluation

The Department of Renewable Resources evaluates the biological reasons for all proposals. Areas that pass the technical biological review will be referred to Cabinet for approval to proceed to the public consultation and management planning steps. Interdepartmental consultation at this stage will indicate the resource interests of other departments.

Step 3: Consultation

The Yukon Fish and Wildlife Management Board and affected Renewable Resources Councils are the key contacts for consultation. All of the relevant interest groups, and the general public, will have an opportunity to participate.

Step 4: Management plan

Each area will undergo a management planning process to indicate habitat protection needs of the area. Renewable Resources Councils will provide a forum for the planning process in communities. Input by various affected parties will be encouraged. The management plan will take other interests into account and will determine the need for land withdrawals.

4. WILDERNESS MANAGEMENT AREAS

Government agency

Department of Renewable Resources

Legislation

Environment Act

Purpose

To preserve wilderness values.

Level of protection

Cabinet may establish, amend or revoke Wilderness Management Areas.

Management

Cabinet may establish, amend or revoke a wilderness management plan for a wilderness area and for that purpose shall consult, where appropriate, with a Yukon First Nation, the Government of Canada, a municipality and the public.

Existing wilderness management areas

None

Planning and establishment process

Wilderness Management Areas will be set up through the same process outlined for areas set aside to represent ecoregions. For more detail see Technical Paper No. 3: *Planning and Establishing Protected Areas*.

Summary of federal government options for protected areas

1. NATIONAL PARKS, PARK RESERVES AND MARINE CONSERVATION AREAS

Government agency

Department of Canadian Heritage

Purpose

“For the benefit, education and enjoyment of the people of Canada...maintained and made use of so as to leave them unimpaired for the enjoyment of future generations...”

National Parks are established to achieve adequate representation of each of the 39 national park natural regions. Parks and reserves under the *National Parks Act* are fully protected from industrial activities. Portions of four of the national park natural regions are located in the Yukon. Only one, the Northern Interior Plateaux and Mountains region, remains unrepresented.

Marine Protection Areas are established to represent each of Canada's 29 marine natural regions. In the Yukon, part of the Arctic coastline is protected in Ivvavik National Park. There is no marine protection for offshore waters.

Legislation

National Parks Act and Yukon First Nation Settlement Legislation

Level of protection

The Minister may not authorize any activity to be carried on in a wilderness area that is likely to impair the wilderness character of the area, except for park administration. National parks are withdrawn from mineral staking.

Commercial fishing and guided hunting are not permitted in national parks.

Management bodies

Park Management Board

Existing national parks in the Yukon

Ivvavik National Park; Kluane National Park; Vuntut National Park.

Planning and establishment process

Step 1: Identify representative areas

Because the goal is to represent each of Canada's terrestrial and marine natural regions, efforts to create new parks and marine conservation areas are concentrated in those natural regions that

do not have representation. In these regions, studies are carried out to identify areas worthy of consideration. To qualify, such areas must first contain a good representation of the natural features and processes characteristic of the region. The second criterion is that human impact should be minimal; the area should be in a natural state.

Step 2: Select potential area

Once representative areas have been identified in a natural region, further studies and consultation are undertaken to select a potential national park or marine conservation area.

Step 3: Feasibility study

When an area has been selected for the natural region, a proposal is prepared as the basis for a detailed feasibility assessment, including public consultation. The factors are studied in greater detail, with the direct involvement of the provincial or territorial governments, and in consultation with local communities, aboriginal peoples, non-government organizations, relevant industries, other government departments and the interested public. Alternative uses are sometimes explicitly considered and compared and, in areas under federal administration, a Mineral and Energy Resources Assessment is undertaken. If the assessment shows that an area is feasible and that there is public support for this option, the governments may decide to proceed with negotiation of an agreement. If an area is not a feasible option, other representative natural areas are considered elsewhere in the natural region.

Proposed areas are sometimes reserved through appropriate federal or provincial legislation at some point during the feasibility assessment in order to provide interim protection pending final decision.

Step 4: Negotiate an agreement

For the *National Parks Act* and Regulations to apply, it is a constitutional requirement that national park lands must be federal government property. Within the provinces, where the provincial governments administer most lands, a federal-provincial agreement is usually negotiated whereby the province transfers administration and control of the land to the federal government for a new national park. Within the northern territories, it is the practice to seek the concurrence of the territorial government for a new national park through negotiation of a federal-territorial agreement. Where lands are subject to a comprehensive land claim by aboriginal people, a new park can be established as part of a negotiated claim settlement or a national park reserve can be established pending the resolution of the claim.

Step 5: Amend legislation

Once the responsible parties have agreed to create a new area to be administered by the federal government, the proposed new national park or marine conservation area must be formally established under the *National Parks Act*. In areas affected by an unresolved comprehensive native land claim, a national park reserve is established. The *Act* and Regulations apply, but traditional native hunting, trapping and fishing continue. Boundaries and park establishment conditions will only be finalized after resolution of the claim.

2. NATIONAL HISTORIC SITES

Government agency

Department of Canadian Heritage

Legislation

Sites and Monuments Act

Purpose

To commemorate significant aspects of Canada's human history by acquiring places of national historic importance for the purpose of preservation and public presentation.

Level of protection

Removal or disturbance of historical and archaeological resources is prohibited.

Management bodies

Historic Sites and Monuments Board

Existing national historic sites in the Yukon

S.S. Klondike National Historic Site, Klondike National Historic Sites.

Planning and establishment process:

Step 1: Proposed nomination

National Historic Sites proposals are presented to the national Historic Sites and Monuments Board, a federal Board comprised of members of all provinces and territories, the national museum and the national archives.

Step 2: Research and assessments

The Board may request research on a proposed site to be completed by the Historic Services Branch or the Federal Archaeological Office to assist the Board in its deliberations. Generally, the Board will recommend a subject for designation if it meets one of two criteria. It must have had a nationally significant impact on Canadian history or it must represent a nationally important example or illustration of Canadian human history.

Step 3: Recommendations and designation

If the recommendation of the Board is positive and the Minister agrees, the following options for designation may be applied.

- The usual form of commemoration is the erection of a bronze plaque at a suitable location bearing a bilingual inscription in English and French. Where appropriate, an aboriginal language may be added, and in exceptional cases a third non-aboriginal language may be used.

- The Board may recommend that the erection of a special monument will best convey the national significance of the subject.
- At other times, it may recommend that Parks Canada enter into a cost-sharing agreement with other interested parties to preserve the site.
- Very rarely, Parks Canada may acquire the site.

3. NATIONAL WILDLIFE AREAS

Government agency

Canadian Wildlife Service

Legislation

Canada Wildlife Act

Purpose

To establish areas to conserve nationally significant wildlife including migratory birds and their essential habitats, as well as rare plants and unusually diverse or genetically important habitats.

Level of protection

The Governor in Council may make regulations;

- prohibiting entry generally, or for any specified period or purpose of any person, on lands under the administration, management and control of the Minister;
- specifying the measures to be taken in cooperation with the government of the province having an interest, for the protection of any species of non-domestic animal in danger of extinction; and
- prescribing measures for the conservation of wildlife on public lands the administration, management and control of which has been assigned to the Minister.

Management bodies

May be set out in Yukon First Nation Final Agreements.

Existing national wildlife areas

Nisutlin River Delta National Wildlife Area

Planning and establishment process

Step 1: Planning and preparation of proposal

The regional office of Canadian Wildlife Service is responsible for identifying potential areas for protection and for preparation of proposals to be submitted to the Minister for approval. An

ecosystem approach is applied in determining the boundaries of an area selected as a candidate NWA, as well as in its management. The boundary determination takes into account the lands and waters essential to conserving the ecosystem functions of the area and the wildlife resource. The management of a NWA recognizes that only by working cooperatively with partners and integrating land use actions will the wildlife values of the area be maintained. Up to four Orders-in-Council may be required, depending on the partners and ownership of land involved in the establishment process.

Step 2: Consultation

Consultations can occur via a number of forms, such as correspondence, interviews, community meetings, inter-jurisdictional meetings, etc.

Step 3: Internal review

The proposal referred to the Minister includes recommendations for regulatory mechanisms and Orders-in-Council. The proposal is referred for internal government review, including possible further public consultations when deemed necessary.

Step 4: Ministerial approval

Once a proposal receives approval from the internal government departments, Treasury Board and Privy Council Office, it is submitted to the Minister for final approval.

Step 5: Designation

Designation of a NWA occurs through amendments to the Wildlife Area Regulations.

4. MARINE PROTECTED AREAS

Government agency

Department of Fisheries and Oceans

Legislation

Canada Oceans Act

Purpose

To guide the management of ocean resources.

To establish a network of unique Marine Protected Areas reflecting the diversity of our oceans.

Level of protection

Federal Cabinet may make regulations based on recommendations of the Minister.

Management bodies

Management and control are assigned to the Minister. Management bodies may be set out in Yukon First Nation Final Agreements.

Existing marine protected areas in the Yukon

None.

Planning and establishment process

The process for the Marine Protected Areas (MPA) Program is not necessarily linear. Each stage may be conducted on a continuous basis, and stages are often carried out simultaneously.

Step 1: Area nomination

- Interested parties establish objectives and identify sites for area identification list.
- Develop regional overview of required MPAs to meet integrated management plan objectives.

Step 2: Area evaluation and selection

- Assess proposals.
- Develop partnering arrangements.
- Assemble planning team.
- Assess regulatory/management needs.
- Community consensus building.

Step 3: Develop area management plan

- Formalize partnering arrangements.
- Develop Management Plan.

Step 4: Area establishment

- Develop regulations.
- Formal designation.

Step 5: Area management

- Monitoring.
- Refine management plan

Summary of joint Yukon-federal options for protected areas

1. CANADIAN HERITAGE RIVERS

Government agencies

Yukon Department of Renewable Resources, federal Department of Indian Affairs and Northern Development, and Canadian Heritage Rivers Board.

Legislation

None (Canadian Heritage Rivers System Plan, 1992)

Purpose

Canadian Heritage Rivers are dedicated to the conservation of natural and human heritage or recreational values of rivers which are nationally significant.

Level of protection

Conditions or restrictions may be attached to land use permits to help meet objectives of the management plan.

Management bodies

Jointly managed by Yukon Department of Renewable Resources, federal Department of Indian Affairs and Northern Development, and affected First Nations.

Existing Canadian Heritage Rivers in the Yukon

The Thirty-Mile and Bonnet Plume rivers are both designated Canadian Heritage Rivers. The Tatshenshini River has been nominated but still requires a management plan.

Planning and establishment process

Step 1: Background study

Background studies are carried out for specific rivers which have been recommended to the Canadian Heritage Rivers Board to see if they meet natural or cultural heritage, or recreational values of national significance.

Step 2: Nomination document

A nomination document is prepared by the applicant agency to outline values of the river to the Canadian Heritage Rivers System.

Step 3: Public consultation

The nomination document is given public review and consultation.

Step 4: Candidate Heritage River

The nomination document is submitted to the Canadian Heritage Rivers Board and the Board determines if the river is worthy of Candidate Heritage River Status.

Step 5: Management plan

A management plan for a Candidate Heritage River is to be prepared within three years to demonstrate to the Board how the management agency will maintain the values for which the river is being nominated.

Step 6: Designation of Canadian Heritage River

Upon receipt of a completed management plan, the Canadian Heritage Rivers Board will designate the Heritage River.

Appendix

Zoning in Natural Environment Parks and Ecological Reserves

The *Yukon Parks Policy (1991)* describes one tool that could be used to manage recreational uses in protected areas — the zoning system.

The zoning system is based on the significance and vulnerability of natural features in the area, and the capability of the area to accommodate use. The primary consideration for zoning in Yukon parks is the protection of natural features and ecosystems.

Under the existing *Yukon Parks Policy*, a park may be divided into as many as four zones, with different uses permitted in each zone. The location and boundaries of each zone, along with any restrictions on permitted uses, are recommended by management plans prepared with full public participation.

Wildland zone

Objective: To preserve an undisturbed natural landscape, including representative examples of the ecoregion, and to offer backcountry experiences in a pristine environment.

Activities: Wilderness recreation involving non-motorized activities, with controlled access, including hiking, non-mechanized boating, camping horseback riding, hunting and fishing. Special restrictions may apply to specific sites or during particular period (i.e. breeding season) to protect habitat and user experience.

Development: Minimal improvements at designated access points on the periphery, for information, safety and/or interpretation purposes only. No facility development will normally be permitted in the interior of the zone unless required for safety to wildlife and users — users must be self-sufficient. Aircraft access points and other specific restrictions may be identified in the management plan.

Natural zone

Objective: To conserve representative examples of the ecoregional landscape and to provide for a variety of off-road outdoor recreation and education activities in a largely undisturbed natural environment.

Activities: Non-motorized land-based activities, including walk-in camping, cross-country skiing, hunting, fishing and horseback riding. Motorized land-based activities will be limited to over-snow vehicles, provided they do not threaten special park resources as identified in the park management plans (i.e. critical winter range, unusual plant associations). Motorized water-based recreational activities will be permitted.

Development: Moderately developed facilities (i.e. foot trails, boat-in campsites, backcountry shelters).

Special feature zone

Objective: To preserve and protect significant natural and historic resources, features or processes and, where appropriate, interpret these features to the public.

Activities: Natural appreciation, interpretation, educational services and scientific research.

Development: Interpretive and educational facilities and exhibits (i.e. trails and displays)

Multiple recreation use zone

Objective: To provide for a variety of readily accessible outdoor recreation opportunities that may involve special facilities (i.e. ski trails, picnics, boat ramps).

Activities: All motorized and/or non-motorized activities, including but not limited to overnight camping, day use activities, beach activities, nature appreciation, boating, fishing and over-snow vehicles. Incompatible activities will be spatially separated.

Development: Facilities will range from intensive day-use facilities, and campground developments at key access points, to less intrusive foot trails and backcountry shelters.

Yukon Protected Areas Strategy

Technical Paper No. 3

Planning and Establishing Protected Areas

December 1998



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- No. 2: Types of Protected Areas and Criteria for Selection
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- No. 4: Protected Areas and Yukon First Nation Final Agreements
- No. 5: Socio-economic Assessments of Protected Areas
- No. 6: Interim Protection and Third Party Interests
- No. 7: Reviewing and Updating the Strategy

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Government of the Yukon
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P.O. Box 2703
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Outside Whitehorse call toll free 1-800-661-0408, extension 5648.

Introduction

The Yukon Protected Areas Strategy will coordinate the establishment of many different types of protected areas. These include areas to represent the natural diversity and ecosystems of the Yukon's ecoregions (Goal 1), that will be established with full legislative protection from mining, logging, hydro development and surface disturbance related to oil and gas development. These also include areas to protect special natural and cultural features of the Yukon (Goal 2), that may be established as Habitat Protection Areas, National Wildlife Areas, Ecological Reserves, Historic Parks, Yukon Archeological Sites, Historic Sites, Heritage Sites, Recreation Sites, Heritage Rivers and Wilderness Management Areas.

All these different types of protected areas are important. Many types of areas already have established processes in place for planning and designation. These existing processes will continue. Under the Yukon Protected Areas Strategy, the YPAS secretariat will ensure that coordination takes place between these processes so that they complement each other. Together, they will contribute to our various conservation needs and to the protected area system as a whole.

A key priority for YPAS is to complete the system of core protected areas that represent the ecoregions of the Yukon (Goal 1). In many cases, core areas which are representative of the ecoregion will also include values and features that meet Goal 2 objectives (important wildlife and habitat areas, uncommon landforms, heritage sites, outdoor recreation areas and / or wilderness). Where this is the case, the process for planning and establishing areas for ecoregion representation will be followed, taking into consideration all the values identified.

Many areas that meet Goal 2 objectives, however, will not be located within core areas required for ecoregion representation. In these cases, other processes for planning and establishment may be used. These are described on page 9.

Planning and establishing areas for ecoregion representation (Goal 1)

A main component of the protected areas system will be the establishment of core areas to represent the key natural features and ecosystems of the Yukon's 23 ecoregions. These representative areas will be large enough to maintain natural ecological processes. They will also help conserve the physical and biological diversity of the Yukon. To accomplish these objectives, Goal 1 areas will be fully protected from any major development activities or mining, timber harvesting, agriculture, hydro development and surface disturbance related to oil and gas development.

This section describes the proposed process for planning and establishing protected areas for ecoregion representation.

There will be some limited flexibility in this process. For example, if a National Park is proposed as an option to meet ecoregion representation criteria, the National Parks planning process will be used in a way that is consistent with Yukon First Nation Final Agreements and will incorporate the principles of public consultation, local involvement and socio-economic assessments as described in this paper.

As well, in cases where there is intergovernmental consensus and broad public support for a protected area proposal early on in the planning stages, the process as described may be streamlined to enable quicker progress in establishing and designating the area.

The proposed process described in this paper does not refer to, nor does it affect in any way, processes related to Special Management Areas which are negotiated as part of a First Nation Final Agreement.

Coordination with Land Use Planning

Making timely progress on completing ecoregion representation is a key priority of the strategy. In regions where both regional land use planning and protected areas planning are in progress, the YPAS Secretariat will work with the Yukon Land Use Planning Council and the established Regional Land Use Planning Commission at the outset to determine the best way to coordinate the initiatives, avoid the duplication of work and ensure timely progress.

Specific methods for coordinating protected areas planning and regional land use planning will be dealt with on a region by region basis. In some cases, for example where conservation values are at risk, it may be desirable to undertake protected areas planning on a faster timeframe than land use planning.

In most cases, it is expected that the Local Planning Teams will continue to lead the protected areas planning process and provide recommendations to the Regional Land Use Planning Commissions and governments regarding Goal 1 protected areas proposals. The Regional Land Use Planning Commission will be invited to appoint one or more members to sit on the Local Planning Team to ensure appropriate coordination with the land use planning process.

The specific roles to be assumed by the Local Planning Teams and Regional Land Use Planning Commissions, and the criteria to be used to evaluate protected areas alternatives, will be specified in the Terms of Reference established for these groups. Any planning process that deals with the planning and establishment of protected areas for ecoregion representation, however, will be consistent with the planning principles and processes outlined in this Strategy for Goal 1 areas

Criteria for identifying areas for ecoregion representation

The criteria used to identify areas for ecoregion representation are based on the science of conservation biology and are widely accepted and used in protected areas strategies throughout Canada. These criteria are described in detail in Technical Report No. 2: *Types of Protected Areas and Criteria for Selection*.

Key criteria include:

- **Representativeness:** These areas must contain the full range of ecosystem types present in each ecoregion, including characteristic climate, landforms, soils, hydrology, aquatic and terrestrial habitats, wildlife and vegetation.
- **Naturalness:** These areas should have experienced a minimal degree of development and human caused disturbance. Where disturbance has occurred, the area must have the ability to recover to a natural state. In some cases, evidence of past human activities or development may be worth preserving for heritage values and will be considered.
- **Ecological Viability:** These areas should be large enough to preserve the interrelationships among ecosystem elements and ensure the long term survival of flora and fauna species. They should also be large enough to allow for survival and recovery of ecological functions following natural disturbances. They should also avoid fragmentation and connect where possible with important habitat links and areas for the movement of wildlife.
- **Research and education values:** These areas should be able to serve as benchmarks for studying and understanding natural processes and should contain gene pools which are important for scientific research.

The planning and establishment process

The planning and establishment process for areas for ecoregion representation will involve the following steps.

Step 1: Determine priority ecoregions and initial areas of interest

The Department of Renewable Resources, through the YPAS Secretariat, will identify priority ecoregions for planning. This step will involve:

- intergovernmental review of existing data on protected areas values, resource interests and related issues;
- identification of ecoregions which are not currently represented;

- discussions with affected First Nations and Renewable Resources Councils to determine level of local interest in planning;
- initial assessment of stakeholder and NGO interests; and
- identification of priority ecoregions for planning. Governments will work on as many areas as can be handled effectively at any one time.

Once priority ecoregions have been identified, Renewable Resources, through PAS Secretariat, will identify broad initial areas of interest that meet the criteria for ecoregion representation. This step will involve:

- working with First Nations, municipal governments and RRCs to identify local issues and interests related to protected areas planning;
- assembling information on ecoregion characteristics and protected areas values and interests from all available sources including local and traditional knowledge;
- identifying and articulating the key values and features that make up the biological diversity and ecological integrity of the ecoregion;
- assembling relevant information on resource assessments, third party interests and related social and economic issues;
- identifying interdepartmental and intergovernmental issues and interests; and
- identifying initial broad areas of interest based on the accepted criteria for ecoregion representation and the work done to date.

Determining priority ecoregions

Ecoregions that meet the following criteria will be given a priority for planning:

- ecoregions that are located in Traditional Territories where final agreements are in effect and where RRCs are established;
- ecoregions where local First Nations and RRCs have shown an interest in planning and establishing protected areas;
- ecoregions where data collection and related planning work have already begun;
- ecoregions where there is the potential to create partnerships with other agencies and governments in planning and establishing protected areas;
- ecoregions where a regional land use planning process is being established;
- ecoregions where potential areas for ecoregion representation have already been identified; and
- ecoregions where ecosystems are at most risk of being fragmented.

Step 2: Building local partnerships

Once broad initial areas of interest have been identified, a Local Planning Team (LPT) will be established in consultation with the affected First Nation government and RRC. The LPT will lead the public process for protected areas planning in the ecoregion.

Local Planning Team membership will include representation from the Yukon government, the affected First Nation government, the federal government, non-government organizations, the affected Renewable Resources Council, the local municipal government (when the protected area proposal may have a significant impact on the municipality), the Regional Land Use Planning Commission (where established) and 2 or 3 non government organizations or stakeholder groups to provide a balance of conservation, industry and tourism interests.

The affected RRC will be invited to co-chair the LPT along with a YPAS Secretariat member.

Technical Paper No. 1: *Roles and Responsibilities for Implementation*, gives a full description of membership, roles and responsibilities for the Local Planning Team.

The first task of the LPT will be to review the work done to date, ensure that local concerns and interests are considered, and agree on the initial areas of interest that will be brought forward for discussion in the public planning process.

Step 3: Identifying proposed study areas

Once the LPT has been established, the first major task will be to start the public planning process, evaluate the initial areas of interest and identify a proposed study area. This will involve the following steps:

- reviewing the initial areas of interest with the public and adding local information, interests and issues (this will provide the public with the opportunity to suggest other areas of interest that meet the criteria for ecoregion representation) [public workshop No. 1];
- conducting resource assessments to identify competing resource interests in the areas of interest being considered;
- assessing the environmental, social and economic implications of protecting the different areas of interest;

What is an area of interest?

An area of interest is an area that is identified early on in the planning process as potentially meeting the criteria for protection. Several areas of interest within one ecoregion may be initially identified and considered for representation of that ecoregion.

Not all areas of interest will automatically become protected areas. In some cases, only one of these areas of interest will eventually become the protected area selected to represent the ecoregion. In other cases, two or more smaller areas may be chosen to represent the ecoregion instead of one larger area.

- evaluating strengths and the weaknesses the different areas of interest (as per the criteria for ecoregion representation and the social and economic assessments); and
- selecting a study area and developing a study area proposal [public workshop No. 2.].

Step 4: Government review and approval of proposed study areas

Once the Local Planning Team has completed its proposal for a study area, it will be referred to government for approval. This will include referral of the proposed study area to Cabinet and interdepartmental and federal government review.

Upon Cabinet approval, the Yukon government will identify the level of interim protection required and submit a request to the federal government to establish interim protection on the study area. Guidelines and processes to be followed for interim protection is described in more detail in Technical Paper No. 6: *Interim Protection and Third-Party Interests*.

Step 5. Finalize protected area proposals

Upon Cabinet approval of the study area, the area will be referred back to the LPT for additional local input and to finalize the proposal for the protected area. Finalization of the proposal will involve:

- collection and incorporation of additional input relating to local knowledge and stakeholder issues and concerns;
- additional detailed resource assessments as required;
- finalization of proposed boundaries and proposed designation;

What is a study area?

A study area is a specific area that is being formally proposed for protection.

A proposal for a study area for ecoregion representation will include:

- an evaluation of how well the area meets the criteria for ecoregion representation;
- a review of the results of the social and economic assessments and the public planning process completed to date;
- a proposed study area boundary;
- a proposed designation for the protected area;
- identification of the legislation under which the area would be established;
- identification of the key management issues to be dealt with in the management plan for the proposed area; and
- recommendations for interim protection.

- development of initial management guidelines for the area;
- internal government review and input; and
- public review and input [public workshop No. 3].

Step 6: Refer the final proposal to DAP review

Once the final proposal has been completed by the Local Planning Team, it will be referred to the Development Assessment Process (DAP) for final review prior to being reviewed by Cabinet. This review will be consistent with the DAP legislation now being developed.

It is expected that planning steps 1 to 5 will provide most, if not all, of the technical material required for the DAP review. It is therefore expected that the DAP review at this stage will be completed expeditiously.

Step 7: Final government review and approval

Upon completion of the DAP review, the proposal and DAP recommendations will be referred to Cabinet for final review and approval as appropriate.

Step 8: Designation and final withdrawal of the protected area

Following Cabinet approval, the area will be designated as required under the appropriate legislation.

Socio-economic assessments

Social and economic assessments will be coordinated with Development Assessment Process requirements for project evaluations so as to avoid duplication of work.

Assessments for protected area will consider:

- potential impacts on resource-based industries such as mining, logging, oil and gas, and hydro-electric projects;
- potential impacts on tourism and other businesses;
- impacts on existing land and resource users in the area;
- distribution of the benefits and costs;
- long term benefits and costs;
- subsistence values;
- the value of ecosystem functions; and
- the assessment of risk.

Complete guidelines for social and economic assessments are described in Technical Paper No. 5: *Socio-economic Assessments of Protected Areas*.

For Territorial Parks designation on land which is now federal crown land, this will require a transfer of the land from the federal government to the Yukon government and, in order to be fully protected from mineral development, it would also require a permanent federal prohibition order for subsurface dispositions on the area to be protected.

Federal parks designation will not require transfer of the land to the Yukon government.

Step 9: Management Planning

Following approval and designation by Cabinet, a management plan will be prepared. The Local Planning Team, with support from the YPAS Secretariat, will lead the process of management planning. The process will include:

- collection of additional data as required;
- public input on management issues, concerns and options;
- public review and input on the draft management plan [public workshop No. 4]; and
- preparation of a final proposed management plan.

Step 10: Cabinet approval of the final management plan

This involves referral of the proposed management plan to Cabinet and approval as appropriate.

Step 11: Management Plan Review and Updating

This involves reviewing and updating the management plan on a regular basis, as per the requirements of the legislation for the type of designation involved. Management plan updates of this type are commonly required every five years. The review and update will include:

- monitoring and evaluating the effectiveness of the protected area in meeting the objectives of natural features representation, biological diversity and ecological integrity;
- identifying key management issues and interests;
- public participation;
- preparation of draft management plan updates for review; and
- preparation of final updated management plans.

Timelines

The Yukon government is committed to completing plans in a timely fashion. The process for establishing areas for ecoregion representation should not take longer than two to three years from the identification of broad initial areas of interest to the completion of final management plans.

Planning and establishing protected areas to meet Goal 2 objectives

Goal 2 objectives include protecting special areas which contain:

- important wildlife and habitat values;
- uncommon landforms and natural features;
- cultural, heritage and spiritual values;
- high outdoor recreation and tourism values; or
- wilderness values.

There are a number of different types of protected areas that can meet Goal 2 objectives. These include Habitat Protection Areas, National Wildlife Areas, Marine Protected Areas, Ecological Reserves, Historic Parks, Yukon Archeological Sites, Historic Sites, Heritage Sites, Recreation Sites, Heritage Rivers and Wilderness Management Areas.

In most cases, each of the above types of designations already has an established process in place for their planning and establishment, including roles for implementation. These processes and roles are described in Technical Paper No. 2: *Types of Protected Areas and Criteria for Selection*. In areas where regional land use planning processes are underway, a Regional Land Use Planning Commission may also provide input on the planning and selection of Goal 2 areas.

Under the Yukon Protected Areas Strategy, when any of the above designations are used to meet Goal 2 objectives, existing processes and roles will continue to be followed. In this way, YPAS offers the flexibility to plan and establish Goal 2 areas without having to follow all the procedures described for ecoregion representation. Coordination of these processes through the YPAS Secretariat will ensure that the principles of an open and transparent process and public participation are maintained throughout.

If any of the above types of designations are proposed for areas for ecoregion representation, however, the process described in the previous section will be followed.

If any of the above types of designations are proposed for an area which is directly related to the proper ecological functioning of an ecoregion representative area (such as for an important migration corridor which is used seasonally by wildlife to travel in and out of the ecoregion representative area), this area may be considered in the same planning process established for the ecoregion representative area.

Yukon Protected Areas Strategy

Technical Paper No. 4

Protected Areas and Yukon First Nation Final Agreements

December 1998



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Introduction

There are several completed First Nation land claim agreements which specify terms and conditions for resource management and the planning and establishment of protected areas in the Yukon. These include several Yukon First Nation Final Agreements, the Inuvialuit Final Agreement and the Gwich'in Comprehensive Land Claim Agreement.

YPAS will work within the umbrella of the requirements set by these agreements. It will respect all the conditions established in these agreements.

If there are any unforeseen conflicts between what is contained within the Yukon Protected Areas Strategy and what is contained in these final agreements, the final agreements shall prevail.

Yukon First Nation Final Agreements

Yukon First Nation Final Agreements (YFNFA) are constitutionally entrenched land claims agreements and address terms and conditions on a number of matters pertaining to resource management in the Yukon.

Chapter 10: Special Management Areas, of Yukon First Nation Final Agreements identifies requirements when planning, establishing and managing Special Management Areas (SMAs). Most, if not all, of the protected areas which will be created under YPAS will meet the definition of a Special Management Area as set out in this chapter. YPAS will not take away from, nor replace, Chapter 10 provisions for creating SMAs. All requirements related to SMAs as described in Chapter 10 of Yukon First Nation Final Agreements will also apply to protected areas created through YPAS.

Two ways of establishing Special Management Areas

There are two different ways that Special Management Areas can be established in the Yukon.

As part of a Yukon First Nation Final Agreement

Some SMAs are negotiated through the land claims process and they are established as part of a YFNFA.

Several Yukon First Nations are still in the process of negotiating their final agreements. The establishment of SMAs as part of these final agreements will continue to be addressed, as appropriate, through the land claims negotiations process.

SMAs which are negotiated as part of a YFNFA are constitutionally entrenched. They cannot be changed without the consent of all parties to the final agreement (the affected First Nation, Canada and the Yukon). In some cases, the final agreements may contain specific legal requirements for the SMA, such as type of designation or level of protection.

All SMAs created to date through YFNFA include requirements for public involvement in the management planning process.

Where a Yukon First Nation Final Agreement is already in effect

SMAs, or protected areas, can also be established after the effective date of a Yukon First Nation Final Agreement.

First Nation Final Agreements, through Chapter 10, specify the conditions that must be met in establishing SMAs after a YFNFA has taken effect. The process described for creating protected areas through YPAS, including the provisions for consultation with Yukon First Nations and mandated boards and councils, is consistent with these Chapter 10 conditions.

SMAs, or protected areas, which are created after a YFNFA is already in effect will not be constitutionally entrenched. They may be changed according to the provisions of the legislation under which they are established. The conditions for their establishment, including the type of designation, level of protection and management principles, will be determined through the public planning process.

(This text is published by the Department of Renewable Resources solely as a convenience. Although it is believed to be accurate, this is not an authoritative text of which judicial notice must be taken.)

UMBRELLA FINAL AGREEMENT

CHAPTER 10 - SPECIAL MANAGEMENT AREAS

10.1.0 Objective

10.1.1 The objective of this chapter is to maintain important features of the Yukon's natural or cultural environment for the benefit of Yukon residents and all Canadians while respecting the rights of Yukon Indian People and Yukon First Nations.

10.2.0 Definitions

In this chapter, the following definition shall apply.

"Special Management Area" means an area identified and established within a Traditional Territory pursuant to this chapter and may include:

- (a) national wildlife areas;
- (b) National Parks, territorial parks, or national park reserves, and extensions thereof, and national historic sites;
- (c) special Wildlife or Fish management areas;
- (d) migratory bird sanctuaries or a wildlife sanctuary;
- (e) Designated Heritage Sites;
- (f) watershed protection areas; and
- (g) such other areas as a Yukon First Nation and Government agree from time to time.

10.3.0 Establishment of Special Management Areas

10.3.1 Provisions in respect of an existing Special Management Area may be set out in a Yukon First Nation Final Agreement.

10.3.2 Special Management Areas may be established in accordance with the terms of this chapter pursuant to a Yukon First Nation Final Agreement or pursuant to Laws of General Application.

10.3.3 Except as provided in a Yukon First Nation Final Agreement, where Government proposes to establish a Special Management Area, Government shall refer the proposal to the affected Renewable Resources Council for its review and recommendations.

10.3.4 Government may refer proposals to establish historic territorial parks, national historic sites administered by the Canadian Parks Service or to designate Heritage Sites as Designated Heritage Sites to the Heritage Resources Board established pursuant to 13.5.0 instead of the affected Renewable Resources Council for its review and recommendations.

10.3.5 A Special Management Area may not include Settlement Land without the consent of the affected Yukon First Nation.

10.4.0 Rights and Interests of Yukon First Nations

10.4.1 Where a Special Management Area is proposed to be established which will adversely affect rights of a Yukon First Nation under a Settlement Agreement, Government and the affected Yukon First Nation shall, at the request of either party, negotiate an agreement to:

10.4.1.1 establish any rights, interests and benefits of the affected Yukon First Nation in the establishment, use, planning, management and administration of the Special Management Area; and

10.4.1.2 mitigate adverse effects of the establishment of the Special Management Area on the affected Yukon First Nation.

10.4.2 Agreements negotiated pursuant to 10.4.1:

10.4.2.1 shall address the rights Yukon Indian People have for Harvesting Fish and Wildlife within the Special Management Area;

10.4.2.2 may address the economic and employment opportunities and benefits for the affected Yukon First Nation;

10.4.2.3 may address whether, and on what terms, including provisions on management, Settlement Land may be included in the Special Management Area; and

- 10.4.2.4 may include such other provisions as Government and the affected Yukon First Nation may agree.
- 10.4.3 Where Government and the affected Yukon First Nation do not agree on the terms of an agreement pursuant to 10.4.1, the parties may refer the outstanding issues to the dispute resolution process under 26.4.0.
- 10.4.4 Where mediation under 10.4.3 does not result in agreement, the Government may establish the Special Management Area.
- 10.4.5 Notwithstanding 6.2.3.2, access by a Yukon Indian Person to a Special Management Area established pursuant to 10.4.4 for Harvesting Fish or Wildlife pursuant to a Settlement Agreement may be limited or prohibited only for reasons of Conservation, public health or public safety.
- 10.4.6 Government and the affected Yukon First Nation may, at any time after the establishment of a Special Management Area pursuant to 10.4.4, negotiate an agreement pursuant to 10.4.1 in respect of that Special Management Area, in which case 10.4.5 shall no longer apply to that Special Management Area.
- 10.4.7 Nothing in this chapter shall be construed to derogate from any provision respecting National Parks in the Yukon First Nation Final Agreements for the Champagne and Aishihik First Nations, the Kluane First Nation, the White River First Nation or the Vuntut Gwitchin First Nation.
- 10.4.8 Any agreement concluded between Government and the affected Yukon First Nation pursuant to 10.4.1 may be amended according to the terms set out in that agreement.
- 10.4.9 Any agreement concluded between Government and the affected Yukon First Nation pursuant to 10.4.1 may be appended to and form part of that Yukon First Nation's Final Agreement if Government and the Yukon First Nation agree.
- 10.5.0 Management of Future Special Management Areas**
- 10.5.1 Unless Government otherwise agrees, Government shall be the management authority for Special Management Areas on Non-Settlement Land.

- 10.5.2 Government shall prepare, or have prepared, a management plan for each Special Management Area established pursuant to a Yukon First Nation Final Agreement after the Effective Date of that Yukon First Nation Final Agreement.
- 10.5.3 Government shall make best efforts to complete the management plan within five years of the establishment of the Special Management Area.
- 10.5.4 Government shall review each management plan at least once every 10 years.
- 10.5.5 The management plan and any proposed amendments thereto shall be referred before approval to the relevant Renewable Resources Council or to the Yukon Heritage Resources Board, as the case may be, for its review and recommendations.
- 10.5.6 The provisions of 16.8.0 shall apply in respect of the implementation of any recommendations made pursuant to 10.5.5.
- 10.5.7 Should a management advisory body other than a body referred to in 10.5.5 be established by Government for the purpose of 10.3.3, 10.3.4 or 10.5.5, Yukon First Nation representation shall be 50 percent on any such body unless Government and the affected Yukon First Nation agree otherwise. Any such management advisory body shall have the responsibilities of a Renewable Resource Council or the Heritage Resources Board set out in this chapter.
- 10.5.8 Except as provided otherwise in this chapter, or in a Yukon First Nation Final Agreement, all National Parks and extensions, national park reserves and extensions and national historic parks and sites shall be planned, established and managed pursuant to the National Parks Act, R.S.C. 1985, c. N-14, other Legislation, the Canadian Parks Service policy and park management plans in effect from time to time.
- 10.5.9 Where a Special Management Area includes a National Park or its extension or national park reserve or its extension, exploration and development of non-renewable resources shall not be permitted, except in respect of the removal of sand, stone and gravel for construction purposes within the National Park or national park reserve.

10.5.10 Where a Special Management Area includes Yukon First Nation Burial Sites or places of religious and ceremonial significance to a Yukon First Nation, the management plan shall be consistent with the provisions of Chapter 13 - Heritage and shall provide for the protection and preservation of the sites or places.

10.6.0 Relationship to the Land Use Planning and Development Assessment Processes

10.6.1 Special Management Areas established after the effective date of Settlement Legislation shall be:

10.6.1.1 consistent with land use plans approved in accordance with Chapter 11 - Land Use Planning; and

10.6.1.2 subject to the provisions of Chapter 12 - Development Assessment.

10.7.0 Fish and Wildlife Management

10.7.1 Fish and Wildlife within Special Management Areas shall be managed in accordance with Chapter 16 - Fish and Wildlife.

The Inuvialuit Final Agreement

The Inuvialuit Final Agreement (IFA) addresses resource management on the Yukon North Slope. Section 12 of the Agreement establishes a special conservation regime for the Yukon North Slope which by definition in the Agreement includes the Yukon's nearshore and offshore waters and lagoons.

The IFA also creates a number of Boards and Councils that have mandated roles within the Inuvialuit Settlement Region. These include the Wildlife Management Advisory Council, North Slope, (WMAC), The Inuvialuit Game Council, the Fisheries Joint Management Advisory Council, the Aklavik Hunters and Trappers Committee and the Research Advisory Council. In the Yukon portion of the settlement region, Boards and Councils created for the purpose of resource management in the Yukon North Slope shall be involved in protected areas establishment in a manner consistent with the requirements of the IFA.

The Wildlife Management Advisory Council, North Slope, for example, is mandated to advise on measures required to protect habitat that is critical for wildlife or harvesting on the Yukon North Slope.

WMAC will be invited to provide input to protected areas planning and establishment for the Yukon North Slope. They will be consulted on all wildlife and habitat-related proposals that are made for protected areas in the Yukon North Slope. WMAC will also be invited to co-chair any Local Planning Team which is established to develop protected areas plans, proposals or management plans that are located in the Yukon North Slope.

The Gwich'in Comprehensive Land Claim Agreement

The Gwich'in Comprehensive Land Claim Agreement, through *Appendix C: Yukon Transboundary Agreement*, provides for the involvement of the Tetlit Gwich'in in some matters pertaining to renewable resources management and protected areas establishment, for areas in the Yukon that are covered by the claim. These roles and responsibilities will be upheld in the implementation of YPAS.

Yukon Protected Areas Strategy

Technical Paper No. 5

Socio-economic Assessments of Protected Areas

December 1998



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Outside Whitehorse call toll free 1-800-661-0408, extension 5648.

Introduction

The Yukon government is committed to a sustainable and diversified economy. The value of a healthy social and cultural environment is also recognized. Protected areas can make important contributions to both.

In making decisions about protected areas, the Yukon government will give carefully consider the potential impacts on social and economic conditions in the territory. This paper identifies the different factors that may be considered in assessing those impacts.

As outlined in *Technical Paper No.2*, YPAS will be dealing with a wide range of different types of protected areas proposals. Each proposal will have it's own unique set of social, economic and environmental concerns that will need to be addressed. Not all assessments will deal with the same issues. Nor will they have to be conducted to the same level of detail.

It is important, however, that a consistent set of guidelines and principles apply to all assessments that are done. Assessments must be done in a technically sound manner. They must utilize methods and procedures that are accepted within the assessment field. They must result in assessments that are useful and credible to the stakeholders, and to the advisory bodies and decision makers that will be using them.

The YPAS Secretariat will be responsible for ensuring that social and economic assessments are done in a professional and technically defensible manner. The Secretariat, in consultation with affected government departments, the Development Assessment Process office and the Land Use Planning Council, will establish a consistent set of guidelines that will be applied to all social and economic assessments for protected areas. To ensure that these standards and guidelines are followed, the Secretariat, in consultation with affected government departments, Local Planning Teams and Regional Land Use Planning Commissions (where established), will establish specific terms of reference for each assessment that is done for a protected area proposal.

Timing for assessments will be coordinated with the protected areas planning processes. Every effort will be made to conduct assessments in a timely and efficient manner.

Coordination with the Development Assessment Process (DAP)

Before protected areas proposals are submitted to governments for final review and approval, they will be subject to a development assessment review according to the requirements of DAP Legislation, which is currently being prepared. The social, economic and environmental assessments that will be conducted as part of the protected areas planning process will address all the factors that are to be considered under DAP legislation. This will be done to avoid duplication of work and to expedite the assessment process that will be carried out under DAP.

To ensure this coordination, members of the Development Assessment Board or designated office will be invited to provide input to the assessment process that will be followed in protected areas planning.

Key issues

The land and resource base of the Yukon is important to all Yukon people. Many of our jobs, as well as products essential to our lifestyles, are dependent on the availability and use of suitable natural resources. Mining needs access to minerals, timber harvesting needs access to trees, outfitting is dependent on large natural areas and access to wildlife, and tourism is increasingly marketing the territory's spectacular wilderness and natural and cultural heritage. All these industries are important to the Yukon economy.

The natural environment is also important to our quality of life. In public consultations, Yukon people often referred to the cultural, recreational and social value of the land. They noted that protected areas have important spiritual, educational and health benefits. These qualities are also important to visitors that come to the Yukon. They are key to maintaining the Yukon's attractiveness as a tourism destination.

Protected areas can also add new businesses to an area. They can help diversify a local economy by increasing jobs in resource management, scientific research, infrastructure development, tourism, wilderness outfitting and the service sector. This economic diversification can be especially important for communities which may now be dependent on the ups and downs of a single resource sector.

Protected areas may also, however, result in reduced business for some economic sectors. While many Goal 2 protected areas will allow industrial activities under careful management, Goal 1 areas will not allow mining, logging, agriculture, hydro-electric projects or oil and gas surface work. In these cases, careful consideration will have to be given to the opportunities being given up and how this may impact existing businesses in the territory.

The Government of Yukon is committed to considering environmental, social and economic objectives in a balanced way. Where reasonable options exist, a priority will be placed on locating protected areas where social and economic benefits can be realized, and where conflicts with resource industries can be minimized. Where reasonable options for protected areas exist, areas of high resource development potential will be avoided, and an effort will be made to ensure the retention of access to areas of high resource development potential.

Types of social and economic impacts to be assessed

In looking at the social and economic effects of proposed protected areas, a wide range of impacts will be considered. These will include:

- the potential for increased tourism and recreation revenues;
- the potential impacts of restricting mining, timber harvesting or hydro development within protected areas;
- the potential impacts on other commercial activities that may be compatible or incompatible with the establishment of the protected area;
- the impact on First Nations traditional lifestyles, including the economic and social value of subsistence activities that could continue in a protected area;
- the potential for jobs and contract opportunities associated with establishing and maintaining the protected area;
- the public sector costs and revenues associated with creating and administering protected areas; and
- the economic value of ecosystem processes which would continue with a protected area. This includes such things as the value of maintaining healthy wildlife populations for consumptive and non-consumptive uses; natural regulation and purification of ground and surface water; and important fish habitats and spawning areas which help to support fish stocks for commercial and sport fishing.

In examining economic impacts, consideration will be given to:

- existing land and resource use in the area;
- existing third party rights and interests;
- the need for different industries to have suitable access to resources;
- the impacts on the local, regional and territorial economy;
- the distribution of economic benefits and costs;
- the impacts over the short term and the long term;
- the impacts on the economic stability and diversification of the region; and
- the level of risk or uncertainty associated with the different impacts identified.

In evaluating the social and cultural implications of proposed protected areas, it is recognized that protected areas can have both short term and long term positive and negative impacts on local communities. Evaluations will consider these factors:

- impacts on potential public use, enjoyment and appreciation of the area;
- impacts on First Nations and non-First Nations traditional activities in the area;
- opportunities for public education and interpretation; and
- potential benefits to spiritual, cultural, and mental health values.

Resource assessments

In order to evaluate how protected areas may impact future development options, resource assessments will be done to identify the potential resource values that are located in the areas considered for protection. Resource assessments will follow accepted technical methods and procedures for this type of work. Specific terms of references for individual resource assessments will be prepared by the YPAS Secretariat in consultation with affected government departments, Local Planning Teams and Regional Land Use Planning Commissions (where established).

Resource assessments will look at resources that are important to all economic sectors. This may include:

- mineral, oil and gas values;
- merchantable timber values;
- agricultural land values;
- tourism values;
- fish and wildlife values;
- subsistence values; and
- hydro power development values.

Resource assessments will be done at three stages of the planning process:

1. Identifying initial broad areas of interest

Once priority ecoregions have been identified, regional scale resource assessments using existing information will be done to determine whether or not there may be potential conflicts between potential areas of interest and other resource values. Where reasonable options exist, an effort will be made to locate areas of interest where competing resource development interests are low. This will help minimize potential future conflict.

The type and detail of resource information used at this stage will depend on the competing resource interests identified and the availability of data.

2. Selecting a study area

Once areas of interest have been identified, a more detailed analysis will be undertaken to assess the resource values associated with the different options. This may involve a more detailed analysis of known information, the completion of field work to ground-truth previous interpretations and research to fill in critical data gaps if necessary. This analysis will be used to identify how the different options for protection may impact competing resource interests. This information will be used to help decision makers choose between different areas of interest.

3. Finalizing the protected area proposal

Once a study area has been approved by Cabinet, further detailed resource assessments may be needed to evaluate and refine boundary options for the proposed protected area. This can address specific concerns that may be raised during the final planning process.

How social and economic assessments will be used

The social and economic assessments, and the information generated by these assessments, will be made publically available to all participants in the protected areas planning and establishment process. In this way, all participants will be able to give the identified social, economic and environmental values full consideration in their discussions and decision making.

Information on the social and economic impacts of protected areas will be used at several stages in the planning process.

- Local Planning Teams and other groups responsible for protected areas planning will use this information in deciding on proposed study areas and management plans, and in making recommendations to governments.
- Governments and the Development Assessment Process will use this information in reviewing protected areas proposals and making recommendations to Cabinet.
- Cabinets will use this information in making final decisions regarding proposed study areas and final approvals.

Multiple Accounts Analysis

To assist participants and decision makers in understanding this information, the results of the social and economic assessments, including the resource assessments, will be summarized in a simple table format. This approach is often referred to as a 'multiple accounts analysis'.

Multiple accounts analysis is often used in land use planning, protected areas planning or when evaluating the impacts of large capital projects. It allows decision makers to better understand the different impacts of various development options being considered.

The first step in conducting a multiple accounts analysis is to specify the different types of impacts, or accounts, that will be evaluated. For protected areas proposals, the accounts will include the full range of social and economic impacts identified, as well as environmental impacts, which includes an assessment of how well the proposals meet the environmental criteria for the type of area being considered (see Technical Paper No. 2: *Types of Protected Areas and Criteria for Selection*).

Not all impacts, or accounts, can be described in financial or numerical terms. Some impacts, such as social, cultural or environment impacts, are better described in qualitative terms. These qualitative impacts, however, are often equally important to consider in making decisions about protected areas.

The multiple accounts analysis approach allows for comparison of economic, environmental and social factors without the requirement that all the units be monetized. It can provide a summary table of the quantitative and qualitative impacts, and show the relative strengths and weaknesses of the options being considered. The summary table will be designed to be readily understood by all participants and decision makers in the planning process, and thereby facilitate more informed decision making.

Multiple accounts analysis also provides a framework that is flexible and can be tailored to specific situations in any given protected areas process. The method may be used when selecting a study area from a range of possible areas or when considering boundary options within an approved study area.

While multiple accounts analysis will be used primarily in the establishment of protected areas for ecoregion representation, the principles of this approach may also be used, as appropriate, in the process to establish other types of protected areas.

An example of a multiple accounts framework to evaluate options for ecoregion representation is outlined on the following page.

Example: Multiple Accounts Analysis Framework

This framework could be used to compare areas of interest for ecoregion representation.

Account	Base Case (No protected area)	Protection Option 1	Protection Option 2	Protection Option 3
<p>Environmental Accounts</p> <p>How well does the option meet the criteria for ecoregion representation?</p> <ul style="list-style-type: none"> • Representativeness • Naturalness • Ecological viability • Research and education values <p>Other features to be considered:</p> <ul style="list-style-type: none"> • Wildlife and habitat • Uncommon landforms and features • Cultural, heritage and spiritual values • Outdoor recreation and tourism values • Wilderness values 				
<p>Social and Cultural Accounts</p> <ul style="list-style-type: none"> • Impact on public use and enjoyment • Impact on traditional uses • Public education and interpretation • Spiritual, cultural and health values 				
<p>Economic Accounts</p> <ul style="list-style-type: none"> • Impact on tourism and recreation revenues • Impacts on resource based industries: <ul style="list-style-type: none"> • Mining • Timber harvesting • Oil and gas development • Hydro power development • Agriculture • Impacts on other commercial activities • Subsistence values • Potential for contracts and jobs • Public sector costs and revenues • Economic value of ecosystem processes 				

Yukon Protected Areas Strategy

Technical Paper No. 6

Interim Protection and Third-Party Interests

December 1998



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Introduction

Interim protection refers to the practice of withdrawing lands from new surface dispositions and prohibiting the issuance of new subsurface dispositions within a defined area on a temporary or interim basis. Interim protection does not affect the right to carry on activities associated with existing surface and subsurface dispositions, which can continue under existing regulations in interim protected study areas.

Both the Canadian Biodiversity Strategy and the Whitehorse Mining Initiative support the use of interim protection measures in the process to establish protected areas. Interim protection ensures that new surface land dispositions or subsurface mineral rights do not occur in study areas during the protected areas planning and establishment process. This helps protect conservation values in study areas so that they are not compromised by new development during this process. It also alerts potential developers to the interest in protecting an area.

It is recognized that interim protection will affect access to resources that are important to the resource users in the Yukon. All stakeholder interests will be considered carefully prior to making final decisions on interim protection.

Types of interim protection

Map notations and land reservations

Map notations and land reservations do not ensure interim protection of land from surface or sub-surface dispositions. They do, however, notify review agencies of a conservation interest in an area and can thereby lead to the discretionary denial of new authorizations which are incompatible with that interest. Applications might also be amended to provide for opportunities for the project to go ahead without disturbance to the values being considered for protection.

Map Notations: These are registered on Federal-Territorial Resource Maps as a notification of interest by a government agency proposing to protect an area. This ensures that the agency is consulted before any decisions are made on land applications or authorizations for land use in the area. It also ensures that potential developers are aware of the interest in protecting an area.

Map notations do not limit the operation of the *Yukon Quartz Mining Act* or the *Yukon Placer Mining Act*, but would be taken into consideration when authorizing the work performed on mining claims.

Land Reservations: These are set aside by application from a government agency proposing to protect an area. Land Reservations pertain to the surface use of the area only. They do not prohibit entry on the land for the purpose of mineral staking, however applications for mining land use permits to perform work on quartz and placer mineral claims would be measured against the values being protected, and could be denied.

Surface withdrawals

Surface withdrawal offers full surface protection from any new surface dispositions in the area being withdrawn. It involves:

- **Federal Surface Withdrawal Order:** Land can be withdrawn from surface dispositions by a federal Order-in-Council (OIC) under the *Territorial Lands Act*.
- **Territorial Surface Withdrawal Order:** The Yukon government may also withdraw Commissioner's Lands from surface disposition by way of an Order-In-Council under the *Lands Act*.

Surface Dispositions include the sale of land or leases for rural residential, outfitting, agriculture, trapping, commercial, oil and gas exploration, coal and gravel extraction.

Subsurface Dispositions include mineral claims staked under the Yukon Quartz and Placer Mining Acts and interests issued under the *Canada Petroleum Resources Act*. When Canada transfers jurisdiction and control over oil and gas dispositions in the Yukon to the Yukon government, oil and gas interests and prohibition orders will be issued under the *Yukon Oil and Gas Act*, which is not yet in effect.

Subsurface withdrawal

Subsurface withdrawal offers full interim protection from new subsurface dispositions in the area being withdrawn. Mechanisms for subsurface withdrawal include:

Federal Subsurface Mineral Withdrawal Order: Subsurface dispositions can be prohibited by a federal Order-in-Council which prohibits entry on land for the purpose of exploration and mineral staking under the *Yukon Quartz Mining Act* and the *Yukon Placer Mining Act*.

Oil and Gas Resources: A withdrawal order under the *Territorial Lands Act* prevents the issuance of oil and gas interests by cross reference. With such a withdrawal in place, a separate prohibition order under the *Canada Petroleum Resources Act* would not be required.

How interim protection will be applied

The Yukon government will request interim protection for Cabinet approved study areas that are on lands under federal jurisdiction. The federal government maintains control over the approvals and conditions attached to interim protection. The Yukon government will request that interim protection will be applied in the following manner.

- Interim protection will be applied in a fair and timely manner to ensure that values proposed for protection are not compromised during the planning, selection and approval process.
- Full interim protection (surface and subsurface withdrawals) will only be applied to Yukon Cabinet approved study areas.
- Interim protection will be applied to the entire study area.
- The level of interim protection applied will correspond to the level of protection being considered for the possible final protected area.
- Interim protection will normally have time limits of three to five years.
- Interim protection will only be applied to study areas that are in the active process of being planned and established within specified time frames.

The process for applying interim protection will be as follows.

For Identified Areas of interest (Step 3 as described in Technical Paper No. 3: *Planning and Establishing Protected Areas*)

Under normal circumstances, the process of selecting a study area from a number of optional areas of interest will be done in a timely fashion. In some instances, however, it may be necessary to examine different optional areas of interest in some detail before a choice of study area is made. In these cases, the time frame for selection could be longer than expected.

In cases where this occurs, Cabinet may request that a map notation or land reservation be established on the different areas of interest to notify the review agencies and potential developers that the areas are being considered for protection.

For Cabinet Approved Study Areas (Step 4 as described in Technical Paper No. 3: *Planning and Establishing Protected Areas*)

Once the Yukon Cabinet has approved a study area for interim protection, the following steps will be taken:

1. Yukon government will request DIAND to apply interim protection indicating the area involved, time frame and the land uses to be restricted in the orders.
2. DIAND will then carry out an environmental assessment under the Canadian Environmental Assessment Act (CEAA), and seek the DIAND Minister's approval to request the Governor

in Council to pass the necessary withdrawal orders. It takes from three to six months to put withdrawal and prohibition orders in place. DIAND will maintain a record of the amount of land under interim protection for the purpose of establishing protected areas.

3. Prior to the establishment of surface or subsurface withdrawals, map notations or reservations may be recorded on Territorial Resource Base Maps (TRBMs) to identify the location of area proposed for protection. Under these measures, any new surface land applications in the study area would be reviewed and where the application is thought to be incompatible, it could be denied or deferred until a final decision on protection is made, or special restrictions and/or alternative locations could be sought for the activity.
4. Upon the completion of required reviews and federal government approval of the interim protection request, the federal Cabinet will pass, through an Order-in-Council, a Withdrawal and Prohibition Order preventing any new surface and subsurface dispositions for the area in question.

The Withdrawal and Prohibition Orders will specify the types of activities to be restricted, the area to be withdrawn and the time frame for the interim protection.

Third-party interests

Third party rights and interests will be respected throughout the planning and establishment process for protected areas. All existing rights within areas of interest and designated study areas will continue to be valid as per their normal operating conditions. The management planning process will deal with the issue of the continuation of third party interests within the area.

It is expected that most existing third party interests and activities such as outfitting, trapping, subsistence hunting and fishing, recreational leases and rural residences will be compatible with the conservation objectives of the areas being protected, and will be allowed to continue.

Some existing third party interests, such as timber harvesting or mining claims, may or may not be compatible with the conservation objectives of the area. Whether or not a limitation of those interests would be necessary would depend on the particular circumstances of each case.

Governments currently have a number of legal mechanisms which address policies, procedures and options for dealing with existing rights and interests. These mechanisms are not unique to the protected areas strategy.

All decisions regarding the continuation or limitation of third party rights and interests will be dealt with in a fair and equitable manner, and will be consistent with existing government legislation, policies and practices in such matters.

Yukon Protected Areas Strategy

Technical Paper No. 7

Reviewing and Updating the Strategy

December 1998



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Reviewing and updating the Strategy

Both the strategy and its work plan will be reviewed and updated on a regular basis. This will be done as follows.

Quarterly progress reports

Brief progress reports which monitor and summarize the progress of YPAS implementation will be prepared every three months and submitted to the Yukon Minister of Renewable Resources for review.

These reports will be prepared by the YPAS Secretariat, in consultation with all agencies and teams actively involved in implementation.

Annual work plan review and update

The work plan which guides the implementation of YPAS will be reviewed and updated on an annual basis. This review will identify the work, progress and products completed to date, identify key issues and concerns, and set work plan priorities for the next year.

This annual review and update will be coordinated by the YPAS secretariat. The following agencies and groups will be invited to participate in this review and update:

- federal and territorial government agencies involved in implementation;
- first Nations governments;
- established Local Planning Teams;
- mandated Boards and Councils such as the Fish and Wildlife Management Board, established Renewable Resources Councils, the Heritage Resources Board, the Yukon Land Use Planning Council, and established Regional Land Use Planning Commissions; and
- key non-government organizations and stakeholder groups with an interest in protected areas.

The annual YPAS work plan review and update will be described in an annual report which will be made available to the public.

Five-year strategy review and update

The overall protected areas strategy will be subject to review and updating every five years. This review and update will involve broadly based technical and public input.

The five year review will be coordinated by the Department of Renewable Resources, and will involve participation from all levels of government, mandated boards and councils, key non-government stakeholder groups and the public.

Some of the questions and issues for consideration in the five year strategy review include:

- Are the goals and objectives of the strategy still relevant?
- Are the criteria being used to identify protected areas still relevant?
- Are the processes and roles defined in the strategy effective?
- Is intergovernmental coordination effective?
- Are protected areas contributing effectively to the maintenance of biodiversity, essential ecological processes and ecosystem integrity?
- Are environmental, social and economic issues being considered adequately?
- Do all stakeholders and members of the public have meaningful opportunities for participation?
- Are there appropriate linkages between protected areas work and other land and resource planning processes in the Yukon?
- Is implementation being carried out effectively?
- Are there appropriate linkages between the protected areas work being done in the Yukon and that being done in other jurisdictions, both nationally and internationally?
- How can the strategy be improved?