

Peel Plateau Review

Summary of Issues and Government Responses

November 2001

Introduction

The Government of Yukon issued a Call for Nominations in the North Yukon on May 17, 2001. One parcel in the Peel Plateau area was nominated by industry, by the close of the Call on July 18, 2001.

The Public Review Process for the nominated parcel was opened on August 7th and closed on September 21, 2001. The public, Yukon First Nations in whose traditional territory all or part of the nominated area is located, land claim bodies, and federal government departments were invited to submit representations concerning the nominated parcel. The Gwich'in Tribal Council were also invited to submit representation as the nominated parcel is located within the Tetlit Gwich'in Primary Use Area.

Assessment of Comments and Government Response

This is Yukon's third disposition of oil and gas rights, but the first in which a parcel was nominated in the Peel Plateau. The concerns most often raised during the public review related to the disposition/consultation process, land use planning, cumulative impact assessments, wetlands and waterfowl, the porcupine caribou herd, and surface access. Also raised, but by fewer parties, were risks associated with oil and gas development; environmental impacts and clean up of past oil and gas operations; and the potential impact of development on wilderness and tourism.

The following table provides a summary of the concerns raised during the public review of the Peel Plateau nominated parcel and the government response to those concerns.

Summary of Issues and Government Responses

<i>Issue</i>	<i>Response</i>
Disposition Process	
Earlier Involvement	
Interested parties want to be involved earlier in the disposition process.	Subject to working out the mechanics, the government agrees with the objective of a more encompassing information gathering stage at Step 1 of the rights disposition process. The government will be discussing the concerns raised and possible approaches to address them, as well as the general issue of input from the RRCs and other land claim bodies, with First Nations.
Land Use Planning	
The government should not issue rights until land use plans are in place.	The government believes that planning and development can occur concurrently. The licensing process for oil and gas exploration and development can fairly and responsibly take into account multiple land use concerns.
Land use planning in the Peel Plateau be completed prior to allowing oil and gas activity.	The government supports land use planning in this area and its addition to planning processes now in place or about to commence. It does not support a freeze on development until land use planning is completed.

Decision Making	
Some parties are “disturbed” or upset that areas which they felt should not be subject to oil and gas exploration were included in the Call for Nominations. Some parties indicated the Call for Bids should be cancelled.	The government believes that there are alternative mechanisms to protect values of concern, besides exclusion of the area from the Call. The government believes the concerns raised are manageable and not reason to cancel the call or alter the boundaries of the call.
Several parties suggested the process for disposing oil and gas rights is “flawed”. Some suggested that the process is pre-determined, does not allow important concerns to be addressed early on, or that the timeframe is too short.	The oil and gas process followed the requirements stipulated by legislation, regulations and policy. All views are given fair hearing by government, as it looks to address the concerns raised in a manner that balances conservation and development interests. In response to input received, numerous areas with identified ecological values were excluded from the boundaries of the Call for Nominations area.
Some parties favour First Nations making decisions respecting dispositions on their traditional territory.	The Yukon <i>Oil and Gas Act</i> clearly specifies that as owner the Yukon government, is responsible for making the ultimate decision with respect to the disposition of oil and gas rights on lands under its management and control. First Nation governments will make the ultimate decision on their lands.
Environmental Concerns	
Cumulative Impacts	
Some parties want cumulative impact studies done before rights are issued or activity is authorized.	The Yukon Government will work with operators and the federal government, as required, to ensure cumulative assessment under CEAA addresses all known activities. However, CEAA does not and cannot address unknown projects that may occur sometime in the future. Therefore the

	<p>government will:</p> <ul style="list-style-type: none"> • Work with the industry to increase knowledge, and to identify possible development scenarios as to the level and type of oil and gas activity expected in the north Yukon. • Work with the communities to identify values and concerns related to oil and gas activity and examine optional approaches to address these concerns.
Caribou	
Concerns relate to the potential impact of oil and gas development on the Porcupine, Redstone and Bonnet Plume herds.	<p>The Yukon Government will:</p> <ul style="list-style-type: none"> • Continue to support the review and update of information associated with the winter range use by the porcupine caribou herd, in consultation with the Canadian Wildlife Service and the Porcupine Caribou Management Board. • In cooperation with industry, CWS and the PCMB consider developing management guidelines for oil and gas exploration activity in the winter range of the PCH. • Review available information on the Redstone and Bonnet Plume herds and work with other government biologists and knowledgeable experts to determine how to best protect these caribou populations.
Waterfowl and Wetlands	
Concerns relate to the potential impact of oil and gas development on waterfowl and the Turner Lake wetlands complex.	<p>While the wetland values of this area are acknowledged, withdrawal of the area from all activity is only one management tool available to government to address these concerns. As a breeding and staging area for migratory birds, it is primarily used in the spring and fall. Peregrine falcons use the area during the summer. Oil and gas activity has occurred in this same area in the past. Oil and gas activity occurs in the NWT in similar environments with appropriate mitigation to minimize any potential negative impact.</p> <p>The Yukon government will:</p>

	<ul style="list-style-type: none"> • Work with Ducks Unlimited, the Canadian Wildlife Service and other knowledgeable experts, subject to funding being secured, to undertake a waterfowl and habitat study in 2002/2003. • Work with industry, CWS and other knowledgeable experts to look at the development of management guidelines/best practices for seismic activity in the Peel Plateau wetlands. • Restrict activity in the Turner Lakes wetland to times during which waterfowl are not present, at least until the management guidelines are developed or it can be shown that activity can occur without harmful effects on waterfowl.
Tourism, Wilderness and Visual Impact	
Concern relates to the impact of oil and gas activity on wilderness tourism and the view shed.	The government agrees that visual impacts should be minimized and that any activity within view of the Peel River must address visual impacts on wilderness values. The Government will stipulate buffers, setbacks of activity, or equipment free zones in the proximity of the Peel River at the land use permitting stage. The Wilderness Tourism Association will be consulted through the land use permitting process.
Environmental Clean-up	
Contamination and debris from previous oil and gas activity should be cleaned up.	The government agrees that contamination and debris from previous activity should be cleaned up. The federal government is responsible for most of the clean up related to pre 1988 activities. Efforts are presently underway by the federal government to clean up one well site, J-21, located on Tetlit Gwich'in Yukon lands.

Socio-Economic Concerns	
There is a need for more oil and gas training and access to employment and business opportunities in the oil and gas sector.	The government has and will continue to work cooperatively with First Nations and the federal government to identify training priorities and to facilitate training programs and courses to meet the identified priorities. The government continues to work with and support the business community and First Nations in their efforts to increase their access to and their involvement in the oil and gas sector.
Access Issues	
Several parties expressed concerns related to roads being built, and pipelines being required.	<p>The most likely access to the Peel area will be overland or by air. While it is agreed that access in the Peel Plateau will be more difficult than for dispositions in the Eagle Plain area, the government believes that access issues are manageable and can be dealt with under existing regulatory regimes. However, to provide greater certainty, the government will restrict access to winter access only until work is completed on the management guidelines for activities in wetlands, or it can be shown that access and related activities can be undertaken in an environmentally acceptable manner.</p> <p>With no commercial discoveries having been made in the Peel Plateau, it is premature to consider specific considerations related to pipelines.</p>