



April 27, 2007

The Honourable Archie Lang, Minister
Department of Energy, Mines and Resources
Whitehorse, Yukon Y1A 2H3
BY EMAIL: archie.lang@gov.yk.ca

Re: Proposed Oil and Gas Dispositions at Eagle Plains and in Peel Watershed

Dear Minister Lang,

As you will appreciate, the Canadian Parks and Wilderness Society (CPAWS-Yukon) is firmly opposed to the proposed oil and gas dispositions in the Peel Watershed and at Eagle Plains. We believe that entertaining oil and gas dispositions in these before completion of land use planning is ill-advised and contrary to principles of good public land management.

Modified Oil and Gas Disposition Process

Our organization is concerned with the Yukon Government's (YTG) modified "free-entry" style land grab for the oil and gas industry. We believe that this is a throwback to old-style, cowboy oil and gas development. YTG's new "industry driven" process opens the entire Yukon Territory except for lands specifically excluded by legislation, and some lands currently specified by policy, as off limits to the oil and gas industry. This is, we believe, at odds with public expectation of a well-managed oil and gas industry. It apes the Alberta oil and gas disposition process. And that is not be a surprise; because rather than consulting Yukoners and asking them how to improve the way oil and gas rights are awarded to industry, YTG chose to consult the oil and gas industry exclusively.

Concern with Areas Nominated

Two areas have been nominated for oil and gas dispositions: Peel Watershed and Eagle Plains. We believe that a responsible balanced approach to development would include setting aside lands of high conservation value from resource disposition pending completion of land use and protected areas planning. We draw your attention to the fact there has been and continues to be strong community opposition to allowing oil and gas development in the Peel watershed in advance of land use planning. The Yukon Government has been advised repeatedly by First Nations governments, Renewable Resources Councils, other mandated boards and councils, business organizations and conservation organizations to complete land use and protected areas planning in advance of development. By including lands of high conservation value - including

the Peel Watershed, Turner Lake wetlands, Porcupine Caribou Herd winter range, and now the Whitefish Lakes Wetlands Complex - in oil and gas dispositions, the Yukon Government is putting sensitive Yukon fish and wildlife populations and ecosystems at risk.

In mid-February 2007, the Mayo District and Tetlit Gwich'in Renewable Resources Council hosted the Peel Watershed Community Gathering in Mayo. After a few days of meeting and deliberation, the 70 attending delegates approved the following Elders Statement:

We want our people to protect the Peel Watershed, which means the Watershed remains as it was created, with a high level of protection for the land and water and our heritage, and all living things, where we can continue to practice our traditional way of life and care for the land, water, air, wildlife, and medicinal plants.

We want our people to find a way to give a high level of protection to the Peel Watershed, in the way a park gives protection. With such protection in place, we still practice our rights to hunt, fish, trap, and use the land (*as outlined in our land claim agreements*).

Also approved was Community Vision Statement which stated:

We reaffirm the Vancouver Agreement of 1990 where the Tetlit Gwich'in Council, the Nacho N'yak Dun First Nation, the Vuntut Gwitchin Council, and the Tr'ondek Hwech'in First Nation directed that the Peel River Watershed be protected in perpetuity from all damage to harvesting, wildlife, and fish habitat, and the quantity and quality of water flow.

Ecological Concerns with Oil and Gas Development

Oil and gas activity in this area would have, in our opinion, unacceptable environmental impacts on wildlife habitat and populations including barren ground caribou, moose, Dall sheep, large carnivores and raptors. The long-term potential impacts on water quality and fish populations of the Peel River are also enormously important. Some common negative ecological impacts of oil and gas operations generally include:

- Direct loss of habitat, which is magnified by the avoidance of habitat in the vicinity of oil and gas linear features – seismic lines, roads, pipelines - by species such as caribou.
- Further reduction in habitat effectiveness due to extensive habitat fragmentation.
- Linear disturbance features like seismic lines provide access routes into the bush for all-terrain vehicles, snowmobiles, and other off-road vehicles. This can lead to increased hunting and poaching and can have significant adverse effects on soil and vegetation.
- Increased stream sedimentation, bank erosion, barriers to fish passage, destruction of aquatic habitats, and alteration of drainage patterns.
- Alteration in predator-prey interactions (e.g., wolves are able to move faster along seismic lines than through undisturbed landscapes).
- Damage to soil (e.g., compaction and erosion, melting of permafrost).
- Disturbance of wildlife by noisy operations like seismic testing and machinery.

Porcupine Caribou Herd

Conservation of the Porcupine Caribou Herd is a priority for Yukoners, Canadians and North Americans. The areas nominated are within the winter range of the Porcupine Caribou Herd. Caribou have a low tolerance for disturbance. Winter range is a critical habitat component. So too are migration routes that could be adversely affected by oil and gas activity. Given the scale of the nomination area, oil and gas operations would likely have considerable direct and cumulative impacts on the Porcupine Caribou Herd and its winter range.

Disturbance from industrial activity is thought to affect gravely caribou condition. Caribou remain relatively stationary in their winter range, and can inhabit limited areas for several months. Reduced activity is a strategy to conserve valuable energy reserves during periods of adverse winter conditions. Fat levels in cow caribou during the rut are partially dictated by range conditions during the previous winter. What happens during the winter can be a major determinant of reproductive success and population growth. Disturbance caused by oil and gas development could reduce body condition and have the following effects: decline in fall fat levels of calves (higher winter mortality); decline in fall fat levels in cows (reduced pregnancy rate); reduced calf body size (no fat, no growth); intra-uterine mortality; small first year calves may never grow to full potential (prolongs age of first reproduction).

Currently the Porcupine Caribou Herd is in serious decline; as are caribou herds in the Northwest Territories. While it is unclear what is behind these declines, much is known about the negative impacts of oil and gas activities on caribou. Thus in our opinion it is irresponsible to consider industrializing important caribou winter habitat without a plan for protecting important habitat areas and the well-being of the herd.

Peel Watershed

In the Peel watershed, one of the areas of interest is located between mouth of the Bonnet Plume and Snake Rivers and includes a large portion of habitat for the threatened Peregrine Falcon along the Peel River mainstem, and part of the neighbouring Turner Lake wetlands. It is also an area that is heavily used by wilderness travellers and subsistence users.

The Peel watershed is one of the Yukon's magnificent wilderness watersheds. It is a land of stunning mountain ranges, clear running rivers, intact caribou herds and healthy fish and wildlife populations. Lands like these are increasingly rare throughout the world. With its five mountain boreal tributaries it is one of the largest pristine areas in the territory. The Peel lies in the northern Yukon, mainly in the traditional territories of the First Nation of Nacho Nyak Dun and Tetl'it Gwich'in First Nation, providing a connection to ancestral ways of life and a cultural link to the future. The Peel watershed and Three Rivers wilderness are globally important, and vital to northern conservation. Some key values to protect include:

- intact mountain watersheds and wilderness on a vast scale, with fresh clean waters, rare in the world;
- pristine mountain boreal ecosystem, a benchmark of Canadian significance, with a full complement of predator and prey species;
- largest intact woodland caribou herd (Bonnet Plume) in the Yukon, a species vulnerable elsewhere;
- 25% of Yukon's Peregrine Falcons breed in the Peel watershed;

- large critical wetland areas, of territorial significance, used by waterfowl for staging and nesting;
- refuge for large carnivores such as grizzly bears, wolves, wolverine, species that require large wilderness to survive.

Wilderness, or traditional homeland, as viewed by many aboriginal peoples, is an integral part of the North; it has intrinsic and spiritual value now and for the future. Conservation provides lasting community and economic benefits, supporting traditional land uses such as harvesting, and sustaining cultures and local ways life – while allowing new industries and job opportunities based on wildland conservation to flourish. There is strong community support and interest in conservation.

Turner Lake Wetlands

The Turner Lake wetlands complex on the Peel Plateau is one of the Yukon's most important wetlands. Not only has the government done nothing to protect this key wetland complex, but also it seems to be targeting it for development. There have been strong public concerns with oil and gas development in these lands, which are known for their high conservation and cultural importance. We are deeply concerned that EMR or an oil and gas company is even considering operating in this sensitive and high-conservation-value habitat.

Over the years, the Yukon Government, Environment Canada and the Mackenzie Delta - Beaufort Sea Regional Land Use Plan have identified these wetlands as a priority area for protection. The extensive public record shows that the First Nation of Nacho Nyak Dun, the Tetlit Gwich'in Council, the Mayo District and Tetlit Gwich'in Renewable Resources Councils, the Yukon Fish and Wildlife Management Board and conservation organizations have all over the years expressed great concern with oil and gas exploration in the Turner Lakes wetlands. Thus the public record shows broad-based, clear and categorical opposition to oil and gas development in the Turner Lakes wetlands.

The Turner Lake wetlands support an important population of threatened Peregrine Falcon, contain key waterfowl habitat, are an important staging area for migratory waterfowl and are part of the winter range of the Porcupine Caribou Herd. Wetlands are known to be particularly sensitive to industrial impacts, including those of oil and gas development. There is strong reason to believe that the Turner Lake wetlands are at serious risk if oil and gas development is allowed there.

Proper planning is one means to avoid or limit the impact of proposed activities on species and their habitat. Oil and gas development has degraded wetlands elsewhere in North America. Opening wetlands to oil and gas activity could foreclose options to conserve them, and would in our opinion be contrary to the public interest in wise stewardship of public lands.

Eagle Plains

Of 26 areas of interest the Yukon Government is currently considering, 25 of them are situated in the Eagle Plains area. For years strong public concern has been expressed with oil and gas development at Eagle Plains. Community people and others have been interested in protecting an area straddling the Arctic Circle around Eagle Plains and southwest Richardson Mountains, including the headwaters of the Eagle River. Yukon government scientific and resource studies in 2002 recommended establishment of a core protected area at Eagle Plains. The area contains

critical winter habitat and a migration corridor for the Porcupine Caribou Herd, hosts populations of upland wildlife including Dall sheep, Grizzly bear, Golden Eagle, Gyrfalcon and Peregrine Falcon and supports populations of waterfowl, furbearers, Bald Eagle and Osprey in its aquatic systems and wetlands. The area has been used for millennia by indigenous peoples and contains cultural and archaeological sites. Today it continues to support subsistence harvesting.

Whitefish Lake Wetland Complex

The Whitefish Lake complex is another key territorial wetland. It is important for breeding and moulting migratory waterfowl and as well for fur bearers. Although the Yukon Government is presumably aware of the high conservation value of the Whitefish wetlands and of the negative effects of oil and gas development on wetlands, it is proposing to allow such development in this area. We think that this is irresponsible.

Summary of Ecological Concerns

Oil and gas exploration and development activities have well-documented well-known negative impacts on fish and wildlife populations and their habitat. Evidence from most comparable jurisdictions indicates that these impacts may be largely unavoidable.

We believe that the onus is on the Yukon Government to demonstrate that oil and gas activities will not harm the environment in the areas selected by oil and gas companies. Thus it is incumbent on the Departments of Environment and Energy, Mines and Resources to provide evidence to the Yukon public that oil and gas activities in the Eagle Plains and Peel Watershed will not:

- harm the Porcupine Caribou Herd,
- harm the threatened Peregrine falcon,
- harm migratory birds,
- harm fish and aquatic species;
- harm traditional hunting, fishing, berry picking and other traditional uses;
- trash important wetlands; or
- degrade the wilderness character and public enjoyment of the Peel Watershed.

CPAWS-Yukon calls on the Yukon Government to hold off on oil and gas dispositions in the Eagle Plains area and the Peel Watershed until completion of land use planning. Both planning commissions must have all land use options open to them. Allowing oil and gas development in advance of planning forecloses conservation options for future generations.

Yours truly,



Mac Hislop
Conservation Campaigner

Cc: Debra Wortley, Rights Disposition Manager, Oil and Gas Management Branch