

Porcupine Caribou Management Board Meeting Minutes

April 4, 2009
Teleconference

In Attendance

Members

Joe Tetlich, Chair
Sonny Blake, Gwich'in Tribal Council
Ian McDonald, Government of Canada
Marsha Branigan, Government of Northwest Territories
Doug Larsen, Government of Yukon
Billy Storr, Inuvialuit Game Council
Steve Taylor, Tr'ondëk Hwëch'in First Nation
Lorraine Peter, Vuntut Gwitchin First Nation

Alternates

Dorothy Cooley, Government of Yukon
Ron Morrison, Government of Northwest Territories (first ½ hour)

Deana Lemke, Secretariat

Regret

Steve Buyck, Na Cho Nyak Dun First Nation

Opening and Welcome

Joe Tetlich, Chair, called the meeting to order at 2:00 p.m.

Interim PCH Measures

The Board received correspondence from Environment Minister, dated March 27, 2009, regarding Interim Measures to deal with the Porcupine Caribou Herd harvesting. Doug Larsen commented the reason the letter came to the PCMB was because of the obligation to consult with the Board and not to stakeholders. However, it was pointed out that the Yukon Minister is in fact consulting with stakeholders such as the parties to the PCMA and other organizations such as WMAC (NS), WMAC (NWT), GRRB, the Fish and Wildlife Management Board, the Yukon Outfitters Association and the Yukon Fish and Game Association.

There was some discussion regarding whether the Board should be considered a “stakeholder” in consultation since the PCMA established the Board as the body that would make recommendations regarding management of the Porcupine Caribou Herd.

The minister’s letter regarding interim measures requests a reply by April 30, 2009.

Doug Larsen added that direction is coming from both the Yukon Premier and Environment Minister that interim measures must be implemented because there is a need to move forward with action, even in the absence of a completed Harvest Management Plan. We should let the Working Group finish its consultation, see how it goes and then PCMB can make its recommendations. If PCMB recommendations are different, that’s fine; that’s why these are “interim measures.” Doug noted that the HMP process is not moving as quickly as the Government of Yukon would like.

Ron Morrison stated that the Working Group needs to finish its work and that the Board should strongly oppose any interim measures. The Board should remind the Minister that we have a process in place with respect to harvest management. The Board is mandated to manage the herd and make recommendations. It is in the middle of the process and working to the end. Interim measures will undermine the process. Ron added that he has a good understanding of what the NWT will think if the Government of Yukon institutes interim measures — it will usurp the process and derail the Harvest Management Plan process. The Yukon will be restricting aboriginal harvesting by setting limits and enforcing mandatory use of tags. Aboriginal harvesters will oppose the measures unless they feel they are part of the decision-making process.

Doug responded that the Government of Yukon doesn’t feel it is usurping the process. It wants to go ahead with these as interim measures, but he hopes this doesn’t derail the process. We must move ahead with conservation measures; it should be a parallel process.

Sonny Blake said he had been speaking with Jozef Carnogursky who indicated that further direction from the President of Gwich'in Tribal Council was being sought. Sonny is not in support of interim measures and said the Board should finish the process with the Working Group. There are four Gwich'in communities and not only one to consult with on the NWT side. This takes longer but it is almost done and we should allow the process to be completed. He has spoken to Board members of Tr'ondek Hwech'in, Na Cho Nyäk Dun, Vuntut Gwitchin First Nation who indicated they are not in support of interim measures.

Doug said the Vuntut Gwitchin Government had written a letter to PCMB recommending mandatory bull harvest only at 100,000 animals (Doug read letter).

Ron has no argument that some protection measures should take place, but stated strongly the need to include all parties and respect land claims and aboriginal rights. This needs to be done in such a way that First Nations can accept the process and limitations and live by them. He fears that if the Government of Yukon goes through with their process without allowing the Board to do its job, they will usurp the whole HMP process.

The majority of harvesting is by NWT Gwich'in and Inuvialuit communities. It is unlikely that the Government of the NWT will implement interim measures. The GNWT will follow the co-management process with communities and boards, as required. This could result in different legislation on the Dempster Highway on the NWT side. Government of Northwest Territories does not want to end up in court with challenges to aboriginal rights. Timelines outlined by The Government of Yukon do not allowed sufficient time for the appropriate consultation, as directed in the agreements.

Steve Taylor said Government of Yukon is going ahead with consultation but that doesn't mean everyone will agree with what has been proposed for interim measures. Tr'ondëk Hwëch'in has its own consultation process as well. It's not a slam-dunk deal that these measures really will happen. Tr'ondëk Hwëch'in will need to go to consultation in the communities. Steve would rather promote the bull-only issue, for example, with the whole package [HMP], not as a stand-alone issue for consultation. People would not comply with tags anyway. He doesn't agree with interim measures. Measure should be taken cooperatively through the Harvest Management Plan. It's like putting the cart before the horse and will upset everybody, ruining everything done until now.

Ian McDonald sent his thoughts out the previous day by e-mail. He understands why the Government of Yukon is doing what it's doing because it wants to move with measures now, not later. He is assuming there is some Yukon First Nations' support and some pressure from Old Crow to take action sooner. Government of Yukon has the ability to do this and must follow the consultation process. He feels it is bad timing considering where things are at with the Harvest Management Plan, but can understand the need to have something in place by September. The Board needs to reply on how the Harvest Management Plan will mesh with measures. The Board should be asking questions and definitely needs to reply.

Joe Tetlichy asked: if we respond to the letter, does that mean we are going along with the letter? We are not a stakeholder, we are an advisory body that makes recommendations on these matters to the Ministers.

Billy Storr remarked that he is not in favour of interim measures proposed. Inuvialuit Game Council will be drafting of a letter to Minister Taylor. When the letter has been vetted by their communities, it will be sent to the Minister. We

should let the Working Group finish its work before the government implements any interim measures, as that action would probably derail the process. There has been a lot of time put into the development of the Harvest Management Plan. There must be a plan that works for the future. In the meantime, the government should not impose interim measures.

Lorraine Peter shared her perspective. The letter from the Minister was no surprise; it was expected to happen. She said if the Working Group process was not done in a timely manner, interim measures could be implemented, as indicated by Minister Taylor at the Board's previous meeting. Lorraine said she appreciated the hard work of the Working Group. It sounds like there is conflict with Northwest Territories with regard to interim measures. How the situation is handled is important. It needs to be handled sensitively to make sure all parties are able to work this out in a good way. Government of Yukon will put interim measures in place; that's a given. But how we work with them will be the key. They have their own process as government and how we address issues will be the key. "Going to the courts", as commented by the GNWT member, is jumping the gun right now. There is a need to answer the letter fairly soon. This action doesn't need to derail the Working Group process. Our main concern is the conservation of the Porcupine caribou herd. We don't know the population of the herd. This is not politics. We need to let the Working Group know we are in support of the process. We are dealing with land claim agreements, but we must remember why we are here: for the future of the Porcupine caribou herd.

There is a need to come to a solution without everyone being up in arms. Other consultation needs to take place. This will be up to the communities. We are all in this together. It is our responsibility as community users. All other herds around us are diminishing. If there is a bulls-only mandatory measure and take only what we need, we should do that.

Doug said there is still a lot of cow harvesting going on. We have never been able to get a total harvest count and we need it. Consultation is going ahead. He suggested the Board write back regarding the process. Lorraine said it can be referred to in the recommendation letter. Doug then remarked that it is difficult to make recommendations as a Board without the Harvest Management Plan.

Marsha Branigan pointed out that the graphs in the draft Harvest Management Plan are worst-case scenarios. The letter from the Minister indicates that the plan states the herd WILL continue to decline and this is not true.

Billy said the process is in contravention of the *Inuvialuit Final Agreement* (IFA). We don't need the Working Group do the plan. Conservation is not the issue here. Doug asked how it is contravention with the IFA. Billy replied that it is not following the co-management process. Doug then remarked that all governments have the ability to implement conservation measures. Billy said that that is in the event of an emergency, which would need to be proved. If a model is used, is it

approved by the Wildlife Management Advisory Council? Doug replied that both WMACs have been engaged and are involved in those. Marsha stated that I guess that would be an argument lawyers will have. The Inuvialuit are thinking that way; they think it's a contravention of the co-management process.

Marsha reminded the group that we all signed the HMP Protocol agreement and it's not good to present the communities with a draft Harvest Management Plan and then talk about implementing Government of Yukon interim measures at the same time. This just happened in Aklavik. Doug said these are separate processes. Marsha said it seems the Government of Yukon will not accept the draft if it looks as is and Doug agreed. He would like to see the Board agree with the interim measures for conservation but disagree with the process. Marsha didn't agree and felt if the Board says we agree that the interim measures address the conservation concern that the Board is undermining the HMP process.

There was discussion about a motion regarding the content of the response letter to the Yukon Minister.

Ian felt we don't need to say we agree or disagree with the interim measures. The Board can reply that it doesn't agree with the process of implementing interim measures at this point.

Ian stated he had trouble understanding the opposing process. He knows it exists; governments can take these sorts of actions. Marsha said it's happening at the wrong time. The HMP Protocol has already been signed and we're working through that process.

Ian remarked that Harvey Jessup told the Board last year Government of Yukon wanted something in place before the hunting season. Ian added that the timing isn't good, but these actions are being taken for good reason and it made sense to him.

Lorraine understands the position this puts all parties in, but is trying to interact from her community's point of view on how best to deal with it. The bottom line is the conservation of the caribou. Mandatory bull-only harvest is going to happen.

Sonny stated that it's not that we don't agree with what's on the table, but we started the process with regard to the Harvest Management Plan and this will be long term.

Doug proposed a variation to wording of the motion, that PCMB recognizes the conservation issues with the Porcupine caribou herd, but the government would allow the Working Group to complete the process and give due consideration to the recommendations that come out of that process.

Marsha said to limit the harvest at 100,000 animals is not acceptable to some parties and that's why it's not in the draft Harvest Management Plan. The PCMB should not agree or disagree with interim measures. It would be deciding what the HMP process is trying to determine with all the Parties. There should be no interim measures taken at this time, no matter what they are, until the Harvest Management Plan process is completed.

Doug stated that the PCMB recognizes there is a conservation concern for the Porcupine caribou herd, a resolution was already passed in a previous meeting, and that he feels the interim measures will address those concerns.

Motion

It was moved that the Board reply to the Yukon Minister of Environment's letter regarding interim measures on the Porcupine Caribou Herd, indicating that the Board opposes the process of implementing interim measures as the current Harvest Management Planning process must be allowed to be finalized and the Working Group process completed.

Moved by Billy Storr

Seconded by Marsha Branigan

Carried (4 in favour; 3 not in favour)

Secretariat will draft reply letter to Minister Taylor and circulate to Board members for review and finalization. The deadline for submitting comments to the Minister is April 30.

It was requested by Lorraine that the outcome of the vote be recorded in the minutes and it is recorded that she opposed the motion.

Set next meeting date and location

The next meeting will be held the week of May 25, 2009 (tentatively) in Whitehorse because Doug U is available then. Deana will canvass members for availability and confirm dates.

Adjournment

The meeting was adjourned at 4:00 p.m.