

Porcupine Caribou Management Board

Minutes of Meeting

September 15-16, 2009
Inuvik, NT (Gwich'in Camp)

In attendance

Members

Joe Tetlich, Chair
Billy Storr, Inuvialuit Game Council
Frederick (Sonny) Blake, Gwich'in Tribal Council
Lorraine Netro, Vuntut Gwitchin First Nation
Doug Larsen, Government of Yukon
Marsha Branigan, Government of Northwest Territories
Ian McDonald, Government of Canada
Steven Buyck, Nacho Ny'ak Dun
Steve Taylor, Trondek Hwechin

Deana Lemke, Secretariat

Presenters

Chief Herbert Blake, Inuvik Native Band
Reg Whiten, Peel Watershed Planning Commission
Robert Charlie, Gwich'in Renewable Resources Board
Donald Andre, Gwich'in Tribal Council
Jozef Carnogursky, Gwich'in Tribal Council

Welcome and Opening Prayer

The Chair called the meeting to order at 9:00 a.m., welcomed participants to the meeting and Billy Storr offered the opening prayer.

Chief Herbert Blake welcomed the Board to the Gwich'in Settlement Region. Richard Nerysoo sends his regrets. The Board has done a lot of good work. There are some concerns however:

- We are so visible on the Dempster and limitations seem to be placed on certain user groups. Harvest is not the only factor that has to be considered in herd management.
- Be careful of language you use, to not offend his people.
- Stay on course.

- Do what is right and necessary to preserve the integrity of the herd; we really rely on it.

Chief Blake said that he appreciated all the good work of the Board and that it is making good ground.

Review Agenda

The Agenda was reviewed by the Board and approved with some changes.

Motion to accept agenda as presented

Moved by Frederick Blake

Seconded by Billy Storr

Carried

Chair's Update

The Chair updated the Board on his activities since the last meeting.

- Attended the IGC meeting in Sachs Harbour re the proposed Interim Conservation Measures.
- Travelled to the Dempster a couple times to talk with hunters. Many didn't get their spring harvest of caribou. Seemed to be more "family" hunting occurring. Many concerns were raised about grizzly bears, mostly on the Yukon side.
- Attended the VGFN General Assembly, had chance to talk with community members. Most were successful in their spring hunt; however some had limited transportation to get out there to harvest. PCMB was not on the agenda this year; no invitation was sent to the Board. Chief Linklater brought up the caribou issue during his Chief's report.
- All on the Porcupine River seemed to be cooperating and not taking cows in their harvest and only taking what they need.
- Attended Gwich'in General Assembly meeting in Inuvik. Made a presentation and there was little time for questions afterwards. There were no resolutions with regard to caribou. The agenda should be more focused on community priorities; made a few suggestions re the importance of having the caribou discussed at the forefront.
- Fort McPherson didn't seem to get their full harvest this spring as the caribou came quite late and only few caribou came. Caribou were there throughout August; many waiting for the big bulls which haven't arrived at the Dempster yet.
- Overall, people seemed to be worried about the caribou decline.

Frederick Blake talked about the need for Board members to bring to the attention of their communities and leadership the need to discuss caribou issues as a matter of priority.

Billy Storr related an experience of how his son didn't get his caribou because they were all cows. Many are concerned about where the caribou are headed. They were all coming as they normally do, but moved. He wondered if there is a way to know where they are from the collars, and that way there is a chance to get winter meat. The price of gas and buying meat from store is a concern.

It was mentioned that there is caribou location data from collars last year on the Taiga Website.

A Board member spoke about how First Nation ancestors respected the caribou by not bothering them in their wintering grounds. He would like to see the Board remind user groups of that when meeting with them.

It was suggested that this be incorporated into the Education Program re educational trips involving youth, ethical hunting, learning traditional teachings from elders in community, etc.

Documentation from the elders re the location of the traditional areas where the caribou were left alone can be incorporated into the Education Program.

Peel Watershed Planning Commission – Reg Whiten

Reg Whiten was invited to the meeting to update the Board on the Peel Watershed Planning Commission and the status of their plan for the Peel Watershed Planning Region. A Powerpoint presentation was made. Some of the key points are highlighted. Reg asked the Board questions. Preliminary responses to the questions are included in the minutes but an official response will be sent to the Commission.

The four signing parties are Vuntut Gwich'in Government, Nacho Nyak Dun, Trondek Hwech'in and Government of Yukon. Gwich'in Tribal Council wanted to be a signing authority but wasn't accepted by Government of Yukon under Chapter 11 of the *Umbrella Final Agreement*. Because of Tetlit fee-simple lands involved, the Gwich'in Tribal Council is considered a Party to the plan.

A Board member raised the concern that Gwich'in Tribal Council is not considered a signatory to the plan.

On November 30, the Commission will hand the plan to the Government of Yukon to take it around for public consultation, which will result in the final recommended plan.

There is a strong priority around wilderness management in the plan, which will affect how extracted resource development is addressed. The precautionary principle is a focus.

Seven goals are articulated in the draft plan:

- Coordinated land use management
- Aquatic resources (water)
- Terrestrial resources (fish and wildlife)
- Special features management (terrain)
- Heritage conservation (culture)
- Access management and planning (access)
- Current and potential economic activity

Questions for the Board:

- If we look at area south Eagle Plains (block 10A), would the Board support having that area the same as in the North Yukon Plan, where it is designated as a multi-use area, allowing some oil and gas development?

Generally, the Board would be in favour of more protection, rather than less protection. Considering the North Yukon plan has the portion adjacent open to some development, an argument can be made to provide more protection for block 10A.

We also have to recognize that the caribou migration does change over the years. They may use areas to the east of the Peel as we see more effects of climate change, resulting in changing migratory areas. More protection is warranted in these areas.

Historically, the caribou use the upper Peel, especially the area around the Bonnetplume River and Wind River in addition to the west side around Turner Lake.

Also, the area around Ogilvie River toward Eagle Plains is a prime feeding area for the caribou. You can't always rely on the collars to know where the caribou are. The collars are only on a few cow caribou. They are also in other areas.

Reg Whiten responded that the more information the Commission has, the more informed they are in their decision making on recommendations that will go forward. The Board and the Commission are recommending bodies. The best thing we can do for the herd is to provide as much information as possible to protect as much of the Peel Watershed as possible.

- Are there any critical passes that cross the mountain passes? Is there movement across the Richardson Mountains?

From Snare River to Road River; Rock River; Ogilvie to Hart River.

- What types of access routes if any should be allowed?

There should be no access routes permitted, in order to protect the habitat of the Porcupine Caribou Herd.

There should be monitors on the land monitoring wildlife, water, land, etc. RRCs can take over responsibility for monitoring in various areas.

The Plan will be reviewed after seven years.

Other questions for the Board to consider include:

- Should there be a sub-regional plan for the Dempster area, in light of the recently recommended Harvest Management Plan? Chapter 11 provides for sub-regional planning. If so, what kind of goals would the Board like to see in the Plan?
- What is the Board's direction for the Dempster corridor?
- What is the combined boarder area of winter range of the Porcupine Caribou herd and the Hart River Caribou herds?

The Board will ask for feedback from Dorothy Cooley and Shawn Francis regarding some of the questions posed. Secretariat to draft response based on Shawn Francis' input, the Board's comments at this meeting, stating more protection for the Peel Watershed would be consistent with the Board's mandate to conserve the herd and its habitat, including important winter-range areas.

Action No. 09-08

Secretariat to draft response to Peel River Planning Commission regarding its draft land use plan and send to members for review.

Administrative and Financial Report – Deana Lemke

Deana Lemke provided an administrative report on activities since the last meeting:

- Bull-only harvest campaign postcard mailout was distributed to all user communities in the NWT and to Old Crow. When the caribou come farther south, the mailout will be distributed to residents in Mayo, Dawson and Whitehorse.
- The Board was involved in a bull-only communication campaign in NT, lead by GRRB. It included print and radio media that involved all NT user communities.
- The PCMB Information Pamphlet was finalized, printed and distributed to user communities and organizations.
- STEP student Camille Thomas has finished her work with Dorothy Cooley as a Wildlife Technician Trainee for the summer. Her report is provided in members' information kits.

- Shawn Francis will be in Whitehorse next week to present the Cumulative Impacts Project proposal to potential partners on September 22.
- Secretariat is working on drafting the PCMB Annual Report for 2008-09. A draft will be distributed to members to review.
- The Yukon Department of Education has a display with various traditional items that have been made by caribou antlers and talks about the various uses of caribou. This display was original made years ago by the Board and it needs to be repaired/replaced and returned to the department for use by the schools.
- Although a funding proposal was rejected last year to produce and print a children's activity book, the Secretariat suggested that this project should still go forward, utilizing some surplus Board funding. Doug Urquhart originally agreed to assist with the production of a children's activity or storybook. He will need to be approached again to determine interest. The proposal was originally submitted for \$5,000.

Motion to approve a children's activity or storybook production and printing in the amount of \$5,000.

Moved by Frederick Blake

Seconded by Steve Taylor

Carried

The financial update for last fiscal year and this year to date was provided. The 2008-09 Audit was completed and distributed to funders. The Financial Audit for 2008-09 was reviewed and approved by the Board.

Motion to approve 2008-09 Financial Audit as prepared by M. McKay and Associates Ltd., as distributed.

Moved by Billy Storr

Seconded by Marsha Branigan

Carried

Herd Update

Dorothy Cooley was not able to be in attendance at this meeting; however, she asked the Secretariat to relate that Martin Kienzler is currently in Old Crow doing the body condition study on the Porcupine Caribou Herd. She also provided a copy of the recent Alaska Fish and Game memo from Jason Caikoski regarding the Porcupine Caribou Herd Calving and Post-Calving Surveys, June-July 2009. The photocensus attempt for 2009 was unsuccessful again in July.

Gwich'in Tribal Council Update – Donald Andre

Donald Andre works for Gwich'in Tribal Council. He welcomed everyone to the Gwich'in Settlement Region.

Our main concern on the Dempster Highway is to encourage the bulls-only hunt and to have a presence up there to know what is happening there. A lot of focus has been on the Dempster caribou harvest. At times there are reports that don't have a good reflection on the First Nations. In conjunction with GWNT (ENR), GRRB and Nihtat RRC, we have been quite active to maintain that presence on the highway to monitor harvest on the highway, bulls only, and safe hunting.

In terms of the Harvest Management Plan, we realize it's important to everyone, including us. We have some questions about it but the next step for us is to bring it to the Board of Directors meeting and make some recommendations. We can't bring those forward until we get that direction. The meeting will be in October.

Gwich'in Tribal Council requests the receipt of up-to-date satellite collar data for management purposes, to know where the caribou are. We can agree to the confidential nature of the data. We can then know when the caribou are on the highway or near the highway and we can monitor harvesting.

This year we saw a few things we would like to make some suggestions on: Keep hearing number of 45 percent harvest on the Dempster; yet, the management action on the road doesn't include adequate monitoring. We know there is a check station on the south end, but need to get check station where and when the caribou are at on the highway. On the north end, the check station will stay open until Oct. 9 this year. ENR is collecting the harvest data and hopefully the Board will have access to that information.

Jozef Carnorgursky said GTC needs clarification if the intent is to follow the Protocol Agreement for the Harvest Management Plan. He said that S. 3.2A of the protocol says the Harvest Management Plan will meet the requirements and objectives of the PCMA and land claim agreements. There are specific provisions in the land claim agreements that need to be followed, especially since the Protocol Agreement was signed by all Parties. There is a wide variety of difference of opinion. If all Parties agreed to it, it should be followed.

Jozef also said that clarification is needed on setting the TAH and how the GRRB is going to be involved. If we are following the land claim agreements as well, some of those provisions are that the harvest restrictions are only to be to the extent of achieving conservation.

Jozef Carnorgursky responded that they will provide as much information as he can. Not sure where the Board stood on it because of the rationale paper that was put out; not sure which way we are going.

Donald Andre stated that protection of the herd is important, but it's also important to follow the land claim agreements and the rights outlined in those agreements.

During a long discussion key points from the Board members were:

- It was clarified that there were 3 parts to the strategy, the protocol, the HMP and the Native User Agreement.
- We realize there are some issues with the Protocol but the intention is to follow it.
- if there are discrepancies between the Protocol and the land claim agreements, the PCMB and land-claim agreements take precedence.
- The PCMB and Land claim agreements are paramount.
- It would be good to know specifically what the questions are with regards to the protocol and work through the process.
- TAH allocation between Users was to be done with the Native user agreements.
- The plan as written identifies two Native User Agreements, one in the Yukon one in the NWT.
- The plan is a framework – a tool to help make better decisions. Those decisions will be made later and could be complicated. Figuring out this process ahead of time is better.
- If HMP was signed as written right now, there would be an annual meeting where all Parties would come to the table with information and recommendations would be made regarding the zone we were in and what management actions need to be taken. It would then be up to Parties to implement the management actions. It would still go through the land claim process.
- It will be key to make sure all Parties are engaged and participate in the annual meeting, bringing information to the Board to make an informed decision.
- Couple members commented they don't have an issue with GTC having the collar data with a confidentiality clause but it is important to remember these are only cows.
- Look forward to the GTC letter responding to the HMP from October meeting.
- Monitoring data, including the Dempster Highway, is a good idea; and it would be great if data from monitoring come back to the parties.

During the discussion, the issue of the HMP and whether we should continue to work on it was discussed by many of the members. Key points:

- No one wants to walk away and give up on the HMP
- Need to work together
- Board can take coordinating role

The interim measures were discussed throughout this discussion.

Steve Taylor said that Trondek Hwech'in hopes that all First Nations would work together and do things together in a manner that would save or enhance the herd. His community wants some answers from the Parties as well. Are we going to continue working together or are we all going to be on our own? We don't want Government of Yukon to put in place the interim measures, but we are getting ready for that eventuality if that does happen. We are ready to go on our own because we have nothing in common anymore to work toward without a Harvest Management Plan. Everyone is in a different position with it comes to their land claim agreements. The border crossing issue is going to be a real mess. We don't want it to be like that, but we're ready for it. It's quite a concern in our community, but we will be ready.

Donald Andre responded that Gwich'in Tribal Council understands the concern. That is not their intention. This is the biggest thing they want to see clarification on. It's not their intention to go separate ways; Gwich'in Tribal Council just wants to be clear on what is being agreed to and work together.

Steve Taylor clarified that it seems we have spent so much time and energy on the Harvest Management Plan and then the rug is pulled out from under us at the eleventh hour. That leaves a bad taste in his mouth. What should we do? It's clear the Government of Yukon is rejecting that plan. The only thing we don't have is a letter stating their reasons for not signing the Plan. We are really discouraged about what has been going on. That's why we're in the mode of protecting our own back yard in the meantime. We can say we are going to continue working together but if what we come up with keeps getting rejected, what do we do?

Lorraine Netro responded to the comments saying we can come to some kind of conclusion as we go through this process. All the user communities and groups will have a more definite answer when we get to certain points in the process. What it calls us to do is have a lot of faith in the process. We face a lot of sensitive areas in this process. Comments that we should just go on our own sadden and concern me as a Board member. When we come to these crossroads and have differences of opinion, it will take leadership. At the end of the day, we have one concern, and that is for the conservation of the caribou. We have to have faith that we are here and doing what we can in a good way and hopefully coming to some agreement when we come to different places in the process when our leaders have to make those decisions.

Marsha Branigan stated that she doesn't have a problem with the satellite collar data going to Gwich'in Tribal Council. Check station data will be going to the Board. Regarding the Protocol Agreement, the intention was to follow the agreement, but if there was ever a conflict, the PCMA and land claim agreements take precedence. If the HMP was signed as written right now, there would be an

annual meeting where all Parties would come to the table with information and recommendations would be made regarding the zone we were in and what management actions need to be taken. It would then be up to the Parties to implement the management actions. It would still go through the land claim process. It is important to make sure all Parties are engaged and participate in the annual meeting, bringing information to the Board to make informed decisions.

Doug Larsen clarified that the recommendations from the Board go to Government of Yukon and the GNWT to consult on at a government-to-government level. The Plan can't be signed until after that consultation happens.

Donald Andre added that we understand the process and what is at stake. He made the additional points:

- We are just looking forward and trying to figure some things out. History shows how aboriginal people have been treated and we don't want to see that happen again. We want our rights and privileges and we want to make sure there are no infringements and restrictions for future generations. We want to know exactly what we're getting into.
- We want to move forward and work with the PCMB on this Plan.
- The interim measures make us feel pressured. We want to make sure we have everything covered off that we can.
- We had meeting and Government of Yukon is going ahead with their interim measures. They are pushing that and they want it in place by the end of this month. We were surprised to hear that. This is not the process we want to go through. How will the Board deal with that? They told us they don't like the voluntary harvesting measures. The actions we are taking now are already implementing the Harvest Management Plan successfully. One of the biggest problems is the number of bears out there. The PCMA speaks to a predator plan. That also should be looked at.
- Board members should stand with the decision and recommendations of the Board, not go separately. For example, the interim measures are a conflict, and the Yukon government is pushing that. We don't think that is a proper Board procedure.

The Chair commented that the Board tries to work for the benefit of the caribou and the user communities, making sure the habitat is protected and the health of the herd is priority, to make sure caribou are always here for future generations. Sometimes discussions can get political, but this is not a political forum to address those types of concerns.

Billy Storr stated that the Harvest Management Plan is something we all agreed to work on. The Board made motion to not support the interim measures. We are in the same position as you. Predation is 16 percent of the herd, so that is an issue that should be addressed as well.

Gwich'in Renewable Resources Board Update – Robert Charlie

Robert Charlie was invited to provide a GRRB update to the Board. He commented:

- The GRRB was established under the GCLCA. One of those responsibilities given to the GRRB is wildlife management to ensure long-term productivity of resources.
- The GRRB has been very active and involved in some controversial issues where we have to make tough decisions.
- The Bluenose caribou (Bluenose-East, Bluenose-West and Cape Bathurst) is a transboundary herd under multiple jurisdictions is an issue we're dealing with.
- We are dealing with reviewing the Wildlife Act which is 20 or 30 years old. Various bodies are part of that review process.
- We have heard from our GSR communities there is an issue with grizzly bears. A one-day meeting in Inuvik has been scheduled.
- Dall's Sheep management plan – not sure where that sits. It's also a multi-jurisdictional species.
- PCMB is a recommendation-making body, as is the GRRB. Recommendations are made to the ministers. The PCMA takes precedence over the GCLCA. We support the work the Board is doing. We have responsibility to set TAH levels, recognizing the Board has responsibility for that function as well. We're willing to work with the Board on that.
- Our participants to the land claim agreement have rights but sometimes rights have to be foregone for conservation purposes. This has to be done in full consultation with the people to come to decisions.
- We are being proactive on NT side. We have worked to establish the check station. This year they were up there in early August. Having a presence up there helps a lot. We have also produced posters to put out the message to focus on harvesting bulls, taking what you need, sharing harvest. I haven't seen much from Yukon government side.
- I'm encouraged by Kirby Meister's report as it shows that education is working to some extent.
- There are other corridors besides the Dempster, where people focus their harvest (e.g. Porcupine River), where no one really monitors. You need to look at the whole range, including other areas used as corridors as well.
- We need all groups to have a coordinating body for the fall harvest. In June/July we could get all groups together to plan the fall harvest along the whole Dempster and other corridor areas. We could have a meeting to discuss the issues and come out with a communication plan to show what will be monitored, outlining what the rules in the Yukon and NT are. People are confused with how things are currently in terms of rules.
- There is an issue with grizzly bears on Yukon side. As soon as fall harvest starts, the bears are out there and there is potential for incidents where

hunters are chased away or they lose their harvest. We need someone to follow up on that.

- The issue of trade and barter is still a concern. This issue is often raised with us. We are not sure how to deal with it. It results in a higher take of caribou.
- Getting an accurate census is important. Is there any other way to get the count other than a photocensus? That information will be critical in management planning.

Robert Charlie updated the Board on the Bluenose Caribou management:

- We have a committee that gets together annually. Two years ago, we started to work on the Bluenose management plan. It's a multi-jurisdictional herd.
- A working group comprised of biologists from the Boards and the government was established.
- Preliminary information should be brought to all the user communities for consultation within the next few weeks. Then a draft plan will be developed. The plan is not limited to harvest management; it is broader management including harvest.
- We are trying to be proactive before the situation worsens.

Ian McDonald asked if the Dempster check station agreement is a multi-year plan. Marsha Branigan responded that it isn't multi-year but the plan is to do it annually.

Robert Charlie suggested that the PCMB take on the role of the coordinating body to bring together the user groups to have a fall harvest discussion.

Ian McDonald responded to the question about trade and barter by stating that it is on the Board's radar and it's the Board's intention to develop some guidelines for community review.

Robert Charlie stated that GRRB will probably take a lead role in the Gwich'in Tribal Council implementation of the management actions identified in the Harvest Management Plan, although there have been no discussions about this to date between Gwich'in Tribal Council and the GRRB.

Donald Andre added that by monitoring our own people, we get better compliance.

Frederick Blake added that the check station worked out well this year, but it would make more sense to have it located on the other side of the river. It should be manned so people are sure to stop and report. If no one is there, people won't stop.

Steve Taylor agreed that the south check station could be opened up earlier to monitor the northern harvest that is taken south. Trondek Hwech'in will be in a position to provide harvest numbers and we won't be relying on the check station to get the correct numbers.

Marsha Branigan stated that harvest information is also being gathered in all NT Gwich'in communities and some Inuvialuit communities. CIMP funding is assisting with resources to hire field workers to collect harvest data.

Billy Storr talked about the check points – does Old Crow have a check station or way to gather their harvest data. Lorraine Netro responded that she thinks they are gathering harvest data starting this year. She's not sure about previous years. The game guardian that was there for a number of years is no longer there.

Robert Charlie raised GRRB's concern regarding a conflict of interest in PCMB Member Doug Larsen's position on the Board and his role with Government of Yukon, particularly with respect to his involvement in presenting and promoting the interim measures. It can be very confusing when the same individual is involved in two very different positions.

Chair Joe Tetlichich echoed Robert Charlie's concerns regarding the Government of Yukon's member on the Board and the perceived conflict of interest and confusion, both on the part of stakeholders and the public, with respect to this member. Later, the Chair apologized to Doug Larsen if there was any offence taken to his statement. He stated that although there has been confusion about the member's role, he does not question the member's sincere support for the herd and his contribution to the Board.

Proposed Interim Measures Update – Doug Larsen

Doug Larsen provided a brief history of the Government of Yukon proposed interim measures:

- March 22 letter from Government of Yukon to all stakeholders re proposed interim conservation measures. Deadline of May 29 was set for responses, later extended to June 30, and then July 31.
- Those responses and a Cabinet Submission will go to the politicians to consider and make a decision. There will be options presented to Cabinet.
- Initially we thought we would recommend mandatory reporting to be done through tag system. A tag system will not be recommended, although mandatory reporting will be. Government of Yukon wants a system that will be accurate. If First Nations and aboriginal groups can collect on their own, that would be preferable
- The Board has struggled with how to collect harvest data for years. The PCMB can play a role in coordinating the harvest data we have. If it meets their requirements for mandatory reporting, perhaps that is how Government of Yukon will proceed.

- The north NWT check station's success is also encouraging.
- A check station on the north end and the south end is critical. Direction we received from our Premier is to implement a north check station.
- Responses were received from various groups. Letters have come from everyone except Yukon Fish and Wildlife Management Board, Government of Canada and the GNWT.
- Trondek Hwech'in and Nacho Nyak Dun, Gwich'in Tribal Council and GRRB are opposed to the interim measures.
- Those groups in favour of interim measures are NYRRC, Vuntut Gwich'in Government, and WMAC(NS).
- Met with Trondek Hwech'in and Nacho Nyak Dun. Met with Inuvialuit Game Council and Gwich'in Tribal Council and GRRB. Met with WMAC (NS). Further meetings are scheduled with Inuvialuit Game Council and WMAC (NS) and WMAC (NWT). Not sure how those comments will fit into the deadline of July 31. Hope they will be included.
- Comments can't be included once the Cabinet Submission has gone forward with recommendations. The Cabinet Submission is to go in as soon as possible, before the end of the month.
- We have been dealing with land claims secretariat and Department of Justice. We need to go through all comments in this process.
- After the special Cabinet Meeting, they will give directions to the department to develop regulations if required.

Steve Taylor said that when Government of Yukon consulted, they proposed a tag system for mandatory reporting. Now that that has changed, does government need to consult again? Doug Larsen responded that, no, consultation is not required. There can be modifications of what is proposed to Cabinet.

Interim measures will need to be imposed through legislation. Governments (territorial and First Nation) will need to determine how best that will be implemented.

A mandatory report form will likely be required to be completed by those who harvest caribou. If First Nations have another mechanism to collect the same level of information, that would likely be considered as well. The key will be to get accurate information.

Marsha Branigan is concerned that without a tag system, obtaining accurate and complete data will be a real challenge.

Frederick Blake commented about the concern that even though all Parties agreed to work together to develop a Harvest Management Plan, one of the Parties (Government of Yukon) is going off on their own, not respecting what they agreed to. This is very frustrating, especially when we were ready to hit the finish line.

Doug Larsen responded that it was the Yukon government that first came to the PCMB to say they wanted a Harvest Management Plan and contributed additional funding to support that. The bottom line for Government of Yukon was articulated by our WG member to the Harvest Management Plan. Be careful to say the Yukon government has not been doing this in good faith; they have. The draft HMP hasn't met Government of Yukon's need for conservation. If achieving our goals on a voluntary basis could be done that would be great. I have been given direction to move this forward and that's why the interim measures have been initiated. It was never the intent of the Yukon government to circumvent the Harvest Management Plan. It can still be complementary to it. These are interim measures to meet our conservation needs. If and when the Harvest Management Plan meets those needs, the measures won't be implemented. Regulations can be changed.

Billy Storr commented that the Government of Yukon needs to look at the 16 percent predation. If they were really interested in the population of the herd, instead of attacking the 2 percent of harvest, it would make sense to look at the 16 percent. It would make a bigger difference if the resources were allocated to that instead of the harvest issues. There is also a concern that no census has been done.

Doug Larsen clarified that it's not for lack of trying or lack of resources that we haven't got a census. Each year attempts have been made but they have not been successful. We need to consider alternative ways to count the herd.

Regarding the predation issue, Doug Larsen responded that the government recognizes the effect of predators on the caribou population. Reality is that to control wolves over such a huge area is almost impossible. You would have to keep the wolf population down to 30 percent of their size over a number of years. A wolf-control program is a long-term solution, not short-term solution. The public attitude toward predator control is a real challenge. When this issue comes up in the southern Yukon, our recommendation to the Yukon Fish and Wildlife Management Board is to put the issue back to the trappers to implement.

Lorraine Netro commented that the interim measures have been quite contentious with the Government of Yukon implementing them before the Harvest Management Plan was concluded. From the Vuntut Gwich'in Government's point of view, in supporting the interim measures we are looking at the short term in trying to conserve the herd. The Harvest Management Plan looked like it would take much longer to conclude. The Vuntut Gwich'in's priority is conservation of the herd. We discussed where we go from here at our last meeting and we came to some decisions which are reflected in the minutes from that meeting. We need to make sure we are all on the same page. How we come to those conclusions and understanding each other is very important. We need to

show some leadership and faith to work together and come to some kind of agreement.

Steve Taylor spoke about what could happen when the interim measures are legislated. Then the enforcement will have to be dealt with, and penalties. If someone was charged, would they be under the laws of general application? For example, would the person charged get their guns taken away, get a fine or be banned from hunting? What are the repercussions?

Doug Larsen responded that the penalties are clearly defined in legislation. However, it will be “soft enforcement” for the first year – probably along the lines of using what is already specified in legislation. Conservation officers will exercise discretion with education as the focus at the outset.

Marsha Branigan commented that the letter sent to GNWT from Government of Yukon did not request a reply from the GNWT, so no response was sent. The Premier’s response to the joint letter that was sent stating they support the Harvest Management Plan process was a reply in a sense. She also clarified that WMAC (NS)’s response doesn’t state their full support for the interim measures; they recommended a summit.

Regarding satellite imagery for counting the herd, Marsha Branigan clarified that that was tried on the Bluenose herd this year. It was unsuccessful. Other ways of counting the Porcupine Caribou herd have been considered; however that herd is difficult to deal with in terms of getting a population count.

Perhaps a submission to Cabinet from the Board regarding the interim measures should be considered.

Billy Storr stated that grizzly bears are also a big predator to the herd. Something could be done about that. There were 37 counted between the border and Arctic Circle. Putting in a tag system for harvesting grizzly on the Yukon side should be considered.

Doug Larsen commented that this issue came up at a recent meeting with Gwich'in Tribal Council. The government has committed to discussing this further with the bear biologist at Department of Environment. The number one predator of calves in the calving grounds is eagles. That’s where the biggest impact is made on the herd.

Billy Storr said we have to start some place, even if it’s a small step. All parts play an active role in determining the population of the herd. We need to work together to support the herd. The health of the herd is what our communities are interested in. What seems little ends up to mean a lot.

Steven Buyck was very disheartened that the interim measures are being forced on us. We worked together on the Harvest Management Plan. There is concern that regulations that are implemented will end up staying in place even longer than they are intended. We want to see the Harvest Management Plan signed off and start working on the Native User Agreement. We would like to have a date to sign off the Harvest Management Plan. We need to set the timeframe with a deadline in place. This should be able to help us understand that these interim measures would only be a temporary solution until the HMP gets signed.

The two check stations – is the north one going to be on the Northwest Territories side?

Doug Larsen responded that the north check station could be a roving check station moving wherever the caribou are. It will be stationed only on the Yukon side.

Steve Buyck said that if it's only on the Yukon side, you will miss information on the NT side. He hopes the interim measures don't have a negative effect on the user communities.

Ian McDonald commented that there is still an issue – it may take some time for the Harvest Management Plan to be completed. He is concerned is that there is no way to check if the HMP goal of voluntary reduction in harvest and focus on harvesting bulls is being met. Also, meeting the definition of conservation is confusing. It is being presented in various ways. That could use some clarification in order to see what target is and how we will meet it. The PCMB is using the PCMA definition, which includes both long-term productivity and use.

Billy Storr said it's time to get the Harvest Management Plan signed. We support the Plan in our community. It's up to the signatories and out of the Board's control. The Government of Yukon will do whatever they are going to do no matter what we say here.

Harvest Management Plan Update

Doug Larsen commented that our role in the Harvest Management Plan process was to recommend a plan. That's where our role ends. This is consistent with the PCMB cover letter on the HMP that went to all Parties. The letter suggested the Parties have a summit meeting; however all Parties have not responded. We need to keep the process going; we can't let it die. We should wait until we get all those responses before doing anything. Perhaps PCMB should write another letter and offer to pull together a meeting.

Billy Storr related that their local HTC had a meeting to review the Harvest Management Plan and passed a motion that supports it.

Donald Andre related his concern for the interim measures and how they came about. The Government of Yukon seems to have undermined the Board's mandate. The Gwich'in Tribal Council supports the Board.

The Chair stated that the Board responded to the Government Yukon by stating that it didn't support the proposed interim measures. The Board supports a Harvest Management Plan that has been agreed to by all Parties. The Board feels the Harvest Management Plan is a plan for all times, it's a long-term plan versus a short-term fix that the interim measures are proposed to be.

Frederick Blake said that Gwich'in Tribal Council will be meeting to discuss signing the Plan.

Steve Taylor said Trondek Hwech'in is ready and willing to sign the Harvest Management Plan. We are still worried about the situation we are in with the interim measures.

Lorraine Netro related that Vuntut Gwich'in Government leadership has not yet met about this. They will get back to the Board when they have their next meeting.

Doug Larsen said that the Government of Yukon is not prepared to sign the Harvest Management Plan for the reasons outlined in their response to the Board re the interim measures. If the Government of Yukon can be convinced that harvest information is being collected and is accurate, it would go a long way.

Robert Charlie stated that the majority of those around the table are in agreement with the Harvest Management Plan. They have made concessions throughout the process. The Board seems to be held hostage by one Party to their conditions. They should work with the Board and try to come to some compromises. All Parties have made concessions by making decisions in the best interest of the caribou. GRRB does see Doug Larsen in a conflict situation because of his involvement on the Board and with Government of Yukon.

Billy Storr agreed with Robert Charlie's comments. I don't want us to sit here and be held hostage by one member's position. Most of us think the Harvest Management Plan is a good plan. The Parties should sign it even if Yukon doesn't.

Marsha Branigan suggested the following actions:

- Board writes another letter to Government of Yukon re the interim measures reiterating we don't support them and listing the parties that don't support them, stating the Board feels Government of Yukon is undermining the process. Letter should be copied to all Cabinet members. The Board should be informed of what is going forward to Cabinet. Also

include some of the action already happening (check station, bull-only harvest, harvest data collection).

- Board write to all Parties to the Harvest Management Plan to try to move forward, suggesting summit of the Parties to finalize the process. If Government of Yukon refuses to sign, so be it.

Ian McDonald said the Government of Canada has not responded yet, but a formal response from the Minister it is forthcoming. There have been some local meetings in Whitehorse to discuss the advice to the minister. Two key issues with the Harvest Management Plan may be:

- We need some type of harvest reporting system to verify that the voluntary measures are being implemented. We are relying on having a 3,000 harvest with 80 percent bulls, but there is currently no way to verify that is happening.
- Discussions about Annual allowable harvest rates need to start sooner rather than later.

The Board has put too much effort and energy into this Plan to drop it now, and there is still a need for it. We should remind the Parties that we need signatures. The Board could coordinate that meeting or facilitate that process.

Lorraine Netro said that she would hate to see the Harvest Management Plan die at this point. Too much work has gone into this plan. She agrees that the Board should send out another letter to the Parties. The Board has taken this as far as we can. The next step would be for the heads of governments to come together at a summit to discuss finalization of the plan.

Frederick Blake agreed with Marsha Branigan's suggestion to write a letter to Parties regarding finalizing and signing the agreement.

Marsha Branigan related that GNWT hasn't responded to the Harvest Management Plan yet as it is waiting for the two recommendations from the management boards. They are meeting shortly and will be making recommendations.

Doug Larsen supports the idea of the Board sending a further letter re interim measures, but not copied to all Cabinet members, only to the Minister. A second letter could be sent to Parties regarding meeting for a summit.

Donald Andre said that Government of Yukon met with Gwich'in Tribal Council and GRRB last week regarding the interim measures; however, we told them we did not consider that to be consultation. Doug Larsen agreed that the discussion with them was past the July 31 consultation deadline. Government of Yukon provided them with information. Doug mentioned that GTC was not able to provide a definition of what "consultation" really is and government of Yukon has met its obligations under the land claim agreements regarding the need to consult.

Donald Andre responded in the GCLCA, the definition of “consulting” is outlined. We will work with the Harvest Management Plan. We have some issues with it but we will bring those forward in a way that is fair and can be discussed among the Parties.

The Board agreed that a further letter regarding the interim measures would not be sent at this time.

The Board will draft a letter to all Parties to follow-up regarding the HMP and request responses. The letter will also state it has been asked to coordinate a meeting of the leaders/directors to finalize and make plans to sign-off the Plan. The letter will request an indication of the outstanding issues that need to be addressed, it could also ask for an implementation plan from Parties. Then focus can be placed on the actual signing of the document.

Action No. 09-09:

Board to send letter to all Parties regarding responding to the HMP and scheduling a meeting of leaders/directors.

Approval of Minutes

The minutes of the June 2-4, 2009, Board meeting were reviewed and approved with minor edits.

Motion to accept minutes as presented

Moved by Frederick Blake

Seconded by Billy Storr

Carried

The outstanding Action Items reviewed and their status was discussed.

Action No. 09-10:

Secretariat to send electronic copy of most recent Management Plan to Board members to review and decide on how to proceed with updating.

Action No. 09-11:

Follow up with Gwich'in Tribal Council's request re satellite collar data – Secretariat to check with Dorothy Cooley regarding availability of satellite data and reply to Board members to decide on follow-up action in response to Gwich'in Tribal Council's request.

Internal Business

Format of Meeting Minutes

The format of the meeting minutes was discussed and it was agreed that minutes will be a brief summary of the discussion topics or presentations and a record of action items and decisions, motions and resolutions of the Board. Where Board members have specific comments that they want attributed to themselves or where members would like a detailed record of positions or votes, the Secretariat will be requested at the time to provide that. Otherwise, the Secretariat will use discretion in what comments to incorporate, attributed or otherwise. It was generally agreed that the format that has been used by the Secretariat to prepare minutes is appropriate and should be continued. Draft minutes will be sent to all members for review, at which time they will have the opportunity to suggest revisions, particularly with respect to comments that have been attributed to them or that were made by them that they would like to have attributed.

The Board's Procedures state the draft minutes are to be distributed to members one month prior to the subsequent meeting; however, the Secretariat agreed to provide the draft minutes in a timely manner following the meeting being minuted, where possible.

Members agreed to review the draft minutes and approve them as soon as possible, so that at the subsequent Board meeting it will generally be a formality to motion the approval of the minutes. That way, the "approved" minutes can be made available to the public as soon as possible. Members agreed that the minutes are a helpful recollection of the meeting but the onus is on each member to take their own notes at meetings and use those to brief their respective Parties and communities regarding Board work.

Vice-Chair appointment

With the departure of the previous Board Vice-Chair, the office of Vice-Chair needed to be filled. The Board's practice has been to have the Vice-Chair from the NWT if the Chair is from the Yukon. Steve Taylor nominated Billy Storr to fill the vacancy and the nomination was accepted.

It was moved by Steve Taylor that the Board appoint Billy Storr as the Vice-Chair of the Board

Seconded by Steve Buyck

Carried

Action 09-12:

Secretariat to write to all Parties advising of the appointment of Vice Chair Billy Storr.

Members' Concerns

Steve Buyck: We are taking a long time on the Harvest Management Plan. There is a perception that perhaps the Board is not doing its work in this regard. It's important to pass the information on to members' respective communities and organizations regarding what the Board is doing and what its role is. Steve will be starting a new job in Whitehorse starting Sept. 28, working with Department of Energy, Mines and Resources with the Mineral Resources Branch. He offered to forward a job description to the Board to confirm there is no conflict situation. He will be returning to his community regularly so Board membership should not be an issue.

Steve Taylor: My community wanted me to relate to the Board that their meetings should be accessible to the public.

Ian McDonald: I enjoy working with this Board and dealing with challenging subjects but still working together cooperatively.

Lorraine Netro: I was anxious before this meeting because of the issues that needed to be discussed; however, I am encouraged by the dialogue among the Board. We still have work ahead. Addressing the Harvest Management Plan and bringing it to finalization is key. I didn't get a commitment from my First Nation as they haven't yet met to discuss this matter. They are still concerned about the colour chart numbers and the precautionary principle. That has been their concern from the beginning and it still is a concern. There are concerns about the migration of the caribou. Vuntut Gwich'in people are having to travel a long way up the river to harvest.

Billy Storr: All of my concerns have been voiced and addressed. People are concerned about getting a census done. Predation by grizzly is an issue. We need to start looking at that because they take a big portion of the caribou herd.

Doug Larsen: My concerns have been dealt with over the course of the meeting. I'm concerned about the Harvest Management Plan. We all want to keep it alive and that is encouraging. We need to find ways to keep that going; never give up. There has to be a solution.

Marsha Branigan: The Harvest Management Plan is my biggest concern. It needs to be finalized. Staffing is an issue on our side but we are working with the Gwich'in and Inuvialuit on some of the action items. GNWT is waiting to respond to the Harvest Management Plan once we hear from the co-management boards. The key is keeping the momentum going and get the plan signed off.

Frederick Blake: Most of my concerns were discussed over the last couple days. The interim measures are still a concern. The elders have caribou delicacies and we need to think about that before we make decisions about full restrictions. The

interim measures would limit the provision of that for their elders. We should try to find other options. I hope the Harvest Management Plan process continues and the Parties come together again to reach an understanding and agree to a final Harvest Management Plan. Not everyone is happy the way it is. Compromises should be made. Predation by grizzly bears is a real concern. The GRRB will be working on a management plan. They need to do some work with Government of Yukon as most of the grizzly bears are in Yukon and this has to be worked out. Thanks to everyone for good discussions. We shouldn't take things personally. Be hard on the issues but not on the people. At the end of the day, we are here to do a job. We may not always get what we want but we are here for the same reason, which is protection of the Porcupine Caribou. Congratulations to new Vice Chair, Billy Storr.

Next meeting date and location

The next meeting will be held in November in Dawson, February in Inuvik or Fort McPherson, another meeting potentially in the spring, and in July the meeting will be held at Herschel Island. Secretariat was requested to start making arrangements for the July meeting, as significant advanced preparation will be required. Secretariat will poll the members for availability for November.

Future agenda items:

- Outstanding Action Item 06-31: Develop a map of the range outlining areas in the traditional territories of the First Nations and Inuvialuit where the leaders should be allowed to pass uninhibited, similar to the Dempster Highway closure.
- Outstanding Action Item 07:22: All members to review the Management Plan and make notes of points to discuss at the next meeting.
- Secretariat position and remuneration
- Trade and Barter guidelines

Adjournment and Closing Prayer

The meeting was adjourned at 2:10 p.m. and the closing prayer was offered by Lorraine Netro.