

Porcupine Caribou Management Board Minutes of Meeting

**February 27 and 28, 2010
Aklavik, Northwest Territories**

In attendance

Members

Joe Tetlich, Chair
Billy Storr, Inuvialuit Game Council
Dorothy Cooley, Government of Yukon (alternate)
Marsha Branigan, Government of Northwest Territories
Ian McDonald, Government of Canada
Steven Buyck, Nacho Ny'ak Dun
Steve Taylor, Trondek Hwechin
Frederick (Sonny) Blake, Gwich'in Tribal Council

Deana Lemke, Secretariat

Regrets

Lorraine Netro, Vuntut Gwitch'in First Nation
Doug Larsen, Government of Yukon

Also in Attendance

Robert Charlie, Gwich'in Renewable Resources Board
James Firth, Gwich'in Renewable Resources Board
Frank Pokiak, Inuvialuit Game 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.

Joe said much has happened since our last Board meeting in Whitehorse with respect to the Harvest Management Plan and the Government of Yukon interim measures. Members were reminded that although they would not be speaking to those issues specifically -- including the legal challenge by the Inuvialuit Game Council and Gwich'in Tribal Council against Government of Yukon -- the Board still has a mandate to go forward with its work.

The Vuntut Gwitch'in Member was not available for this meeting. The Board is concerned that there is no alternate member appointed and will send another letter reminding VGFN of the importance of having an alternate member appointed to ensure representation at Board meetings.

Action 10-01: Secretariat to draft correspondence to VGFN regarding appointing their representatives. Currently, there is no alternate member appointed so they are not being represented if their member is not available.

Review Agenda

The Agenda was reviewed by the Board and approved with the addition of the following:

- Peel Land Use Plan Update
- Media Communications

***Motion to accept agenda as presented
Moved by Marsha Branigan
Seconded by Steven Buyck
Carried***

Review Minutes and Action Items

The Minutes of the September 15 and 16, 2009, meeting were approved by the Board and the action items were reviewed and discussed.

***Motion to accept Minutes of the November 28 and 29, 2009, meeting as presented
Moved by Billy Storr
Seconded by Ian McDonald
Carried***

***Status of Action 06-31:
Retire and replace with No. 10-02 (below).***

***Status of Action 06-24:
Similar to 06-12. Doug and Marsha started on this but it still needs more work. Some things will probably be dealt with in HMP but not others. Board to revisit after receiving HMP from senior officials.***

***Status of Action 06-03:
Retire. Parties' data will come to the Annual Harvest Meeting and we are working on the Canadian Harvest report.***

Action 10-02: Develop a map of the range outlining key migration areas in close proximity to communities, for future reference in any discussion regarding letting the caribou leaders pass. A committee consisting of Sonny Blake, Marsha Branigan and Dorothy Cooley will provide a draft for the Board's review at its September meeting.

Board and Media Communications

The Board discussed communications among Board members and decided the following:

- E-mails among the Board members and draft documents being developed should be considered "internal communication" that is not to be distributed to Parties. If members feel they need input regarding their input/responses, the member can request input as appropriate, but should not forward the draft communications. The Board's internal communication process should be respected and once documents have been finalized, they can be shared among the Parties.
- Members who have concerns about statements made by other members at Board meetings should discuss those issues with each other to clarify misunderstandings or resolve conflicts. The Board will have in-camera sessions as required.
- Board decisions are made by consensus where possible. If that is not possible, decisions are made by majority vote. Decisions made by the Board should be respected by individual members and communicated as Board decisions, even if they were personally not in agreement with the actual decision.
- The Chair is the spokesperson for the Board on all matters.
- Members' conflict of interest situations should be identified. The Board needs to develop a Conflict of Interest policy. Sample policies from other Boards will be reviewed for reference.
- Discussions specific to any actual conflict of interest situations were deferred until all Board members were in attendance.
- A Board retreat to develop policies and procedures and do some team building was suggested.

Action 10-03: Secretariat to work on updating the Board's Operating Procedures and Members Manual. Proposed edits and Draft policy on Conflict of Interest will be brought forward to the Board to review at the next meeting.

Action 10-04: Secretariat to provide the Board's communication policy/guidelines to Board members to be discussed at the next meeting.

Regarding the October Board article printed in the newspapers, Board members stated they were pleased the Chair/Secretariat responded in a neutral, clarifying manner. The Board confirmed that the Chair is the spokesperson for the Board and articles written for the paper can be prepared and submitted in accordance with past practice, by the Chair/Secretariat, with review by one or two members if required.

Board members commended Deana for her excellent communications with and on behalf of the Board, especially recently in dealing with all the challenging and controversial issues the Board has been dealing with.

Action 10-05: Newspaper articles to be drafted with positive messaging about the work the Board is involved in and clarifying some erroneous information recently in the media (eg. statistics of harvest in NWT and comparisons between certain herds).

Chair's Update (Joe Tetlich)

The Chair updated the Board on his activities since the last meeting, as follows:

- Participated in the Arctic Borderlands meeting in February. They are planning to put together a synthesis of information compiled over the years related to scientific and traditional knowledge reports from the community monitors and scientists. This year was the first year interviews weren't conducted. Instead, Arctic Borderlands decided to focus on communicating results.
- Participated with the Secretariat in the Beverly and Qamanirjuaq Workshop in Saskatoon, Saskatchewan, February 24-26. Their user groups are from various First Nation communities over several provinces and territories. PCMB made a presentation to the Workshop participants regarding the Board's work, particularly on the Harvest Management Strategy. PCMB was greatly commended for its work as a forerunner with some of the work it has been doing in co-management, particularly with the Harvest Management Plan.
- Travelled to Fort McPherson and Old Crow to speak with residents about caribou harvesting within the communities, to discuss their concerns and current Board work.
- Attended CARMA conference in Vancouver in early December, along with Secretariat.

Steven Buyck stated that at some point the Board may need to focus more attention on predation, climate change and development issues.

Administrative and Financial Report (Deana Lemke)

Secretariat provided an administrative report on activities since the last meeting:

Website

We have installed Google Analytics on the Board's website to track where traffic comes from and how often the site is used. This is helpful to know where the visits come from, how they find our site (referral sites, directly, etc), which pages they visit and how long their visits are.

Communication

In December, the Chair and Secretariat met with Dan Lindsay and their communications person, Dennis Senger, to discuss how the Board and Department of Environment could work together more cooperatively on communications regarding issues of joint concern.

HMP Leadership Summit (Principals)

Secretariat attended the Porcupine Caribou Leadership Summit of the Principals on January 15 to assist the Chair with the presentation to participants (included in meeting binders). A meeting summary from the facilitator and reporter is included in members' meeting binders.

Annual Report – Draft 2008-09

The draft text for the Board's 2008-09 Annual Report is included in members' meeting binders. Feedback is requested on the text by March 8.

Beverly Qamanirjuaq Workshop

Secretariat attended Beverly and Qamanirjuaq Workshop in Saskatoon, Saskatchewan February 23-25, along with Chair.

CARMA Conference

Secretariat and Chair attended CARMA Conference in Vancouver in early December.

Digitize Photos

The Board has boxes of old photos and slides that would be good to convert to digital to organize and archive more efficiently. The Board would support this work and involvement of someone such as the Chair or previous Secretariat Doug Urquhart to review photos and identify people and locations. Secretariat to determine scope of project and propose a workplan/cost outline.

Action 10-06:

Secretariat to determine scope of photo digitizing project and propose a workplan/cost outline for Board members to review prior to this fiscal year-end.

Oil and Gas Disposition Correspondence

The Board received notice from Yukon Department of Energy, Mines and Resources regarding the Spring Request for Postings. One proposal was received in the Eagle Plain oil and gas basin. Secretariat will revise previous submission regarding oil and gas dispositions in the same area, and send to members for review and further input. Deadline for the Board's submission is March 31, 2010.

Action 10-07: Secretariat to revise previous submission regarding oil and gas dispositions in the Eagle Plains area and send to Board members for review and further input with respect to the current RFP.

FINANCE

A financial update was provided for year-to-date expenditures and variance on budget items. Chair and Secretariat line items will be overspent; some others are underspent, but the budget seems to be on track.

Financial Audit for 2009-10

The Board appointed MacKay and Associates to undertake the Auditor for the 2009-10 financial audit.

Motion to appoint MacKay and Associates as the auditor for the 2009-10 fiscal year.

***Moved by Marsha Branigan
Seconded by Billy Storr
Carried***

Herd Update (Dorothy Cooley)

Dorothy Cooley provided the following herd update:

Calving Ground census

Government of Yukon is still trying to organize a herd size estimate using the new method, which will be done at calving in the spring of 2010. Several funding proposals have been submitted to various organizations and three plane companies have been located. Dorothy met with Vuntut Gwich'in Government and NY RRC a few days ago; RRC and staff of Vuntut Gwich'in Government will prepare some public materials and provide community feedback to Dorothy and related to the Board.

No other communities have requested presentations in their communities. The offer still stands if anyone wants Dorothy to come to their community about the calving ground census.

Dempster check stations

Both check stations on Yukon side of the border on Dempster are still operating and will continue until the fiscal year end or longer. The check stations are valuable because they provide an active contact for hunters on the check stations; however, they don't provide a complete harvest record.

CARMA

Dorothy attended CARMA meeting in early December 2009. There were several reports from researchers and students on the projects they have been working on. The focus of the group is now to bring all the data together and start writing the large report needed for the International Polar Year funding, with a close-to final volume for review at next year's CARMA conference. IPY funding runs out March 2011.

Arctic Borderlands

Arctic Borderlands has made significant progress with their 10-year report synthesizing past data. Four contractors have been working on different parts of the synthesis material. All four submitted their findings to Arctic Borderlands in February 2010. The program review sub-committee with a Yukon Bureau of Statistics employee to redesign the survey by June 2010. Dorothy would like to see several questions related to caribou in the new survey.

Outfitter Quotas

Government of Yukon is starting to discuss quotas for the four Yukon outfitters who have access to Porcupine Caribou. Quota guidelines as set out currently do not include participation by the PCMB. There needs to be some discussion about who should be involved in the decisions on outfitter quotas. Further information on this will be provided to the Board in the future. Dorothy will provide the current outfitter guidelines to Deana to forward to Board members. Currently, outfitter quotas are determined by the Government of Yukon, the local RRC and the outfitter.

Action 10-08: Dorothy Cooley to provide Secretariat current Yukon Outfitter Guidelines to forward to Board members for review.

Alaska harvest regulations

Alaskans are looking to change their hunting regulations for Porcupine caribou for non-resident hunters. It's before the Alaska Board of Game currently. They are looking to reduce the season from 10 months to two months, and reducing the caribou bag limit from five caribou to one bull.

Gwich'in Renewable Resources Council (Robert Charlie)

Robert Charlie, Chair of the GRRB, was in attendance to provide an update to the Board on GRRB activities. The GRRB continued to be very busy. Their October meeting was held in Tsiigehtchic. They had extensive discussion about caribou, including the Porcupine, Bluenose East and West and Cape Bathurst herds.

GRRB has been involved since August 2009 with the check station on the Dempster Highway, along with ENR, WMAC, community RRCs and HTC's. Positive reports have come from the check station activity. GRRB focus has been on activities related to the HMP such as providing information to the public, putting out good messaging regarding bull-only harvesting, reporting harvest, taking only what you need, keeping killing sites clean.

GRRB received an update from ENR regarding other herd populations. As of July 2009, photocensuses have shown the following:

- Tuk Peninsula: 2,752
- Cape Bathurst: 1,934 (no decline since 2006)
- Bluenose-West: 17,897 (no decline since 2006)

The Bluenose-East census was not completed as bad weather prevented it, but another census will be attempted again this summer. Management actions appear to be helping as the numbers have stabilized.

The Advisory Committee on Cooperation in Wildlife Management (ACCWM) was formed to provide a forum for NWT co-management boards to collaborate on issues of common concern. The ACCWM will also help boards to realize cost savings since they will have more coordinated efforts, for example sending one representative to meetings on behalf of the participating boards.

The Bluenose Committee met last August and mandated a working group to start the process of developing a management plan. A contractor, Teriplan, has been hired to develop the management plan by the end of March. Some community consultations have been done to determine what they want in a plan and summaries have been completed.

There have been interim measures to deal with from both the Yukon government and GNWT; there are legal issues being dealt with related to both Porcupine Caribou and Bathurst herds. The NWT Supreme Court is scheduled to hear their issue March 12.

The PCMA speaks about the working relationships that PCMB should have with user communities, and other co-management boards with similar aspects to their mandate: cooperation and coordinated management by everyone at the table. Specific objectives are similar to other co-management boards. There should be

commitment on behalf of members to work together and not have one Party impose interim measures without identifying an “emergency” as required in the PCMA. This was also the case for the interim measures imposed related to the Bathurst herd. It appears the issue of co-management responsibilities under the land claim agreements or other agreements such as the PCMA are being undermined by governments. Hopefully at the end of the day, the co-management system will prevail and we will be able to do the work mandated in the land claim agreements and the PCMA.

PCMB Motion 06-03 states the caribou should be at the forefront of any discussions the PCMB has at any meetings. Sometimes that is forgotten and members start representing the positions of their respective Parties. That is not always in the best interest of the caribou, however.

The Mackenzie Gas Joint Review Panel completed its recommendations, including a recommendation (10.8 on page 30) that speaks to a Porcupine Caribou Herd Protection Plan as it relates to increased traffic on the Dempster Highway and potential impacts on caribou. Item 10.1 speaks to development of wildlife protection and management plans. PCMB should be aware of those and discuss if and how it will be responding to those recommendations.

Action 10-09: The Board to review the relevant recommendations in the MGPJRP report and decide if and how it will respond. Secretariat will forward the relevant JRP recommendations and a draft response stating the Board’s expectation to be involved in the process to develop any wildlife management plans with government. Secretariat will also forward a copy of the Board’s submission to the JRP for their reference.

GRRB has reviewed the PCMB’s draft Trade and Barter Guidelines. When speaking to commercial activities, GRRB is mandated to determine what is considered commercial activity and what is considered trade and barter. It would be best if there was consistency in what is put forward by the two boards.

Although GRRB has mandate for wildlife, GTC is named as the Party in the PCMA. Some issues such as this can only really be addressed if there were changes to PCMA.

The GRRB has provided approval for their wildlife biologist, Kristen Callaghan, to be involved in the PCTC.

PCMB requested the use of Gwich’in harvest study data and spatial data for the CE Project. GRRB will discuss this request later this month.

Suggest holding a Porcupine Caribou Herd summit for all user communities – possibly on Gwich'in side initially, partly to deal with the Native User Agreement contemplated in the Harvest Management Plan.

The PCMB's focus has been primarily on the Harvest Management Plan; however, it would be good to also deal with the general Management Plan – update the plan.

Other concerns in the GSA are predation by wolves, grizzly bears on the Dempster, and increased moose harvest. Less focus on caribou harvest could result in increased harvest pressure on moose.

Government of Yukon has to be aware of process to follow if implementing any emergency measures related to caribou harvesting, in accordance with the PCMA.

Inuvialuit Game Council Comments

Frank Pokiak stated Inuvialuit Game Council is dealing with similar issues to those raised by Robert Charlie. IGC is in the process of putting positive communications together to counteract some of the negative comments on caribou management recently in the media. The PCMB is encouraged to do similar communications regarding Board activities and the good work of the Board.

IGC strongly supports the Board and the Harvest Management Plan and would like to see it finalized. In the meantime, however, the Board should continue to progress with its work according to its mandate.

Sale, Trade and Barter Guidelines

Secretariat sent out draft guidelines on Trade and Barter to Board members to review in their communities and obtain feedback. Responses have been received from Government of Yukon, Gwich'in Renewable Resources Board and Government of Canada. The guidelines were discussed at the NWT regional RRC meeting in late January. The Aklavik HTC has discussed them and will hold a public meeting. IGC is meeting in early March. The Board agreed to wait until next meeting to provide more time for feedback from organizations/members.

The Board agreed to provide further time for responses to be submitted by Parties. After that, a reworked draft will be prepared and provided to Board members to review.

Action 10-10: Secretariat to request clarification from Doug Larsen regarding his proposed edits and whether or not he has specific wording changes.

Action 10-11: Secretariat to redraft Trade and Barter Guidelines once feedback has been received, and provide revised draft for Board members to review by the next Board meeting.

Harvest Management Plan Update

If the Board discusses details of the HMP contents or the interim measures, Dorothy Cooley's direction from her supervisors was to not participate in the Board discussions. She also related that her director does not feel the Board should work on the terms of reference for the Annual Harvest Meeting (AHM) until the HMP is signed off and the implementation plan is started. The reasoning is if the Board was to prepare the AHM terms of reference it would be pre-judging what would come out of a final plan and an implementation plan.

The Board determined that it was within its mandate to continue with the AHM terms of reference as the recommended HMP directs the Board to develop the terms of reference, and because none of the parties identified the PCMB's role in developing these terms of reference as an outstanding issue. The Board felt that it was an ideal time to do some preliminary work on the framework and some basic content to the terms of reference. Once the HMP has been signed there will be other work for the Board to focus on and doing as much as possible now would be most efficient.

Members made the following comments specifically:

- Ian McDonald stated he would be comfortable working on framing the terms of reference now. There will be more work to do following the Harvest Management Plan signing – Native User Agreements, implementation plan, etc. so it is wise to spend the time now to begin to work on the AHM terms of reference. If the implementation plan conflicts with anything the Board includes in the terms of reference, the Board would modify it.
- Billy Storr stated that he agrees with Ian. The sooner we get working on the terms of reference, the better. It will be in draft form and can always be adjusted. We should get something in the works.
- Sonny Blake stated he thinks we should get started on the terms of reference now while we have time and opportunity to do it. It's not good to have to do everything all at once, following the signing of the HMP. We could at least get a good outline done now.
- Marsha Branigan agreed this would be an internal document at this point, and wouldn't go anywhere until there is a finalized HMP.
- Steve Buyck stated the Board should gather information and get ready for the signing of the HMP. It is understood the implementation plan not going to be done until later. This would be preliminary work. We need to be proactive, in the spirit of trying to be prepared.

- Billy Storr added we need to continue to work together and do our job to get things done. The Board should utilize our time effectively to deal with the Board's work.

The Board would prefer to have Dorothy present to assist in the development of the AHM terms of reference as this is really document that would outline procedure for the AHM. She will seek further direction from her Department this evening and advise the Board of her direction the following morning when the Board meeting continued the following day.

The following day, Dorothy related that she spoke with her director and his direction was that she could participate in the discussions since it is only to work on a preliminary draft terms of reference as it relates to process and it can be revised if necessary in the future, depending what is determined in the final Harvest Management Plan from the senior officials. It will be an internal document for Board members only at this point.

The Board reviewed the status of the HMP and related activities to date. The Parties' principals met on January 15 to discuss outstanding HMP issues related to the PCMB's recommended HMP forwarded to Parties June 2009. Joe Tetlich made a presentation at the Principals' Summit on the background of the HMP and the Board's role in forwarding it to Parties (copy of Powerpoint presentation provided to members). The Chair and Secretariat attended the meeting as observers. The meeting was facilitated by Piers MacDonald, who provided a facilitator's summary and minutes of the meeting. A hard copy of both documents was provided to members for their reference. At that meeting, the Principals passed a resolution stating their commitment to finalize the HMP. The outstanding issues were referred to senior officials from all Parties to work through and come to agreement by March 31, 2010. The senior officials met on February 9 and forwarded their recommendations to their respective Party's Principals for their review and approval. The Board is awaiting the final HMP as agreed to by all Parties by March 31. The resolution also states that the Parties agree to work on a detailed Implementation Plan within the next six months. In the meantime, the Board felt it would be prudent to begin work on the AHM terms of reference.

To begin, Board members brainstormed the content of the terms of reference and prepared a very preliminary draft framework, to be developed further at the next Board meetings.

Action 10-12: Marsha Branigan to flesh out the draft framework for the Annual Harvest Meeting terms of reference and provide to Secretariat to forward to all members for review and discussion at subsequent Board meeting.

Cumulative Effects Project Update

Shawn Francis submitted a written update on the Cumulative Effects Project. He has committed to providing three deliverables by the end of March:

- Project description/workplan
- Human footprint map
- Caribou habitat map

He will be bringing on others to work with him on these deliverables to ensure they are in by the deadline. Other funding will need to be sought once these deliverables are provided to the Board. The Board will respond to Shawn Francis' email expressing the Board's appreciation for his commitment to the CE project, stating that the Board is looking forward to the expected deliverables, that the Board supports his bringing on other professionals to assist with the project and expects that he will be covering the costs for any such additional workers using the funding the Board has flowed to him, asking for what his anticipated availability/commitment will be to this project for this upcoming fiscal year, and providing information related to scenario development.

Action 10-13: Secretariat to respond to Shawn Francis' email expressing the Board's appreciation for his commitment to the CE project, and that we are looking forward to the expected deliverables by March 31.

Shawn would like input from the Board regarding development scenarios for the CE project. Ian McDonald presented an initial list (originally developed from the list started for the Sustain project several years ago) for the Board to start thinking about. Possible scenarios could include oil and gas development in the Arctic Refuge, the Eagle Plains area, the Dempster lateral, the Mackenzie gas pipeline, and development on the Peel Plateau (oil and gas and mining).

Members of the PCTC will develop more detail for these possible scenarios for the next PCMB meeting so the Board can identify which are priority concerns. This list can then be relayed to Shawn (when he is ready for them) for inclusion in the CE analysis.

The Board discussed Don Russell's involvement with the CE Project and agreed that his involvement is critical. He can arrange to be compensated by CARMA for work that benefits CARMA, but the Board agreed he should be compensated by the Board for work undertaken on behalf of the Board. Secretariat will request a proposal from Don outlining his work involvement and estimated costs and provide it to the Board for review and approval.

Action 10-14: Secretariat to request a proposal from Don Russell outlining his work involvement and cost estimates for his involvement in the Board's CE Project, and provide to Board members for review and approval.

Peel Watershed Plan

Steven Buyck related there is a one-year moratorium on any new development in the Peel Watershed. Right now, the Parties are reviewing the plan and are expected to come out with a statement next year. The Board made a submission on the Peel Watershed Plan. Members would like to revisit its submission at the next meeting and decide whether or not it will make a further submission to the Peel Watershed Planning Commission.

Action 10-15: PCMB's submission regarding the Peel Watershed Plan to be put on the next Board meeting's agenda for review.

Members' Concerns

Each Board Member provided closing comments/concerns:

Steven Buyck: Thanks to Deana for her hard work through these troubling times. The Board should discuss an increase in her contract wages.

Sonny Blake: Communication is important as well as continued work on Board business even through the challenges. Thanks to Joe and Deana for their work and keeping Board members up to date.

Ian McDonald: Thanks to Deana and all Board members for another open and productive meeting. Glad we are continuing to work together on these tricky issues.

Steve Taylor: Thank everyone too. I've been on many boards and committees and I think we have a really good group on the PCMB. First Nation leaders and groups already recognize that and support the Board 100 percent. Thanks to everyone for that. Dawson land use planning is coming up and PCMB might consider making a submission to that as well.

Dorothy Cooley: Thanks for a good meeting. This is still my favourite board to work with. GRRB approved funding for breeding female survey. More information will be forwarded later.

Marsha Branigan: As far as I can see, GNWT fully recognizes role of the Board and work of the Board and supports the co-management process, bringing all parties together and working cooperatively.

Billy Storr: Thanks to everyone for coming to Aklavik for the meeting. Good for people to see PCMB is still working hard. We support the work of the PCMB and it's good to work with the Board on these important matters.

Joe Tetlich: Members need to be present at the meetings and involved in the work of the Board. Good meeting.

Next Meeting and Closing Prayer

The next meeting will be held in late April. Steve Taylor invited the Board to meet in Dawson for its next meeting.

Future agenda items:

- Board should have received HMP from Senior Officials
- Board should have received CE products from Shawn Francis
- Outstanding Action Item 06-24: GNWT and GY consultation process and how recommendations are made (eg. FWMB and PCMB)
- Role of the Secretariat, wage review
- Communications Policy
- Operating Procedures, policy development (conflict of interest policy)
- Trade and Barter Guidelines
- Cumulative Effects Project Update
- Peel Watershed Plan
- Roles and Responsibilities Workshop Summary – review and finalize

The meeting was adjourned at 1:05 p.m. and the closing prayer was offered by Frederick Blake.