

Porcupine Caribou Management Board Minutes of Meeting

November 27 and 28, 2010
Whitehorse, Yukon

In attendance

Members/Alternates

Joe Tetlich, Chair
Lorraine Netro, Vuntut Gwitchin First Nation
Dick Mahoney, Vuntut Gwitchin First Nation
Marsha Branigan, Government of Northwest Territories
Dorothy Cooley, Government of Yukon
Jamie McLelland, Government of Yukon
Mike Gill, Government of Canada
Steve Taylor, Tr'ondëk Hwëch'in
Roberta Joseph, Trondek Hwech'in
Steven Buyck, Nacho Ny'ak Dun

Deana Lemke, Secretariat
Lindsay Staples, Facilitator (Roles and Responsibilities Workshop)

Regrets

Billy Storr, Inuvialuit Game Council
Frederick (Sonny) Blake, Gwich'in Tribal Council

Welcome and Opening Prayer

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

Board Member Roles and Responsibilities

Lindsay Staples facilitated a one and a half day workshop with the Board regarding Roles and Responsibilities. The workshop summary is a separate document that will be sent to the Parties for review and comment.

Action 10-28: Board to send Roles and Responsibilities Summary of Understandings to Parties for review and comment.

Lindsay spoke about how roles and responsibilities are a part of the context and environment in which the Board works; therefore, it makes sense to appraise where the Board is at from time to time. When there are difficult discussions

internally such as recently with the Harvest Management Plan, the internal debate that goes on within a board can be very challenging.

In the past, the Board was focused more on efforts to protect the Arctic National Wildlife Refuge. Now the role has evolved to a different focus. Most notably, the Harvest Management Plan and the Implementation Plan for the HMP will dramatically increase the burden on the Board. Implementing the HMP is going to test the Board. It would be beneficial to go into meetings and processes with a common understanding among Parties about how the Board functions. If the Board or Parties have to try to figure that out mid-process it can be extremely challenging.

What the PCMA anticipated when it was written and how the Board is functioning today is different. All agree that it would be good to update the PCMA. There was a forum of the Parties (Principals) in January that included discussion about engaging in discussions to make changes to the PCMA.

Mike Gill mentioned that Government of Canada recognizes things have changed since 1985 when the PCMA was developed and are happy to bring Parties together in the new year to discuss revisions to the PCMA administratively to reflect self-government.

In the meantime, the Board still needs to function effectively and get on with its work. The Board agreed to document understandings from today's workshop as a way to agree to "work-around" the current situation while still fulfilling the intent of the PCMA.

Context

The PCMA was signed in 1985 and the landscape has changed since then in terms of land claim agreements, self-government agreements and co-management in general. The overall challenge and objective of PCMA was to manage a shared caribou population across various jurisdictions with different management regimes, a difficult but not uncommon challenge.

The HMP was a huge accomplishment of diverse group of parties to collaborate on the management of this species, setting out pre-determined sets of management actions. It is unique and a significant story to celebrate. It's amazing that it hasn't received more recognition. It's a phenomenal achievement and should be celebrated.

There is still much work that needs to happen with respect to the HMP. The Implementation Plan (IP), Native User Agreements and other tools still need to be developed. Then Parties need to be willing to support and make use of those tools.

The Terms of Reference for the Annual Harvest Meeting were drafted by the PCMB and provided to the Senior Officials working on the IP. They finalized the draft Terms of Reference, which will be included as an appendix to the IP once it has been signed off. The Terms of Reference for the AHM implicates the PCMB in a significant way and already takes into account many of the new understandings about the roles and responsibilities discussed at this meeting.

Roles and Responsibilities of the Parties

Who are the Parties and what departments or institutions hold responsibilities for PCMA-related matters?

Parties are the entities that signed off on the Harvest Management Plan:

- Nacho Nyak Dun
- Vuntut Gwitchin Government
- Trondek Hwech'in
- Government of Yukon
- Government Northwest Territories
- Government of Canada
- Inuvialuit Game Council
- Gwich'in Tribal Council

The PCMA mentions only the Ministers (E.1.) or other boards or agencies (E.3.a.) as receiving recommendations from the Board; however, given the authorities of the Parties mentioned above, it's now understood that official recommendations from the PCMB may go to any of the Parties (Ministers, Chiefs, Presidents) and officials associated with those entities. The Parties are the main entities but they aren't the only stakeholders. Formal recommendations of the Board that go to the Parties will also be copied to co-management boards.

When the PCMB makes recommendations to Parties, a response will be required within 30 days, as per the PCMA (F.1). If the Parties do not accept the recommendations, they would then respond to the PCMB asking for a reconsideration, according to the PCMA. The PCMB would then reconsider, based on any comments received, and make a final recommendation to the Parties.

What are the responsibilities of the Parties re the PCMA and the PCMB?

The Parties work with one another toward the conservation of the herd because the herd is wide-ranging. The Parties are those entities who have responsibilities under their various agreements for managing the harvest of their beneficiaries and citizens. That is an authority unique to the Parties and gives them a special authority to regulate or legislate harvest. They also have an ownership of lands which make the situation different from when the PCMA was negotiated.

Are there certain expectations from the Parties with respect to how members should be supported? They need to be giving their member the best available information from their government/organization, to come equipped to the PCMB meetings, well-supported by their Party. Otherwise, it could compromise discussions of the entire group. Expectations of the Board of the Parties should be stated.

People change and the composition of the Board changes; how things are dealt with internally in the organizations can change over time as well. Parties are responsible for making sure their member is up to speed on the issues from their perspective and on community concerns, and any direction they want to go in. The Parties need to be mindful to appoint strong, vocal representatives on their behalf.

If Parties have only a “position” for the members, then what is the point of having members on a board? They could just provide a letter stating their “position”. That doesn’t make sense when we’re trying to work in a cooperative co-management manner. Parties need to clarify the “boundaries” to their members, granting the member some latitude to explore creative solutions to issues before the Board.

Once the Party is briefed by its member regarding PCMB discussions and activities, it is the Party’s responsibility to consult/communicate with citizens/stakeholders and then relay their direction to their PCMB member.

Some members find they are going above and beyond their call of duty to communicate with the general public in their communities. There should be an established way of how the Parties communicate/direct their members.

Who are the Parties accountable to?

All Parties represent people in their jurisdiction and are ultimately accountable to their citizens/beneficiaries.

Parties are responsible for evaluating the effectiveness of their members.

Roles and responsibilities of the Board

The Board members represent the Parties, for the good of the herd, conservation and long-term sustainability etc. Board members need to have leeway, while being mindful of their Party’s standpoint, to come to a recommendation that might end up being in conflict with their Party. If that’s the case, they should go back to the Party and explain the position of the Board and help them understand it. Ultimately, the Parties will decide whether or not to accept recommendations. Even though Parties may have strong views, the PCMB needs the leeway to explore options in order to come up with cooperative decisions.

There is a difference between being interest-based and being position-based. Interest-based provides more options; position-based only provides positions and there is no room for compromise. If the PCMB engages in interest-based discussions, that provides some room for discussions. When discussions become positional, it is much more difficult to accomplish the purpose of the PCMA, which all Parties has signed onto. Each Party always has the option to stick with their position at the end of the day if they don't agree with the recommendations of the Board.

Decision-making

When the Board makes decisions on recommendations it operates on a consensus basis where possible. Where some do not agree, the positions of those in agreement and those not in agreement should be stated. This would recognize and respect those divergent views.

Voting is considered a measure of last resort. Achieving consensus sometimes takes longer but the decision is more enduring than a decision made by vote where not all are in agreement. Even where there is disagreement, all positions should be respected by members. Minority views should be recognized and legitimized, not invalidated.

The Chair has to be there working for all the members and needs to convey the outcome of deliberations fairly, even the minority views.

Confidentiality

The Board operates as a public body with openness and transparency. When dealing with internal issues such as drafting correspondence or working on other issues, there will be respect for that internal process and information won't be shared with Parties or the public until the work has been finalized or a decision has been made by the Board.

Roles and responsibilities of members and alternates

Board member preparedness is very critical to effective participation of all members and effective representation of their Party. Members should come to meetings prepared, having had conversations with their Parties, so they can feel comfortable speaking to the issues without always having to go back to their Parties for direction on every matter.

Board members act as a liaison between the Board and their Parties. Communication between the Board members and the Chair and Secretariat is important. Members should read meeting information before the meeting to ensure effective discussion. Members should report back to their organization following each PCMB meeting to summarize the discussion/decisions.

Members' effectiveness should be evaluated by their Parties. A Party can also request the Chair to do an evaluation of their member.

Members need to respect the Board as a team that members belong to and go back to the Party demonstrating that – need to keep the integrity of the Board and uphold responsibilities as members and representatives of Parties and communities.

Board members should be aware of the need to help build strong, positive relationships between the Board and the Parties and among Parties.

Conflict of Interest (real or perceived)

Roles of Board members can be confusing at times, as members can wear different hats, depending on their roles. Sometimes there is a capacity issue when it comes to Board members' work – the Board member's work for the Board and then the same member's work with the Party. Sometimes there's a conflict, for example, when members draft correspondence from the Board and then respond to the same correspondence from the Party to the Board.

When it comes to the Annual Harvest Meeting, for example, a member could not participate in the recommendations session as a Board member at the same time as being a Party member, as this could be a conflict as the Party may come to the table with position-based and the member should be interest-based in order to reach consensus. Conflict of interest is really about impairing your ability to work effectively. As another example, it would be best to have someone different doing the public consultation on a Board recommendation, or drafting responses to Board correspondence and recommendations.

Members need to remember that a perceived conflict can be as damaging as a real conflict.

When a member cannot fully carry out his membership responsibilities due to a conflict situation, the member should disclose the conflict and there should be a process for dealing with those situations.

The Chair has a special role to show neutrality and that he works on behalf of all the Parties.

Role and responsibilities of the Chair

Chair doesn't express personal opinions, if possible. If necessary, he must preface a personal opinion by stating that it is his own personal opinion. The Chair would want to take great care to do so.

The Chair is responsible for the functioning of the Board, to try to get the Board to meet the objectives of the PCMA. The Chair is responsible for assisting the

Board to come to consensus agreements. He is also responsible for conveying the decisions of the Board. Chair represents the Board as a whole and fairly presents positions/decisions – even those of the minority.

The Chair communicates to the Parties information concerning the collective functioning of the Board and supports the members in their communication with their respective Parties.

The Chair communicates with the media on behalf of the Board and is the spokesperson for the Board

Role and responsibilities of the Secretariat

The Secretariat functions in a supporting administrative role to the Chair and the Board. Members' expectations of Secretariat are informed by the Board manual. The Chair provides direction to the Secretariat with the general consensus of the Board.

Review Agenda

The Agenda was reviewed by the Board and approved as distributed with the addition of a brief discussion regarding the Arctic National Wildlife Refuge.

Motion to accept agenda as amended
Moved by Steve Taylor
Seconded by Lorraine Netro
Carried

Review Minutes and Action Items

The Minutes of the September 18 and 19, 2010 meeting were approved by the Board and the action items were reviewed and discussed.

Motion to accept Minutes of the September 18 and 19, 2010 meeting as distributed
Moved by Marsha Branigan
Seconded by Lorraine Netro
Carried

Chair's Update (Joe Tetlich)

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

- Attended Senior Officials meeting regarding the Implementation Plan in September. The draft Implementation Plan will soon be completed and sent to Parties for review and approval.
- Attended the North American Caribou Workshop (NACW) in Winnipeg, Manitoba in October and made a presentation on co-management and the

Harvest Management Plan. It was well-attended, including aboriginal representation.

- Next NACW will be held in two years in BC.
- The 13th Arctic Ungulate Conference will be coming up August 22 to 26, 2011 in Yellowknife. Chair has been invited to make a presentation.
- Will be attending the CircumArctic Rangifer Monitoring and Assessment (CARMA) meeting next week in Vancouver.

Administrative and Financial Report (Deana Lemke)

Secretariat provided an administrative report on activities since the last meeting. A focus has continued to be on work with Lindsay Staples and the Senior Officials who are working on the development of the HMP Implementation Plan. A meeting was held in November in Inuvik, which should be the final meeting of the Senior Officials. A draft IP will be completed over the coming week and distributed to Parties for review and approval.

Secretariat will be attending the CARMA meeting next week, along with the Chair in Vancouver.

Cumulative Effects Project

Shawn Francis provided a brief written update on his work with the Cumulative Effects project. There are still some outstanding deliverables that are expected from Shawn which will be followed up on. The Board will be working with Don Russell on next steps on this project.

FINANCE

A financial update was provided for year-to-date expenditures and variance on budget.

Caribou Herd Update

Dorothy provided an update on work related to the caribou, as follows:

Census results update

The Alaskans still plan to do the photo layout and counting this fall. Alaska Department of Fish and Game sent an email on November 15 saying their delay in starting moose surveys meant they got much of the layout done and had sent a batch of photos to the contractor to count. They still plan to have an estimate of herd size early in the calendar year. They are aware the AHM is scheduled for February, which is a deadline for us for the HMP.

PCH rut count, October 2010

This year, the caribou were split between Yukon and Alaska during mid-October. The vast majority of collared caribou were in Alaska close to Arctic Village. One field team from Alaska (ADFG) counted caribou in Alaska from October 16 to 18, right before they counted the Central Arctic Herd. Our team did the Yukon distribution of collars north of Old Crow on October 17; 58 of the 100 or so collars were counted in total by both teams. The Alaskans will again write the field work summary.

Hart River caribou closure, south Dempster

Because there were few Porcupine Caribou in the overlap area with the Hart River Caribou Herd, resident hunting in those subzones was closed on November 5. This is the fourth closure since 2006 that has been done to protect the smaller Hart River Herd from the more liberal hunting regulations intended for Porcupine Caribou.

Dempster shooting workshop

The Mackenzie and Peel River ferries shut down operations for the season on October 28 and November 3 respectively. GNWT opened the Peel River ice crossing to light traffic on November 8. Because the highway was open, the shooting workshop was held during the Remembrance Day long weekend. The few caribou that were around were on the north end so staff set up the workshop just south of the Arctic Circle. Because there were so few caribou around, there were also few hunters – probably less than 10 hunting parties, only one of which stopped in to the workshop. Staff shut down the workshop early due to no hunters. The workshop was open from November 11 to 13. PCMB provides the participation prizes to those the hunters.

Dempster check station and patrols

The south Dempster check station opened on September 15, manned by our long-term staff. Since so few caribou are accessible to hunters along the highway, few caribou are coming through the check station.

This year a conservation officer was hired, whose main job it is to patrol the Dempster Highway. There has been a Conservation Officer on patrol along the Dempster every day since October. PCMB provides promotional items for the check stations to use.

PCMB also provides \$400 a year toward gas as a draw prize for all those returning completed questionnaires.

Caribou Calculator

Troy Hegel and Craig Nicolson will be preparing a summary document which will outline the changes to the computer calculator. They will provide the summary to the PCTC for review and advice. It is expected that a workable computer model to estimate herd size will be available in time for the February Annual Harvest Meeting.

Communication products

Dorothy has been working with Deana on some communications products, such as the brochure related to bear issues. Board review and feedback would be appreciated.

Hunter Education Package

Work is still being done on the hunter education package to meet the Board's deadline of March 31. Randy Fraser has agreed to assist Government of Yukon with work on the hunter education package. Incorporating the traditional knowledge is still very challenging and feedback would be appreciated on this initiative as well.

Plans for the near future

- Dorothy will attend the CARMA meeting in December in Vancouver.
- The March composition count and collaring work is planned.
- We will be writing the Dempster snowmachine-vegetation report this winter.

Jamie McLelland provided a written update on enforcement activities on the Dempster Highway for October and November 2010. A Conservation Officer has been hired, dedicated to harvest monitoring. There hasn't been a lot of caribou on the Dempster; some cow harvest has been observed.

Dick Mahoney provided feedback related to caribou harvest in Old Crow. There are now many caribou around the Old Crow area. Many caribou have been taken in Old Crow, including cows. A harvest survey has been initiated.

Shel Graupe is now a Deputy Conservation Officer with GY and will be working in Old Crow assisting with harvest monitoring.

Northwest Territories Update

Marsha Branigan provided the following Northwest Territories update:

- GNWT is working through their resident harvest data.
- Check station data is complete as of the ferry close date.
- Ongoing field monitoring is being done.
- ENR has been working with Inuvialuit Game Council to do data collection with the communities; GRRB is still on track with that.

- Inuvik HTC held a meeting November 25 to discuss the HMP Implementation Plan and the collection of harvest data.
- Spring field monitoring will be discussed.
- Signs for the highway are made (by Government of Yukon) and the process related to erecting the signs is underway.
- WMAC (NWT) made a recommendation to the GNWT to reduce the resident harvest to one bull. GNWT is awaiting the recommendation from the GRRB on this issue.
- Northwest Territories *Wildlife Act* draft was prepared by all co-management partners, including elders input re traditional knowledge. The deadline for the new act to be put in place is February 2011.

Harvest Management Plan

HMP Implementation Plan

Senior Officials are finalizing their work on the HMP Implementation Plan. They held their final meeting last week in Inuvik. The Board has been involved in communications and education related to the Harvest Management Plan.

Terms of Reference – Annual Harvest Meeting

The Board discussed the Annual Harvest Meeting Terms of Reference draft finalized by the Senior Officials. This will be a document to complement the HMP Implementation Plan. The Board worked on Operating Procedures for the AHM, which will follow the direction laid out in the Terms of Reference.

The Board will write to Parties advising of expected next steps, in accordance with the HMP, including request for harvest data from June 1, 2009 to May 31, 2010.

Action 2010-29: Board to send letter to Parties re Harvest Management Plan upcoming expectations, request for harvest data.

Members'/Alternates' Concerns

Each Board Member provided closing comments/concerns:

Steve Buyck: this meeting was good this weekend, especially the session with Lindsay Staples dealing with roles and responsibilities.

Lorraine Netro: it was good to go through the Roles and Responsibilities exercise with Lindsay Staples. It clarifies the roles of the Parties and the members appointed to PCMB. Spoke with Lance Nagwan, Director of NR, some elders and hunters before attending this mtg. the update was that the harvest data collection will be done before the February mtg. in Inuvik, knowing that this will be key information to the discussions and implementation of the HMP. There

were caribou sighted at Crow Mountain and surrounding areas. The harvesting done by hunters was mostly of young bulls. There were a couple of cows harvested at this time, when there was a feast held for the passing of an elder. People are struggling to get caribou, not as many; the caribou were higher up in the mountains and weather was an issue.

Mike Gill: Parks Canada said they should know who the alternate member will be within the next few weeks. Updates may be needed to the Board's website. The proposal coming out of Lindsay's session on roles and responsibilities that will go to Parties should have deadline for responses.

Roberta Joseph: there haven't been many caribou in our traditional territory this winter but the First Hunt was held successfully. The local school has now recognized it and the day off to do the First Hunt and it goes toward credits in school. We are looking forward to finalizing the Implementation Plan. Worked with Dorothy during the summer to discuss recruitment of staff at the south Dempster check station. Worked with COs for joint monitoring. We have had a monitor on the Dempster from September 1 to end of October. He worked in conjunction with the CO doing monitoring on the Dempster. Our steward has been going out to the check station. We were also invited to participate in the target shooting workshop but felt it wasn't necessary due to limited activity.

Marsha Branigan: good meeting, it feels like we really accomplished something.

Dick Mahoney: great meeting, especially working with Lindsay Staples on the roles and responsibilities discussion. Wanted to discuss more about the harvest gathering at this meeting. My confidence has been zero in that area. Focus should be placed on the rigour of that process. Voluntary bull season is a voluntary cow season – I am convinced. No amount of education is going to change that anytime soon.

Dorothy Cooley: no concerns or comments at this time.

Next Meeting and Closing Prayer

The next meetings will be held as follows:

- February 7 to 10, 2011 – Annual Harvest Meeting, Inuvik, NT.

The meeting was adjourned at 6:25 p.m. and a closing prayer was offered by Steven Buyck.