



July 24, 2009

Honourable Elaine Taylor
Minister of Environment
Yukon Legislative Assembly
P.O. Box 2703
Whitehorse, Yukon Y1A 2C6

Dear Minister:

Re: *Harvest Management Plan for the Porcupine Caribou Herd in Canada (June 2009) and Interim Measures Proposed by the Yukon Government for the Conservation of the Porcupine Caribou Herd (March 27, 2009)*

I am writing to provide the comments of the Wildlife Management Advisory Council (North Slope) (“the Council”) on the *Harvest Management Plan for the Porcupine Caribou Herd in Canada* (June 2009) (“HMP”) recommended to you by the Porcupine Caribou Management Board (“PCMB”). I am also writing regarding your letter of March 27, 2009 proposing the introduction in the fall of 2009 of interim harvest management measures for the Porcupine Caribou herd (“PCH”).

The two sets of comments are linked as the HMP, which you are now in receipt of, establishes a context for the consideration of the proposed interim measures. The letter of May 14, 2009 to the PCMB, co-signed by premiers Fentie and Roland, also establishes a clear relationship between the HMP and the proposed interim measures.

The Council also observes that the management of transboundary migratory wildlife populations are inherently challenging to a large degree because they involve interjurisdictional cooperation, collaboration and agreement if population-level management is to be effective. The Porcupine Caribou herd provides serious challenges in this regard. The PCMB was established, with the support of the Yukon Government, to facilitate efforts between different parties toward this end. In the same vein, the cooperative management arrangements established under the Inuvialuit Final Agreement (IFA) were established to fulfill a similar purpose.

The Council supports the HMP recommended by the PCMB only if certain key conditions which are discussed below are fulfilled. These concern the implementation of the HMP and the commitments of the parties to the HMP.

Effectively it has taken two years since the protocol agreement was signed by the various parties in 2007 committing them to the development of a HMP. The Council does not consider this to be an unreasonable amount of time for the preparation of the plan, especially given the extensive consultations with affected user communities, meetings between the parties to develop the plan, and the review and revisions to the plan which have occurred as a result of discussions with individual aboriginal groups and co-management bodies.

The Council understands that the recommended HMP is based on the agreement of a majority of the parties on the Working Group and a majority of the members of the PCMB. On this basis, the Council believes that important follow-up to the HMP by all affected parties is required if the Plan is to be effective. The Plan itself recognizes this:

The success of the plan requires the respective parties to implement it through a cooperative management process. (p. 35)

The Council understands that the HMP represents a decision-support tool, in other words a framework to assist the responsible parties in arriving at decisions affecting the management of harvesting activities and which impact the conservation of the PCH. In this regard there is inherent flexibility within the Plan as to how annual assessments of herd health and status are conducted and the harvest-related measures which may be applied to contribute to the conservation of the herd. In this respect the Plan is not prescriptive. The Council agrees with this approach.

However, the Council also recognizes that the HMP sets direction on the principles under which the harvest of the herd will be managed. On this basis, the Council is of the view that a clear and concrete three year implementation plan is required at the outset for the next three years to better ensure that the practical application of the commitments by the parties as stated in the HMP, and those which we anticipate will be forthcoming from the Inuvialuit Game Council (IGC) and Gwich'in Tribal Council, are clearly understood, compatible and assured. Based on the commitments recommended in the HMP, a basic implementation plan should be developed quickly to spell-out the practical actions by which these commitments will be implemented by each party in each year of a three year time frame. The Council would like to see this implementation plan developed and implemented by no later than April 2010.

There are several management issues, in particular, which an implementation plan should clearly address:

- the effective management of the cow harvest to reduce the harvest of cows
- verifiable and effective reporting of the harvest of all male and female caribou

- the limitations of population estimates based on infrequent or unlikely annual censuses and the related limitations of the caribou calculator model for making harvest management decisions

The Council has commented previously on these issues in its review of the draft plan and remains concerned about:

- the challenges of implementing a bulls-only harvest in the spring, when many cows are pregnant and differences between bulls and cows are not readily apparent to many hunters
- the challenges, requirements and effectiveness of implementing a voluntary bulls-only harvest and the effectiveness of public education
- the challenges and requirements of establishing and implementing a regulated harvest (Total Allowable Harvest), outside of the Inuvialuit Settlement Region, where no such regime currently exists
- the challenges and requirements of implementing effective enforcement of regulatory or other compulsory arrangements
- the approach and means for the collection of semi-annual harvest information
- the reliance in the HMP on census-based population estimates and the declining confidence in model-based population estimates the more time that has elapsed since the last successful census; and
- the limited treatment of alternative measures for evaluating the herd's status which the parties may be forced to turn to in the future

On this basis, the Council believes that special attention is needed through an implementation or action plan to address the following matters which require further attention beyond the treatment in the HMP:

- the practical actions which will be implemented by the parties, individually or collectively, to achieve the HMP's objective of a reduced cow harvest, including education and communication programs
- the specific and verifiable harvest reporting programs which will be implemented by each of the parties
- the practical application of alternative measures when census-based population estimates are not available for a population assessment
- the practical actions which will contribute to the development of a regulated or compulsory and enforceable harvest management regime by each party, where such arrangements do not currently exist
- concrete measures for evaluating the effectiveness or progress towards the implementation of the foregoing matters

The Council recognizes that the recommended HMP represents important progress towards the conservation of the PCH through harvest management measures. This achievement should not be lost and should be confirmed in a timely manner. Accordingly the Council recommends, consistent with the views of the PCMB as conveyed to the Council through its letter of June 12, 2009, that a summit of leaders be

held where final agreement is reached and the HMP is signed-off by all of the parties to the Harvest Management Protocol. The Council would further recommend that the responsible ministers of the governments of Yukon and the Northwest Territories formally convene such a meeting, preferably in the fall (2009). A delegate of the federal minister responsible for Parks Canada and/or Environment Canada should also attend the summit.

The Council also recommends that the responsible directors of wildlife for the governments of Yukon and Northwest Territories, and the appropriate responsible authority for Parks Canada and/or Environment Canada convene a meeting of a small number of working officials of the responsible parties, ideally as a part of the summit or, alternatively, immediately following it, to develop an implementation or action plan to address the measures as listed immediately above. The intent of this meeting would be to confirm the specific actions which the parties will undertake to fulfill their commitments in the HMP for each year over a three year period. It is our belief that the views of the parties should be informed by and based on their respective consultations with the affected and appropriate co-management bodies, including the PCMB.

The Council further recommends that the PCMB annually review and evaluate the effectiveness of these actions, commencing in one year's time from the date on which the plan is first implemented, and no later than the spring of 2011. This review and evaluation should be informed by the views of the affected co-management bodies, where they are able to provide them. The results of the review and evaluation should be documented in a report that is submitted to the responsible parties and affected co-management bodies.

On the matter of the Yukon's proposed interim measures, the Council accepts that these are measures which would contribute to the goal and some objectives of the HMP. The Council also recognizes the intent of the interim measures is to take steps immediately to prevent further decline of the population, thereby potentially alleviating the need in the future for more restrictive harvest management. The PCMB's letter to the Council of June 12, 2009 also appears to acknowledge that there is a place for the parties to the HMP to develop and implement these types of measures:

It should be noted that although voluntary actions are called for in the plan, this does not preclude parties from implementing more restrictive actions in their jurisdictions, should they feel that is warranted. (p.3)

The PCMB also indicated in its letter to you of June 26, 2009 that it does not support the Yukon's proposed interim conservation measures at this time and provided its rationale.

The Council recognizes that the matters the interim measures are designed to address are important ones (and some of them are listed above). The Council also is of the view that a range of other measures could potentially address these same issues and that the HMP provides some flexibility for different jurisdictions to develop and implement those

measures they deem appropriate. The effectiveness of those measures, of course, must be evaluated, and modified as a consequence of the results of that evaluation.

The Council recommends that the Yukon defer their proposed interim measures until such time as it is clearly established that:

- (a) the parties who are signatories to the HMP have not met their commitments in the HMP and their respective actions implementing those commitments as documented in an implementation or action plan; and
- (b) more specifically, the actions of the parties which have been undertaken to specifically provide for sound and reliable reporting of all caribou harvested and a reduced harvest of cow caribou are deemed to be ineffective based on the views of the parties, the PCMB (arising from the Board's evaluation of the implementation or action plan in one year's time as mentioned above) and the affected co-management bodies

The underlying rationale behind this approach and these recommendations is that, as stated above, population-level management of the PCH is best accomplished on a cooperative and collaborative basis, and the institutional arrangements provided for under the *Inuvialuit Final Agreement* and other land claims agreements and in the *Porcupine Caribou Management Agreement* and HMP provide for this. *Section 13* of the *Yukon Wildlife Act*, pursuant to the *Inuvialuit Final Agreement*, also establishes a process for the Council to advise the Minister on a total allowable harvest, a process that applies equally well to other forms of harvest management that may have the effect of restricting or otherwise limiting the harvesting rights of Inuvialuit.

The Council also observes that the measures proposed by the Yukon as interim measures are management tools which the Inuvialuit themselves are provided under the *Inuvialuit Final Agreement* and which have been implemented in the past for other wildlife species by the IGC and Hunters and Trappers Committees as they have deemed necessary. The adequacy of the commitments of the parties in the HMP and the effectiveness of their associated actions require some time to be implemented and evaluated.

The Council recommends that Yukon defer their proposed interim measures until such time as the effectiveness of other measures which follow squarely under the responsibility of all parties can be determined as suggested above. The Council has outlined its general views as to how this could be accomplished.

The Council recognizes the seriousness with which the Yukon views the conservation of the PCH. We understand all of the parties to the HMP to share that view. The Council recognizes the concerns of the Yukon regarding the potential impact of an unmanaged harvest on the conservation of the herd, and Yukon concerns regarding the effectiveness of certain harvest management measures. The Council shares some of these concerns.

However, the Council also has a strong commitment to the co-management process established for the conservation management of the PCH and other wildlife, and to which the Yukon is a signatory under the land claims agreements. The HMP provides a basis for implementing a plan of action for addressing the Yukon's shared concerns, and this plan should be implemented and reviewed within the time frame proposed above.

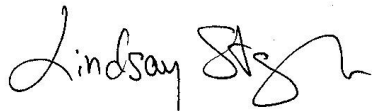
The Council is intending to meet with the Wildlife Management Advisory Council (NWT) and representatives of the IGC this September (2009). The Council's intent is to reach agreement with these organizations for a harmonized approach to the management of Inuvialuit harvesters of the PCH, informed by the HMP, across three Inuvialuit communities which are users of the PCH, and across the ISR between the jurisdictional boundaries of Yukon, the NWT and Ivvavik National Park. It is the Council's view that these measures could be included in an implementation or action plan as referred to above.

Finally, the Council hopes that future meetings and discussions regarding the implementation of the HMP could be informed by the results of a Yukon study to determine the bull/cow ratio of the PCH, since one has not been conducted to our knowledge since 1980. If the study is successful it may provide a good baseline to monitor the effect of a voluntary or regulated bull-only harvest.

The Council also observes that the process of conducting appropriate consultations associated with the Yukon's proposed interim measures has raised a number of questions regarding the requirements and conditions for carrying out such a process. In the future, to facilitate improved cooperation, communication and mutual understanding, all parties may be better served by clearly documenting these requirements and conditions in a general consultation protocol.

The Council hopes these comments are helpful and thanks you for your consideration.

Sincerely,



Lindsay Staples
Chair

cc Inuvialuit Game Council
Wildlife Management Advisory Council (NWT)
Aklavik Hunters and Trappers Committee
Porcupine Caribou Management Board
Gwich'in Renewable Resources Board
Dan Lindsey, Director, Fish and Wildlife Branch, Department of Environment,
Government of Yukon
Premier Dennis Fentie, Government of Yukon

Premier Floyd Roland, Government of Northwest Territories
Michael Miltenberger, Minister of Environment and Natural Resources,
Government of Northwest Territories