

MEMORANDUM OF UNDERSTANDING

between

the Porcupine Caribou Management Board

and

Yukon Fish and Wildlife Management Board

regarding

Yukon *Wildlife Act* regulation change proposals

I. PURPOSE AND SCOPE

It is recognized that a regulation change to the Yukon *Wildlife Act* that affects a single species can also have territory-wide implications. If a proposed regulation change has the potential to affect both the Porcupine Caribou Herd (PCH) and another population or species, there is potential for overlap in mandates between the Porcupine Caribou Management Board (PCMB) and the Yukon Fish and Wildlife Management Board (YFWMB). Given that the regulation change processes are different under each board, there is a need for clarification on how these types of proposals will proceed.

This Memorandum of Understanding (MOU) provides the clarification by describing the roles and responsibilities of the PCMB and YFWMB and the ensuring process to recommend Yukon *Wildlife Act* regulation change proposals that result in amendments that have the potential to affect the PCH and/or other populations or species that interact with or have implications for the PCH.

II. BACKGROUND

A. Porcupine Caribou Management Board



**Porcupine Caribou
Management Board**

The PCMB is a co-management board serving as an advisory body established under the *Porcupine Caribou Management Agreement* (PCMA) signed in 1985. The PCMB currently consists of eight members representing Government of Canada, Government of Yukon, Government of the Northwest Territories, Inuvialuit Game Council, Gwich'in Tribal Council, First Nation of Na-cho Nyäk Dun, Tr'ondëk Hwëch'in, and

Vuntut Gwitchin First Nation. The main duties of the PCMB are described in the PCMA and focus on the Porcupine Caribou Herd (PCH), native users of PCH, and PCH habitat in Canada. PCMB may make recommendations, including regulation proposals, to the Minister(s) on any matter affecting the PCH. Recommendations are forwarded to Yukon, NWT, Federal and First Nation governments, as appropriate. The respective Minister(s) is obliged to follow a formal process for considering such recommendations and providing reasons for any variation or rejection in whole or part.

B. Yukon Fish and Wildlife Management Board



The YFWMB is a joint advisory body that was formed when the Yukon *Umbrella Final Agreement* (UFA) came into effect in 1993. YFWMB consists of six nominees from the Council of Yukon First Nations and six from the Government of Yukon. Chapter 16 of the UFA recognizes the YFWMB as “the primary instrument of Fish and Wildlife management in the Yukon.” YFWMB works on “territorial policies, legislation and other measures to help guide management of fish and wildlife, conserve habitat and enhance the renewable resources economy”.

YFWMB leads public consultation on proposed changes to the Yukon *Wildlife Act* regulations identified by governments, Renewable Resources Councils, special interest groups or individual citizens. The Yukon Minister of Environment (Minister) is obligated to consult YFWMB before the amendment or introduction of legislation for fish and wildlife in the Yukon. YFWMB presents proposed changes to the public in order to obtain comments and hear concerns, as the UFA requires YFWMB to make provisions for public involvement in the development of their recommendations or decisions. Once the public consultation is complete, YFWMB reviews information gathered and provides recommendations to the Minister. The Minister accepts, varies, sets aside or replaces YFWMB’s recommendations. If the proposals are accepted, the new regulations will be put into effect as soon as practicable.

III. RESPONSIBILITIES UNDER THIS MOU

A. For hunting regulation proposals affecting Porcupine Caribou only

The PCMB and YFWMB agree that regulation proposals solely related to the PCH which do not have potential to significantly affect other populations or species are directly under the PCMB mandate.

Such proposals, unless already co-sponsored by the PCMB, will be directed to the PCMB to deal with under the PCMA process. PCMB may seek assistance from YFWMB to solicit the views of other Yukon residents where required.

The PCMB process for proposing hunting regulation changes are outlined as follows:

- PCMB receives a request from a PCMA party or stakeholder or otherwise initiates a review of a hunting regulation(s) on its own accord;
- The PCMB undertakes an engagement process with PCMA parties to discuss the proposed revision(s). Where the proposed revision(s) continues to be supported, the PCMB will engage YFWMB in implementation of YFWMB regulation consultation process;
- The PCMB may utilize the YFWMB regulation consultation process, excluding emergency situations where required, and may take

advantage of the published engagement documentation prepared by YFWMB;

- The PCMB will receive the results of the public engagement input from YFWMB and consider such input as appropriate;
- PCMB makes recommendations to PCMA parties and government Ministers using the Ministerial reporting relationship identified in the PCMA, and will provide copy to YFWMB.

B. For hunting regulation proposals affecting other populations or species that have implications for the Porcupine Caribou Herd or affecting other Yukon harvesters.

The PCMB and YFWMB agree that for change proposals to non-PCH regulations that have potential to significantly affect the PCH as well as other populations or species, the two boards will cooperate to advance recommendations to the appropriate parties.

YFWMB will forward these proposals to the PCMB to consider whether the proposals have significant potential implications to the PCH. In this case, implications to the PCH include anything that might affect the caribou, the habitat, or caribou harvesting practices.

Where there is an overlap, both boards will work cooperatively to advance the proposal. YFWMB would lead its established Regulation Change Process and cycle and include the PCMB during all stages of the process.

Recommendations to the Minister will go forward as joint recommendations from both boards. Recommendations will respect the confidentiality provisions as established under the UFA 16.8.0 process.

The YFWMB/PCMB process for proposing hunting regulation changes:

- YFWMB receives proposals from the Yukon Government, Renewable Resources Councils, special interest groups, or members of the public on hunting, fishing or trapping regulations;
- If a proposal has a potential to impact the PCH and is not co-sponsored by the PCMB, YFWMB will forward the proposal to the PCMB to consider whether to a joint-engagement process should be undertaken;
- YFWMB reviews proposals and works with proponents and Yukon government, to screen proposals on an annual basis (October)
- YFWMB undertakes a public engagement process and discusses proposed revisions with Renewable Resources Councils (RRCs), special interest groups, and the Yukon public;
- YFWMB/PCMB make recommendations to the Yukon Minister of Environment upon review of a “What We Heard” document prepared by YFWMB staff;
- The Minister has 60 days, with an optional 30-day extension, to respond;

- The boards have 30 days to respond to the Minister and make final recommendations;
- The Minister has 45 days to accept, reject, vary or replace the Boards' final recommendations;
- The boards' recommendations are confidential throughout this process unless the Minister chooses to waive confidentiality, or upon conclusion of aforementioned timelines; and
- As per UFA 16.7.14 the YFWMB shall communicate to Renewable Resources Councils its recommendations and decisions approved in accordance with UFA 16.8.0 within a reasonable time.
- The PCMB will communicate to its PCMA parties its recommendations and the Minister's decision.

C. Summary

Proposal component	PCH only	Species or populations that have implications for the PCH
Public engagement lead	PCMB	YFWMB/PCMB
Board process	PCMB/YFWMB	YFWMB
Confidential or public recommendations	Public	Confidential
Recommendation authors	PCMB	PCMB/YFWMB

IV. EFFECTIVE DATE AND SIGNATURES

This MOU shall be effective upon the signature of authorized officials of the PCMB and the YFWMB. It shall be in force until revised by agreement. Both parties indicate agreement with this MOU by their signatures.

For the PCMB:




 Signature

Joe Tetlich
 Chair

th
 Dec 11, 2015

 Date

For the YFWMB:



 Signature

Bob Dickson
 Chair

Dec 1 2015

 Date