

Porcupine Caribou Management Board Minutes of Meeting

Dawson City, Yukon

September 20 and 21, 2018

In attendance

Members/Staff

Joe Tetlich, Chair
Ian McDonald, Government of Canada
Karen Clyde, Government of Yukon
Alice McCulley, Trondëk Hwëch'in
Billy Storr, Inuvialuit Game Council
Hal Frost, Vuntut Gwitchin First Nation
Marsha Branigan, Government of the Northwest Territories
Sarah Jerome, Alternate, Gwich'in Tribal Council
Jackie Clarke, Alternate, Na-Cho Ny'ak Dun
Ryan Peterson, Alternate, Trondëk Hwëch'in
Deana Lemke, Executive Director
Matthias Lemke, Assistant

Presenters/Guests

Mike Sutor, Environment Yukon
Saleem Dar, Canadian Wildlife Service
Kelly Milner, Communications Consultant
Craig Machtans, Canadian Wildlife Service
Lindsay Staples, WMAC (NS)

Welcome and Opening Prayer

Joe Tetlich called the meeting to order at 9:10 a.m. and Sarah Jerome opened the meeting with prayer.

The agenda for the meeting was reviewed and accepted.

***Motion to accept agenda
Moved by Ian McDonald
Seconded by Billy Storr
Carried***

Review Minutes

The minutes of the May 30 and 31, 2018 meeting were reviewed and approved.

Motion to approve minutes of May 30 and 31, 2018 meeting

Moved by Billy Storr

Seconded by Ian McDonald

Carried

Chair's Update

Joe Tetlichy informed the Board that he will be travelling to Kaktovik, Alaska on September 27 to participate in an International Porcupine Caribou Board (IPCB) meeting and a community meeting. He will be representing PCMB and aboriginal people on the Canadian side of the PCH range. He noted that community members from Kaktovik will also be at the meeting, and that some there are in support of development on the Arctic Refuge coastal plain.

Joe related that last year, a community meeting took place in Venetie, Alaska, where many questions were raised about herd management. He stated that the community members appreciated the effort that was made to connect with them. It was noticeable, however, that the relationship between the Gwich'in people and the State of Alaska is not as well developed as it is in Yukon.

Joe explained that he finds the annual Midway Lake festival a good way to connect with harvesters. He was there during the first week of August 2018, when some of the caribou was near the Dempster Highway. Concerns were expressed about caribou being harvested immediately, as soon as a portion of the herd arrived near the highway. Joe related that some community elders were quite outspoken on the local radio about leaving the caribou alone but that people were still going out to harvest. One elder reported observing a group of caribou crossing the highway near Arctic Circle. A portion of the PCH lingered on the west side of the Dempster Highway and then turned and moved west.

Joe reported that some sporadic harvest has been taking place near Old Crow as some small groups of caribou migrated past the community, primarily in the Crow Flats area. Community members continue to be concerned not only about conservation of the herd, but also access to the herd for harvesting.

This year's North American Caribou Workshop will be held in Ottawa on October 30 and 31 and Joe stated that he will be participating.

Billy Storr related that the caribou harvested around Aklavik this year were in poor shape and that some community members are wondering whether the herd is too large and over-utilizing their habitat. Additionally, Billy noted that when

caribou do come close enough to harvest, people don't want to take a chance of missing out on harvest, so some do harvest immediately.

Sarah Jerome expressed great concern about the PCH crossing the Dempster Highway so infrequently during recent years. She stated that many young people have not been instructed by elders about how to treat the caribou with respect. She felt that it is urgent that people have access to harvest caribou and that education is very important. She also noted that the difference between successful harvesters and those who are not able to get caribou seems to be whether they can afford to own ATVs and snowmobiles.

Billy stated that in Aklavik those who are able to harvest are usually willing to help and share with those who cannot.

Joe added that due to the cost involved, it is understandable that people want to have an idea of where the herd is before they go out harvesting. However, it seems that some people are getting more dependent on technology and want to know precisely where the animals are and are asking for more frequent updates of satellite location information.

Administrative and Financial Report

The Board's action items were reviewed, discussed and updated.

The Board's annual budget and revenue contributions were reviewed by Deana Lemke. It was noted that the three-year funding agreements with Parks Canada and Government of Yukon are in their final year and will need to be renewed.

Regarding the Board's STEP funding, Deana noted that most of the work is to assist Mike Sutor and Martin Kienzler in Dawson City. Joe stated that the Johnny Charlie scholarship was intended to get an aboriginal person in the north involved with PCMB-related work. He suggested that the Board look at additional funding opportunities similar to STEP that might support this in the NWT.

Sarah Jerome said that she is interested in seeing the criteria for the scholarship position. She would like to assist in finding a person who would be an advocate like Johnny Charlie was.

Harvest Management Strategy

Deana Lemke reviewed the milestones chart and noted that replies to PCMB's recommendations following the Annual Harvest Meeting (AHM) have been received from all Parties except NND.

Mike Suitor stated that harvest data is going to become even more important because the environmental impact study (EIS) for oil and gas exploration on the Arctic Refuge coastal plain will be taking harvest data into consideration.

Ian McDonald pointed out that the Board's AHM recommendations always include reminders about the importance of harvest reporting and suggested that inconsistent funding or staffing may be what prevents the process from working as desired. He stated that the concept of verifiable data as included in the Harvest Management Plan is not a reasonable expectation

Billy Storr agreed that staff turnover and a lack of understanding about the importance of harvest data is an issue in this regard.

Mike Suitor felt that the design of harvest data collection programs may also be an issue. Communities may need to be consulted about finding a reporting structure that actually works for them.

Herd Update

Government of the Northwest Territories Update

Marsha Branigan provided the following updates:

- Reporting of harvest data was delayed but it has now been submitted;
- Numerous concerns related to letting the leaders pass have been received; and
- A report summarizing the results of hunter-submitted samples is currently being worked on and will be completed by November.

Government of Yukon Update

Mike Suitor provided the following update:

- A large amount of data is being collected and analyzed in preparation for responding to the EIS;
- The pregnancy rate was measured this summer and found to be higher than usual at 88 percent, the average being 82 percent;
- Post-calving survival was measured at 88 percent, the average being 86 percent;
- The majority of calving took place in Yukon around the Babbage River and in the foothills of the eastern North Slope;
- The calf:cow survival ratio was 64:100, the average being 58:100;
- A report about the movements and distribution of the PCH from 1970 to 2017 is almost complete. This information will be incorporated into the update of the Sensitive Habitats report;
- A map of the most frequently used calving locations based on 37 years of data was shown;

- Analysis of habitat selection of the PCH on the Yukon North Slope is underway as part of an effort to identify important habitat;
- Satellite movement maps for calving and post-calving from May to September 2018 were displayed;
- A study on muskox grazing- and trampling-induced change on the Yukon North Slope and in the Richardson Mountains is being conducted by a master's student;
- The Dempster Highway check station is ready to open if caribou migrate back and are accessible for harvest; and
- A new animation showing the progression of annual PCH migration patterns was posted on pcmb.ca and already has had 35,000 views.

Mike played a video produced by PCMB summer student Kai Breithaupt highlighting and reviewing the summer's activities.

The Board agreed to support a STEP student again for the next fiscal year and to investigate an alternative to STEP funding for a potential similar opportunity in the NWT.

Species at Risk Assessment Designation and Process

Saleem Dar from CWS provided a brief review of the *Species at Risk Act* (SARA) assessment process as related to the designation of barren-ground caribou (BGC) in Canada. The process is currently still in the consultation phase. The consultation phase will conclude on October 22, 2018, but comments submitted after that date will still be taken into consideration. Once all input has been received, the federal minister will make a decision about whether to list BGC. Once a regulatory impact assessment statement (RIAS) has been completed it will be published in the *Canada Gazette*, after which there will be another 30-day window for comments. Saleem stated that the RIAS may summarize some of the feedback received but will not be a complete database of all the submitted comments.

Saleem reminded the Board that the earliest that a potential designation would take effect is two years from now. If BGC are listed as threatened, existing management structures will remain in place and harvesting rights and wildlife management processes associated with land claims would take precedence over federal prohibitions. Prohibitions apply only in national parks but harvest limits could still be imposed via the land claim agreement process.

If a listing should occur, the creation of a recovery strategy would be required. While each sub-population of BGC would be analyzed and managed on an individual basis, recovery strategies need to be consistent with the national approach. They will require cooperation with partners and must identify critical habitat and include action plans. Territorial and indigenous governments and

wildlife management boards would remain the primary management authorities and be responsible for herd management plans.

Comments and feedback received to date have included the following: general support for a listing, concerns about indigenous rights and the impact on culture due to lack of caribou, the need for unique management strategies for various sub-populations, concerns about industrial development in the 1002 area, and queries about why the PCH is being included with BGC in general.

Ian McDonald pointed out that even if BGC are listed as threatened, nothing will change respecting subsistence harvesting of PCH in Ivavik and Vuntut national parks. There would be no impact to licensed harvest because it is already not allowed in national parks. The only immediate foreseeable change is that national park research permit applications related to PCH will take a bit more work to complete as they will have to be compliant with the Species at Risk Act.

Marsha Branigan noted that after a species is listed by SARA, the usual public perception is that there should be no harvest of that species and the matter becomes more politically charged. She stated, however, that the Board is well-positioned to deal with political pressure and will be able to explain the facts.

PCMB Correspondence regarding SARA

The Board reviewed past correspondence and a draft submission regarding the SARA listing.

Board members discussed concerns around the concept of assigning a monetary value on the loss of harvest opportunities. It was agreed that emphasis should be placed on cultural values and the Board should clearly state that it does not support the concept of an economic value assessment of Porcupine Caribou that is based on meat replacement cost alone.

Mike Suitor noted that while some critical habitat still needs to be identified or studied, the herd's calving grounds should be considered critical habitat.

Let the Leaders Pass

Joe Tetlich reviewed the history of the "let the leaders pass" regulation from its enactment to the rescinding of the regulation.

The Board reviewed a letter from GTC requesting PCMB's support of a resolution to close the west side of the Dempster highway during fall migration.

Billy Storr suggested that the Board request that GTC first hold public meetings to get community feedback and ask for suggestions and options on how to approach the issue.

The Board reviewed a letter from IGC noting tensions between harvesters and requesting a definition of caribou “leaders”. Marsha noted that the term “leaders” did not have a clear definition when the regulation was in place. Joe recommended that he meet with IGC and speak with the council at their next meeting.

Regarding the reference to tensions between harvesters, Mike Sutor referred to the draft maps created by YG to clarify various groups’ harvesting rights along the Dempster Highway. GTC and TH had flagged some concerns and Rob Florkiewicz is still working on incorporating their feedback.

It was noted that the Native User Agreement should address concerns and questions around harvesting rights as it outlines a process for obtaining access and consent and showing respect for localized management practices.

Sarah Jerome stated that as soon as people notice that caribou have come to the highway, they get on their radios and tell others, which results in a lot of harvesters going out immediately. She felt that the elders’ past training is no longer being taken into consideration.

Mike suggested that the satellite location maps on pcmb.ca be configured so that people have to read a pop-up message about herd management-related facts before being able to see the maps.

The Board will reply to IGC stating that: maps outlining harvesting rights will be finalized soon and that the Board hopes this will provide some clarity; the Board does not have a definition of caribou “leaders”; the Board understands that a mechanism for dealing with the definition of caribou leaders might be developed during the NUA discussions.

Action 18-9: Executive Director to draft a reply to IGC re Dempster harvesting rights brochures and caribou “leaders”.

The Board agreed that no further communication regarding “leaders” would be undertaken at this time.

Arctic Borderlands Ecological Knowledge Society

Deana Lemke informed the Board that Arctic Borderlands Ecological Knowledge Society (ABEKS) had inquired how the data that was provided at the February 2018 Annual Harvest Meeting (AHM) was used by the Board. ABEKS is also asking about attending the next AHM and is wondering whether PCMB can participate in a proposed meeting about data-gathering which would potentially be coordinated to align with the next AHM. Additionally, ABEKS noted that they have a small funding gap and asked whether PCMB could assist financially.

Alice McCulley stated that if ABEKS presented data summarized by community it might be more helpful, because looking at all of the data together is not very meaningful. Some communities are struggling with not getting access to the herd. The Board may need to get a better understanding of the “needs met” component.

Billy Storr felt that getting an understanding about why the harvest is low may be more important than the actual harvest numbers.

Ian McDonald recalled that the Board has struggled with interpreting ABEKS data in a way that assists with management decision-making and that the TK project was partially initiated by the desire to obtain more meaningful data.

Members acknowledged ABEKS’s perspective that PCMB has struggled with how to incorporate the provided data into a decision-making framework. It was agreed that since the Board has a number of important action items to work on, it does not make sense to spend additional time working on a policy framework with ABEKS.

Marsha stated that it would however be prudent for the Board to provide some feedback about the data if ABEKS intends to keep presenting to the AHM.

Action 18-10: Executive Director to draft a reply to ABEKS stating the Board’s opinion regarding data and future collaboration. Board members will provide direct feedback and comments to ABEKS regarding the presentation of data.

PCH Conservation Plan

Marsha Branigan presented a draft project plan outlining the steps required to create a conservation plan, which will be an outcome of the potential SARA listing of barren-ground caribou.

It was acknowledged that since significant management work has already been completed and much information is already available, the development of a conservation plan for the PCH will largely be able to use and reformat existing information.

Members noted that while getting community feedback is important, it is unclear who would be responsible for providing community feedback and whether a new round of community consultations and meetings is even required. It was also acknowledged that communities have already provided their feedback and that PCMB’s role is to represent the interests of the Parties.

Kelly Milner stated that there will be some overlap between the conservation plan and the TK project. Some of the responses to her TK-related inquiries indicated that much data already exists and that it just needs to be analyzed. Therefore, it

makes sense to focus first on existing information and data and decide how to apply it.

Sarah Jerome agreed, stating that if communities and elders are asked to provide it again, it could cause confusion and frustration.

Members agreed that the best approach is to draft a plan, share it with the Parties, and ask for concurrence or feedback, suggestions and additions.

Karen Clyde suggested the inclusion of a one-page colourful communique that simply explains the intention of the TK work and how it fits with PCMB's goals.

The Board will send a letter to Parties explaining the Board's plan for developing a conservation plan and gathering traditional knowledge, suggesting that Board members be the Parties' representatives as part of this process, and asking for Parties' support. The letter should acknowledge that there has been a lot of TK work done already and that the project will use and compile existing information. Input or suggestions will be considered but are not required. A community visit can be arranged if requested by a Party or may be coordinated at a later time if gaps in the available data are identified.

Action 18-11: Executive Director will draft letter to Parties explaining the Board's plan for developing a conservation plan and gathering traditional knowledge.

Traditional Knowledge Project

Kelly Milner provided a review and update on the traditional knowledge (TK) project.

The three priority areas for which TK is being sought to help with are:

- Migration patterns (herd range and movement);
- Habitat and types of food available; and
- Changes in herd management (community/caribou interaction and harvest).

Kelly has made initial contact with Parties about the TK project and assessed the availability and type of existing TK information and the capacity and level of interest of each Party in assisting with the project.

All Parties have existing TK data which includes information about the three focus areas, most of which is already in a digital format. Each Party has a TK program that would support PCMB's project.

Since each Party has their own process for the way data is recorded and shared, PCMB will need to develop a standardized approach that will work for each Party while still allowing the Parties to maintain ownership of their data.

Parties expressed that they want the product of the study to be useful and relevant, and that they would like to utilize their existing data better.

Kelly suggested proceeding with a two-tiered approach. The analysis and application of existing TK data should be undertaken first. If necessary, supplementary data would be collected in a standardized manner, in a way that will allow future updates and ongoing use of the collection process. The collection and analysis should use simple methods and existing software. The end product should incorporate visual elements such as maps and must be meaningful and useful.

Kelly noted that the project's approach can be focused on one of three options: academic research; a specific software company; or a specific consulting company. Kelly reviewed the credentials of several consulting and software companies about which she had gathered information at a recent TK forum.

Kelly expressed that it is important that each Party understands the project and that the right individuals from each community are brought together so that all understand each other and to see how the project will fit together. Kelly hopes that there will be an opportunity to use an extra day around the 2019 AHM to discuss this in a technical workshop setting.

Kelly suggested beginning the project during the next fiscal year. Any specific gaps that are found for which additional work will be required would be identified during the first year and funding requirements identified for the subsequent year. If additional funding is required, it will be necessary to have clear deliverables and requirements in order to apply for financial support.

Members discussed the title of the project and noted that it should not be referred to as a study. The focus should be on respectfully accessing and using existing data or transitioning TK into active use.

Karen Clyde suggested that videos, graphics and related products be incorporated so that the result is not just a written report.

Mike Suitor pointed out that the project also needs to help create a recurring process that will enable PCMB to use TK for making decisions. Processes need to be repeatable and must be able to provide current annual TK information to the Board.

Kelly stated that GTC is working on a PCH-specific project and they have expressed a desire to work together with PCMB on the TK project and are asking

to be kept informed. Kelly will work with Mike Sutor to put together a project summary which can be shared.

Harvest Management Strategy Native User Agreement

Lindsay Staples addressed the Board via conference call and provided the following review and update regarding the Native User Agreement (NUA) discussions:

- The basic elements of the NUA as presented at the AHM in February 2018 have remained the same;
- A draft of the entire agreement was finalized in April;
- NUA representatives presented the draft to their respective leadership in order to seek approval over the summer months;
- No issues have been raised so far that would jeopardize sign-off of the agreement; and
- It is hoped that the agreement will be finalized and agreed to at the next NUA meeting in Dawson during the week of September 24, 2018 and that the Parties will officially sign it later in the fall.

Regarding the concerns mentioned in GTC's letter, Lindsay noted that the relationship between Parties regarding access and harvesting and sharing is addressed in the NUA. The NUA also sets up the institutional relationships between parties and the mechanisms for handling concerns such as how the issue around caribou "leaders" should be addressed.

WMAC (North Slope) Update

Lindsay Staples, Chair of WMAC(NS) stated that the Yukon North Slope wildlife conservation and management plan is still being drafted. It is hoped that a new plan will be ready for recommendation to parties by March or April of 2019. He explained that it has not been determined what the appropriate designation for the withdrawn area in northern Yukon should be. Enhanced conservation measures are being considered. The goal is to achieve long-term protection for habitat on the eastern North Slope.

PCMB members support the position of establishing the greatest protection in the withdrawn area.

PCMB Communications

Kelly Milner highlighted some of the recent updates to pcmb.ca, including an animation that shows annual PCH movements and new map that includes protected areas in the PCH range.

Species at Risk designation of Barren-ground caribou

Members discussed the potential need for an information package about PCMB's position regarding the anticipated SARA designation and the subsequent conservation plan. It should clearly explain why the Board is agreeing to the potential listing even though the PCH is currently thriving, and how the listing would affect harvesters.

Bull-only harvest

Several Board members wondered whether there should be adjustments to the bull-only harvest messaging and if the Board should perhaps support the harvesting of some cows during high herd numbers in the green zone.

Mike Suitor explained that there is a desire to move toward adaptive harvest regulations regarding bag limits and sex but the processes are not in place yet.

The Board agreed that the concept of harvesting cows during very high herd population numbers should be explored at a future meeting.

Arctic Refuge coastal plain

Regarding Board communications about the Arctic Refuge coastal plain (1002 area) oil and gas exploration, Kelly Milner stated that the Board needs to be clear about who the target audience is and what the desired message is. People are looking for a voice to express concerns on their behalf; therefore, finding the appropriate messaging is important.

Joe Tetlichi felt that part of the message should focus on the rights of aboriginal people to retain their culture and lifestyle.

Members agreed that highlighting collaborative management by listing all the Parties is a good idea, including a reviewing of what has been accomplished so far. Marsha suggested including the Alaskan support and accomplishments in this list to help highlight their past support and suggest that it continue.

Mike pointed out that the scoping letter written by the Board earlier this year would be a good basis for outlining the Board's position, as it included very concise background information.

Kelly agreed that the letter nicely expressed why it is important to consider PCMB's input and that the Board has an important role in this discussion.

International Porcupine Caribou Board

The agenda for the upcoming International Porcupine Caribou Board (IPCB) meeting was reviewed. It was noted that the host country is responsible for the agenda and the visiting country is expected to accept it.

Craig Machtans from CWS joined the meeting by phone. He related that he had taken part in a conference call with all of the Canadian representatives who will be travelling to Kaktovik, Alaska for the IPCB meeting. The group agreed that their desire is for the IPCB to have an active role in this process, not merely to represent a checkmark on a list. They would like the IPCB to advocate for open data sharing, facilitate international collaboration for defining “significant long-term adverse effects”, and position itself to be a source of advice to the IPCB parties.

Regarding speaking and presenting at the meeting, the group felt that instead of three separate individual statements it would be better for one speaker to represent a consolidated message, reinforcing that the IPCB is the avenue for dealing with bilateral issues, to jointly manage the herd, and to give advice to the parties. The mandate of the IPCB should be reviewed, the key objective being the sustained native use of the herd on both sides of the border. It should be recommended that Canadian indigenous use of the herd be given equal weight in the EIS to Alaskan indigenous use.

Joe Tetlichich felt that it will be important to note that the international board is essentially an outcome of the IFA (which established the PCMB), that PCMB has helped create the Harvest Management Plan, and that Canada has put much effort into protecting the herd’s habitat.

Marsha suggested that the IPCB be encouraged to follow the same mandate as PCMB and take an active part in the conservation and protection of the herd and its habitat.

The group discussed what the role of the IPCB would be post-EIS. Since the role is unclear, Craig suggested that questions be brought up at the Kaktovik meeting to see what the Americans think about it. He explained that the Canadian contingent’s bringing a lawyer is meant to show that the issues are being taken seriously and that we expect the board to do serious work. It will also help to have someone versed in international law present to explain the meaning and common practice of the application of treaties.

Issues around diplomacy may need to be clarified. For example, the Canadian contingent may want to point out that Canada has not been formally notified as required by the treaty.

A conference call was arranged to discuss the content and visual components for the Canadian presentation, which will be presented by Joe Tetlichich.

Arctic Refuge development

Mike Sutor explained that according to the published timelines, comments on the EIS will be due on December 3, 2018.

He suggested that PCMB focus on the aspect of subsistence use and the mitigation of potential impacts. He noted that the international agreement addresses conservation, the disruption of migration or other important behavior, and that PCMB needs to focus its comments on these areas.

The Board agreed to exchange comments and feedback about the EIS by e-mail and take part in a conference call on the morning of November 19, 2018.

Next meeting

The conservation plan will be discussed further at the next meeting, which will be held in Inuvik on February 11, 2019.

The 2019 Annual Harvest Meeting is scheduled for February 12 and 13, 2019.

A closing prayer was offered by Sarah Jerome and the meeting adjourned at 5:00 p.m.