

Potential Considerations for YFWMB Priorities Flowing from Final Agreements (March, 2020) Yukon Fish and Wildlife Board Briefing

An independent review of the Yukon Fish and Wildlife Management Board (the 'Board') and the Yukon Fish and Wildlife Trust was recently conducted at the direction of the Yukon Forum (CYFN and Yukon, along with participation from Canada). The reviewing contractor completed its assessment in 2019 and provided a number of recommendations. The Forum's fish and wildlife working group (CYFN, Yukon Canada) vetted the recommendations, which were then advanced to the principle parties (CYFN, Yukon leadership) where those recommendations were subsequently supported.

The independent report and all of the recommendations can be reviewed here:

<https://yukon.ca/en/yfwmb-review-report>. Page 37 – 39 summarizes the recommendations.

The first 5 recommendations have a broad focus directed at all 'actors' (Parties, Board, etc.) in the fish and wildlife management structure developed under Chapter 16, and relate more to clarifying the management roles and relationships that flows from the UFA and YFNFA's. These initial recommendations discuss identifying desired priorities within the Board's mandate and how to support the work. It then speaks to how best to implement those priorities and how to ensure accountability within the mandate in context of the YFNFA's.

The Forum's Fish and Wildlife Working Group initially discussed potential considerations for Board priorities. The following are initial considerations and have not been endorsed by any Party or the Board. They are presented for discussions purposes and feedback.

1. Board to Consider Integrating Yukon First Nation Governments in their Review and Recommendation Process.

***Draft Consideration:** The Parties endorse a much more integrated and inclusive consideration of First Nation governments and responsibilities, including occasional recommendations made to those governments, by the Yukon Fish and Wildlife Management Board.*

- UFA identifies a number of Board provisions that prescribe recommendations to YFN's where appropriate. Chapter 16 envisions a fish and wildlife management regime that integrates First Nation people in all fish and wildlife management processes and decisions.
- Initially, very limited capacity existed in YFN's especially immediately after completed agreement. Difficult to address recommendations – Board therefore focused on other matters.

Now many YFN's have significant lands and resources programs, legislation, field monitoring activities that shape and influence the management of fish and wildlife in Yukon. The Board can broaden its reviews and considerations in a more comprehensive manner.

2. Board's Re-Examination of Strategic Public Interest Role.

Draft Consideration: Board to assess its activities to confirm if these reflect the strategic public interests in the UFA, and the full mandate envisioned. Determine what information or processes that can best be provided through existing information or requests for summaries, synopses and briefings.

Utilize requests for information (e.g.: Director's technical assistance, other sources) to replace more technically challenging and time-consuming Board activities or working groups.

Collectively develop best methods for assessing public interest and involvement, and how to share or use other information available. With Parties and other bodies, develop methods that could satisfy overall interests and achieve the needs of the Parties and ultimately, decision makers.

3. Board's Role and Priority for Habitat-Related Matters.

Draft Consideration: Board to support identification and completion of Yukon-wide strategic fish and wildlife habitat interests such as Yukon wetlands and agriculture-related policies.

Potentially increase involvement in focused habitat interests such as reducing road and trail impacts on fish and wildlife populations and related habitats through strategic participation in land-use forums, plans and legislation.

Recommend policies or methods to address overall harvest management concerns in heavily roaded areas, as well as policies to mitigate anticipated harvest impacts on proposed roads by both licensed and first nation harvesters.

4. Board's Role in Identifying and Implementing Total Allowable Harvests.

Draft Consideration: YFWMB (with Parties Input/Assistance) Collectively initiate Total Allowable Harvest (TAH) process discussions that factor in Final Agreement-identified TAHs, overlap considerations and potential conservation alternatives that respect treaty obligations. Collectively develop recommendations on options and circumstances for proceeding with TAH implementation including how to address overlap, or utilize other conservation measures where appropriate.

- The Board has responsibilities for recommending total allowable harvests (TAHs) and potential alternatives to TAHs (16.7.12.4, 16.7.12.7, 16.7.11).
- The implementation of total allowable harvest and conservation limits that affect all harvesters is one of the most challenging and complex actions that can be undertaken under Chapter 16. However, some populations are nearing conservation thresholds.

5. Acquiring Robust Harvest Information, and Facilitating Harvest Requests from Board.

Draft Consideration: YFWMB (with Parties input): Review harvest reporting needs, look at models used in other jurisdictions, as well as existing Yukon harvest collection systems. Identify the level of intensity required as well as verification and any in-season management provisions, and consider available resources. Recommend one or more options to the Parties for their consideration, including the sharing and requesting of information and resources for collecting such information.

- Human harvest can be one of the biggest impacts on wildlife sustainability beyond predation. The Board has a formal role in requesting harvest information (see 16.5.1.12; 16.7.20). Reliable harvest data from all harvesters is key to achieving the overall principle of *Conservation* as identified in all Yukon First Nation Final Agreements.
- The UFA recognized the importance of harvest information to achieve Conservation and its use in fish and wildlife management activities.

6. Re-Considering Board's Regulation Change Process

Draft Consideration: (YFWMB/Yukon/Canada) To provide greater flexibility in addressing Board priorities and to fulfill Government's direct consultation responsibilities, consider developing an alternative regulation review process that places the majority of that process responsibility on Government with a coordinated, agreeable system for public involvement that potentially satisfy all parties. Always ensure full consultation with the Board. Board maintains its ability, if needed, to seek further public input.

- Board is currently heavily invested in regulatory changes focusing on licensed hunters and anglers.
- Governments are specifically obligated under 16.7.16 that before they amend or introduce legislation for fish and wildlife in the Yukon, the Minister is required to *Consult* with the Board. However, obligations exist for direct consultations as well (YFN rights impacts, commercial). An alternative process, ideally agreeable and respectful to the involved parties should be considered.

Other Considerations

Board's role in unsettled areas of Yukon.

Board to identify its potential role in unsettled land claim areas and upon review and consideration of Yukon and Canada's input, document that role, and make available such information, including any considerations when exercising its responsibilities in those areas.

Improve Public Understanding of Board's Roles and Responsibilities.

Communicate the very strong advisory role of the Board and its overall mandate as identified in its Powers and Responsibilities. (Minimize undefined 'primary instrument' term). Communicate its new priorities and accountability

Board's role in species of territorial, national and international interest.

Consider that the Minister(s) as appropriate, after consulting with the Board, should determine a species or population to be of territorial, national or international interest (16.7.19; 16.7.12.2).