
**YUKON FISH AND WILDLIFE
MANAGEMENT BOARD
MANAGEMENT BOARD**



June 19, 2020

Honourable Minister Pauline Frost
Minister of Environment
Government of Yukon
Box 2703
Whitehorse, Yukon
Y1A 2C6

Dear Minister Frost,

Re: Recommendations for Proposals 1-3 of the 2019-2020 Yukon *Wildlife Act* Regulation Changes

According to the joint process established by the Yukon Fish and Wildlife Management Board (hereafter ‘the Board’) and the Government of Yukon, the Board makes provisions for public involvement in the review of proposed regulation changes pertaining to the Yukon *Wildlife Act*.

In fulfilling this responsibility, the Board recently completed an extended public review of 3 proposed regulation changes, submitted by the Fish and Wildlife Branch of Environment Yukon in 2019.

These three proposals aim to fundamentally shift the current harvest management regime, by creating the legislative precedent necessary to implement a Yukon-wide ‘Adaptive’ approach to moose harvest management, and by placing two Moose Management Units on permit (South Canol MMU, Sifton-Miner’s Range MMU).

This letter addresses the results of the public review, and the Board’s final recommendations regarding Proposals 1-3 of the 2019-2020 review cycle.

TIMELINE

The initial public review for these proposals was conducted over 31-days, ending December 9, 2019. During this period, the Board received direct input from First Nations governments, Renewable Resources Councils, and various relevant organizations. These include the Yukon Outfitters Association, individual outfitters, Yukon Fish and Game Association, Yukon Trappers Association, Yukon’s chapter of the Wild Sheep Foundation, Yukon Backcountry Hunters and Anglers, and members of the Yukon public.



The Board hosted several public meetings, both in the communities and in Whitehorse. We received formal letters from several concerned individuals. Additionally, we heard directly from over five hundred and fifty Yukoners through their responses to our [first] online survey.

During this initial review period, the Board heard *hundreds* of Yukoners expressing concerns with the complexity, magnitude of change, and convoluted timelines associated with the proposed changes.

Another major theme in the feedback is frustration with the complete lack of public involvement, or opportunity for public input, made before proposing such a substantial change in management and regulation. This concern was noted by several First Nation governments, including Kluane First Nation, which believes that the proposals may infringe on their Aboriginal rights, and has called for meaningful consultation from the Government, prior to any advancement of these proposals.

As per 16.5.4 of the UFA, the “Government shall Consult with a Yukon First Nation prior to taking action on Fish or Wildlife matters which may affect the Yukon First Nation’s management responsibilities or the exercise of Harvesting rights under a Settlement Agreement of Yukon Indian People enrolled under that Yukon First Nation Final Agreement”.

Comments from our online survey often raised concerns with the lack of clarity about the scope of Adaptive management, citing how none of the proposals contain any terms or definitions. These comments are frequently critical of the data upon which these proposals are founded, citing the lack of timely and comprehensive moose counts being conducted, and criticizing the lack of information the Government receives about First Nations harvest numbers.

Proposals 2 & 3 offer some options as to which management ‘tools’ may be implemented under the new Adaptive approach. However, these tools are taken from a Board document that is 20 years old and was scheduled for review prior to these Adaptive proposals being submitted. Additionally, the tools which Environment Yukon chose to borrow from the Board’s Framework document *did not* receive any notable public support. This issue could have been avoided if the Moose Harvest Management Framework had been reviewed as scheduled, prior to these proposals being submitted and reviewed.

Owing to these reasons, the Board unanimously decided to extend the public review for these three proposals by 90-days. And as a result, the Board elected to postpone any recommendations on Proposals 1-3 until after the extension.



The Board's goal for this extension was to provide the opportunity for more public involvement. This review included further meetings with the Renewable Resources Councils, First Nations, and affiliated organizations like the Yukon Fish and Game Association.

The Board discussed the lack of public support with the Fish and Wildlife Branch in December, following the conclusion of our initial public review. As per 16.7.6 of the UFA, "The Board shall make provisions for public involvement in the development of its decisions and its recommendations."

As such, part of our rationale behind extending the public review period was to provide the Branch with an opportunity to increase public understanding and increase acceptance by refining its supporting communication documents.

The Board announced the extension to the public review on January 10, 2020. New communication materials were provided by the Branch February 7, 2020, and the 90-day extension ended May 15, 2020. Our Board met [virtually] in early June to discuss the results of the public review and deliberate on our final recommendations.

During the extension, we heard from 11 different sources. We received formal responses from First Nations Governments, Renewable Resources Councils, Yukon Fish and Game Association, Yukon Outfitters Association, individual outfitters, several affiliated conservation organizations, and concerned individuals.

We also received a few dozen hand-filled surveys sent in by members of the public who did not have access to the internet but still wanted to provide their input.

Our [second] online survey reached just over five hundred respondents.

In January 2020, we began scheduling meetings that would take place over the spring, and the duration of the 90-day extension. These meetings intended to provide Yukoners with the opportunity to discuss the new communication materials with Environment Yukon staff and to ask questions or seek clarification.

However, due to the untimely and unprecedented challenges caused by the COVID-19 pandemic, almost all (10 out of 12) of the meetings we scheduled had to be indefinitely postponed, including a public meeting for the Board to address the extension to the public review.

We were able to meet with the Laberge and Carcross-Tagish RRCs before the outbreak began expanding public safety measures and restricting our ability to meet in-person.



The following stakeholder meetings were cancelled, as a result of the shutdowns: Tr'ondëk Hwëch'in First Nation, Dawson District RRC, Carcross Tagish RRC (public/ community meeting), Yukon Outfitters Association, Yukon Fish and Game Association (public meeting), Alsek RRC, Dawson District RRC (public/ community meeting), Dan Keyi RRC (public meeting), a joint meeting with the Northern Tutchone First Nations (Selkirk, Little Salmon Carmacks, and Na-Cho Nyak Dun), and finally, a central public meeting for the Northern Tutchone RRCs (Carmacks, Selkirk, Mayo) and their respective communities.

Following the substantial delays and interruptions caused by the pandemic, which was compounded by the fact that we could no longer meet in-person, many of the aforementioned stakeholders have formally requested these three Adaptive moose management proposals be deferred, or postponed, until the next regulation change cycle.

As a result, the parties that formally requested a postponement include Tr'ondëk Hwëch'in First Nation, Yukon Fish and Game Association, Yukon Outfitters Association, Alsek Renewable Resources Council, and Yukon Stone Outfitting.

The limitations placed upon us during this time, and the subsequent inability to meet in-person with concerned stakeholders, has been given strong consideration in the Board's recommendations for Proposals 1-3.

BACKGROUND

Adaptive management has the potential to modernize our regulations by addressing longstanding regional conservation concerns that indicate declining moose populations.

In theory, Adaptive management would create a new framework with a broad set of moose harvest management 'tools,' wherein specific regulations vary from zone to zone, based on the recommendations and management tools chosen by each community, or region. The Southern Lakes, Aishihik, and Faro are examples of areas where Adaptive management is already in place.

It is a dynamic approach that could, if applied with sufficient local and Traditional Knowledge, address the diverse needs and connections Yukoners have with moose. Therefore, the prospect of Adaptive management should resonate with Yukoners living in communities and rural areas. And yet, that isn't the case.

Appealing as the concept might be - what this suite of proposals represents is a rather sudden and controversial overhaul to our current harvest management framework. Due to the suddenness of the proposals, and the lack of prior consultation with First Nations,



Renewable Resources Councils, and education for the general public, many Yukoners were caught off-guard, and became alarmed. Adaptive management and the process of circumventing Cabinet (by enabling Ministerial Discretion) was never fully defined to Yukoners. And although the Board understands this concept as we currently utilize it for Wolf, Elk and Bison harvest management – Yukoners were not educated well enough to appreciate what this change meant in the context of our current acceptable practices.

The Board understands the need to change our current harvest framework to an Adaptive approach, aiming to enable Ministerial discretion. However, this is a substantial change for Yukoners. And although the Board understands the intention and rationale behind these proposals, it has become clear to us over the course of our public review that Yukoners, while somewhat supportive of the concept of Adaptive management, simply are not ready for a change of this scale. Nor do they currently support the proposal.

In the process of our extended review, Yukoners raised a number of questions about how we plan to manage moose in the years and decades to come, particularly when it comes to consultation with First Nations governments.

- How will we ensure the **Conservation**, and therefore, the **Long-Term Optimum Productivity** of moose in Yukon?

As defined in Chapter 1 of the Umbrella Final Agreement:

"Conservation" means the management of Fish and Wildlife populations and habitats and the regulation of users to ensure the quality, diversity and Long-Term Optimum Productivity of Fish and Wildlife populations, with the primary goal of ensuring a sustainable harvest and its proper utilization.

"Long Term Optimum Productivity" means the productivity required to ensure the long-term continuation of a species or population while providing for the needs of Yukon Indian People and other harvesters and non-consumptive users of Fish and Wildlife in the short term.

- How exactly will First Nations and Renewable Resources Councils be included in the proposal development process for Adaptive regulations? And, what will the Board's new role be in the regulation change process, if future changes are to stem from community-driven proposals? This was not explicitly defined in the proposals advanced by the Department.



- How can we enhance or rehabilitate moose populations in order to meet the needs of all Yukoners?
- If we simply streamline the decision-making process but don't have the resources to manage at a more refined level, how can we achieve the principles of Conservation?
- If Environment Yukon doesn't have the budget or resources to conduct regular surveys in areas of concern, how will the Department properly implement Adaptive management?
- There are still *many* questions that must be addressed and discussed thoroughly with all stakeholders before the implementation of Adaptive harvest management can begin.

Finally, it is the opinion of this Board that if the framework put forward for the Adaptive management of moose continues to focus solely on managing licensed harvest, then it will not be able to achieve the goals outlined, and intended, in the Umbrella Final Agreement.

RECOMMENDATIONS

Our formal recommendations for Proposals 1-3 are as follows:

Proposal 1: Adaptive Moose Management in Yukon

Environment Yukon proposed to change our current harvest regime to "Adaptive management of Moose in Yukon". This proposal would make a range of moose harvest management tools available for consideration and implementation in response to harvest pressures.

This change in harvest framework aims to have "timelier and less restrictive" options available to manage moose.

Recommendation:

- 1.1** The Board **recommends the Minister set aside this proposal.**
- 1.2** The Board **recommends the Minister establish a comprehensive moose management plan.** In doing so, this will provide adequate time for the Government to consult with First Nations, Boards and Councils, Associations and Outfitters, and the general public, on how to develop a comprehensive moose management plan that addresses the concerns expressed during our public



review. Further, this will enable the Department to identify Conservation priorities and priority hunting areas for First Nations, address and ensure 16.4.2 Harvesting Rights, allow an opportunity to review and update the Board's Moose Harvest Management Framework document, and finally, establish a level of public support for the Adaptive management regulation.

What We Heard:

In the first online public survey, Proposal 1 received the support of only 20% of all respondents. Over 70% did not support the proposal, the phrase 'as it is written' is a common theme. Support for this proposal went down 1.5% by the end of the extension to the public review.

Among the most prominent themes in the feedback we received are concerns that there was no public or First Nation consultation and, therefore, not enough time to understand and consider the need for Adaptive management.

The lack of specific definitions or terminology has raised some doubts about how the new framework would be implemented and enforced. For example, what constitutes a 'local concern' – and who decides that? Many Yukoners are calling on the Government to make meaningful changes to their objectives and approaches to moose management.

One of the most common things we heard from Yukoners about Proposal 1 is apprehension with gaps in harvest data numbers. Many respondents call for more frequent and meaningful moose population trends to be conducted over meaningful timeframes. The lack of timely and concrete data in the proposal has eroded public confidence in the merit of the proposal and the need for regulatory change.

Some First Nations are concerned about the implementation of Adaptive management continuing to 'push the problem around.' If the implementation of this new framework is staggered, as more areas are restricted or put on permit, there is concern that licensed hunters will simply go to the last remaining places with easy access and little regulatory restriction. For example, Tr'ondek Hwech'in and Kluane First Nations are particularly concerned about this issue. KFN even raised the question of whether this proposal infringed upon their citizens' Aboriginal harvest rights.

Another major theme in the comments for Proposal 1 was alarm and astonishment over the lack of mention of any population recovery efforts or enhancement goals. Hundreds of comments asked for new tools, tools that do more than just manage licensed hunters and continue to diminish hunting opportunities.



Similarly, there is a clear call for the Government to endeavor to improve its overall harvest data, including information from subsistence user groups. Yukoners widely believe that Adaptive management will not work without having total harvest numbers by all harvesters.

Another trend that is worth noting is the general public's renewed interest in the possibility of predator management being included among a suite of new harvest management tools. This notion is repeatedly cited by hundreds of Yukoners, from Outfitters and Associations to First Nations and individual survey respondents. It is clear that many members of the general public are willing to consider some kind of auxiliary trapping incentive programs, at the very least, to help mitigate the effect of predation on calf recruitment and overall declining moose populations.

Ta'an Kwach'an Council and Teslin Tlingit Council are in support of Proposal 1. They understand it should alleviate hunting pressure in their Traditional Territories and will allow their local Renewable Resources Councils to make community-specific recommendations to the Minister.

The Yukon Fish and Game Association strongly opposes all three proposals put forward by Environment Yukon. Its main concerns relate to the lack of timely and comprehensive harvest data, and the lack of consultation with Yukoners. They, too, are critical of the absence of measures proposed to enhance moose populations for both consumptive and non-consumptive users. They have called for a reframing of the philosophy the Government has on wildlife management, calling for a framework centered on creating abundant ungulate populations and increased harvest opportunities for subsistence and licensed hunters.

Rationale:

Proposal 1 fails to clearly explain what the significant Conservation concern being addressed is. There is no adequate scientific, local, or traditional knowledge in the public review materials to justify such a drastic deviation from our current management regime. The terminology "timelier and less restrictive," coupled with the lack of detail about how exactly this approach will be implemented, has created serious doubt in the general public about the element of Ministerial Discretion.

As a result of these factors, the public overwhelmingly *does not* support this proposal. The Board cannot provide support for the Adaptive management proposal as presented.

We sincerely acknowledge the merits behind the concept of Adaptive management, and the work being done by Environment Yukon staff in addressing some longstanding conservation

issues across the territory. However, we feel a more strategic approach needs to be taken. This can be achieved by developing a comprehensive moose management plan. This will enable the Department to effectively communicate and reach Conservation goals that are not clearly outlined within the proposal, while simultaneously garnering the necessary public support.

Adaptive management may have the potential to contribute to mitigating the overharvest of moose. However, the Board strongly believes that more can – and should be done – to protect the future of what many consider our most iconic species. Moose are harvested at a rate far more than any other big game species in Yukon. According to the 2018-2019 licensed big game harvest statistics, moose harvest by Yukon residents is almost four times that of the next closest species (bison and caribou). Moose remain Yukon’s keystone big game animal, especially in terms of food security. Any changes to how we manage this species must consider this factor.

As you know, we have management plans for introduced species such as elk and bison, as well as native species like Northern Mountain Caribou, Wolf, and Grizzly bear. These plans do vary in content, scope, and intent, but they are not simply harvest management plans. There is significantly more depth to these plans, along with a clear vision for the future of these species in Yukon. And yet, the most highly valued and sought-after big game animal does not have a comprehensive management plan.

The Board deliberated at length as to why we should consider starting with a Comprehensive Moose Management Plan. The benefits of having a comprehensive management plan, structured around public input, will foster greater clarity and acceptance by Yukoners. This approach will create the necessary level of transparency regarding these changes, outlining explicitly *how* Adaptive management will be implemented, including what tools will be utilized in each zone or management unit, with terms and definitions to guide the process from start to finish.

Furthermore, a management plan can properly outline implementation details. For example, how ORV restrictions and other land use elements of Adaptive management will be integrated. Land use measures such as identifying and protecting moose habitat, as well as any possible designations for future land development. These elements are fundamental to the concept of Adaptive management.

Having a management plan in place before implementation begins will also alleviate many of the other concerns voiced by Yukoners. These concerns include, but are not limited to, the lack of consultation with both the public and First Nations, the continued ‘whack-a-

mole’ approach that simply pushes the problem around and the absence of measures aimed at enhancing moose populations, the call for increased interaction between management professionals, improving the understanding of local Conservation concerns, and which solutions or ‘tools’ will work for each region.

If Adaptive management is to succeed and gain public acceptance, it must be developed by Yukoners and tailored to suit the diverse needs of all Yukoners. It should be a ‘ground-up’ approach, hinging upon a high level of collaboration between members of the public and governments.

The Grizzly Bear Conservation Plan is an excellent example of how this approach leads to success. Not long after the plan was finalized, the local RRC was able to propose a regulation change that they felt best suited their area, and the Board subsequently recommended this to the Minister for acceptance.

Proposal 2: Sustainable Harvest Management of Moose in the South Canol Moose Management Unit (MMU)

Environment Yukon proposed to change moose harvest regulations in the South Canol Moose Management Unit (MMU). This proposal has two options.

Option 1 is to move the area to permit, with the ability to vary season dates to reduce harvest.

Option 2 was vaguely worded and offered to establish a PHA, the same as Option 1, but with the possible addition of a number of unspecified “other tools” [sic]. Option 2 did highlight two possible examples of such tools: antler configuration and/ or Off-Road Vehicle (ORV) restrictions, neither of which received any notable support in the public review.

Recommendations:

- 2.1** The Board **recommends the Minister set aside this proposal**, deferring it to the next regulation change cycle. Doing so will provide adequate time for the Government to conduct consultations with First Nations, Boards, and Councils, Associations, and Outfitters, as well as the general public. This consultation should include the unsettled transboundary Kaska Nations, whose traditional territory would be directly impacted by this proposal.



- 2.2** The Board **recommends the Department** conduct a new survey in the area to reinforce the necessity of this change, given that the most recent data for this proposed area is outdated.
- 2.3** The Board **recommends the Department** reconfigure the Moose Management Unit (MMU) to more accurately represent the accessible areas along the South Canol.

What We Heard:

In the first online public survey, Proposal 2 received support from 21% of all respondents, and over 67% did not support the proposal. Public support for this proposal went up 3% by the end of the extension to the public review, indicating that the public opinion remains largely unchanged.

The public reception of this proposal was very similar to the other two proposals, with many concerns citing that limiting harvest opportunities in some areas will mean other areas will see increased hunting pressure. Many First Nations and Renewable Resources Councils have expressed serious concerns over the continued 'whack-a-mole' approach and urge the Government to look at moose management from a broader perspective.

Among the feedback we received for this proposal, was a call to look towards preserving and enhancing renewable resources, and for there to be an increase in surveys conducted (both to measure hunter effort, and aerial population surveys).

Another common theme we heard with regards to Proposal 2 is the skepticism over whether the South Canol area has a justifiable Conservation concern. Outfitters and Associations, and many members of the general public have called for more recent survey data to be gathered in the area over a more significant timeframe. Overall, there are widely held concerns that the data which the proposal stands on is outdated and entirely insufficient.

Proposal 2 did receive some measure of support from the Teslin Tlingit Council. TTC supports Proposal 2, with Option 2, citing that licensed hunters are taking the entire share of what is sustainable in the accessible areas of this MMU. TTC believes that Option 2 will help mitigate licensed harvest and hopes to see it implemented in their Traditional Territory.



The most significant concern we heard concerning Proposal 2 and 3 is the widespread disapproval of antler configuration by all Yukoners. It received virtually no support from the Yukon public, during the initial public review or the extension. The element of antler configuration is so contentious to the discussion around moose harvest that the Government will likely have a hard time disassociating antler configuration from the broader conversation about Adaptive management in the future. We heard loud and clear that Yukoners *do not support the use of this tool*.

Rationale:

The Yukon Fish and Wildlife Management Board is a board established out of the Umbrella Final Agreement. However, this proposal aims to restrict licensed harvest on the unceded Traditional Territory of an unsettled First Nation.

Proper consultation should have occurred with the Ross River Dena Council before this proposal was brought before the public, and the Board should have been made aware of said consultation.

Additionally, the Department's data for this moose management area demonstrates that licensed and non-resident harvest has been below the sustainable threshold for the majority of the past ten years. First Nation harvest data is “estimated” to be a reflection of licensed harvest, which would put the harvest at twice the sustainable level. Yet, harvest numbers have remained relatively stable.

Relating to recommendation 2.3, the Teslin RRC outlined concerns that the majority of this Moose Management Unit is unreachable by licensed harvesters, and most of the harvest occurs along the South Canol. The proposal implicates a substantive area of the Yukon – much of which is inaccessible. Therefore, a reconfiguration of this MMU is necessary.

Finally, as with all area-specific closures, there is no plan to address where or how licensed hunters utilizing this area will be displaced. How will these hunters be managed? The Board’s perception is that this will move hunters from the South Canol to other Traditional Territories. Thus, exacerbating the issue of resolving territory-wide moose harvest management concerns.

Proposal 3: Sustainable Harvest Management of Moose in the Sifton-Miners Mountain Moose Management Unit (MMU)



Environment Yukon proposed to change moose harvest regulations in the Sifton-Miners Range Moose Management Unit (MMU). This proposal has two options. They are the same as Proposal 2.

Recommendation:

3.1 The Board **recommends that the Minister accept this proposal.**

What We Heard:

In the first online public survey, Proposal 3 received support from 27% of all respondents, 58% did not support the proposal. Support for this proposal went down 2.5% by the end of the extension to the public review. It did, however, receive the most public support of all three proposals, in both surveys.

The types of concerns we heard with regards to Proposal 3 largely echo the major themes noted for Proposal 2.

Generally, the public seems skeptical about the data which underlines the proposal. While the data is more recent than the aerial moose counts done in the South Canol MMU, there are still some grave concerns in the public realm. Many Yukoners still believe that Proposal 3 is based on outdated and insufficient information.



Rationale:

This proposal is based on a Conservation concern that stems from increased access into this Moose Management Unit. There has been increasing access to the Sifton-Miners Range in the past several years, resulting in unusually high harvest pressure. There is also recent data, adequate harvest data, and trends to support the proposal.

The Board will like to acknowledge that our recommendations regarding these proposals intend to be constructive, not dismissive. We believe the recommendations mentioned above will ensure the Conservation of Yukon's moose for generations to come.

This concludes our formal recommendations to the Minister on Proposals 1-3. Thank you for reviewing our recommendations, the Board looks forward to your response and continuing our work together on the critical matter of moose management.

Per sections 16.8.4 to 16.8.6 of the Umbrella Final Agreement, our recommendations remain confidential unless you choose to waive this requirement. The Board does not have any concerns, should you choose to waive the confidentiality requirement under the 16.8.0 process of the Umbrella Final Agreement.

If you have any questions or concerns, please contact our Executive Director, Graham Van Tighem, at executivedirector@yfwmb.ca, or (867)-667-5835.

Sincerely,

Carl Sidney, Chair, Yukon Fish and Wildlife Management Board

CC: Ryan Hennings, Director, Fish and Wildlife Branch, Department of Environment