



July 8, 2020

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

Minister Frost:

Re: Yukon Fish and Wildlife Management Board Final Recommendations on Proposed Hunting and Fishing Regulation Changes

I am writing to you today to acknowledge and address your responses to the remaining Board recommendations on Yukon *Wildlife Act* regulation changes for 2019-2020. We appreciate you taking the time to craft such a thorough and detailed response, especially during this challenging time. The Board hopes that the supported proposals will receive Cabinet approval in a timely manner:

Proposal 4: Mayo MMU Moose Management

Mayo Renewable Resources Council proposed to limit licensed moose harvest in the Mayo Moose Management Unit (MMU) to a maximum number, per season, by enabling a threshold hunt regulation. The threshold will be set to reflect current harvest levels and will properly address the declining trend of bull moose in the area.

Recommendations for Proposal 4:

- 4.1** The Board recommended the Minister **accept** the proposal to change the Mayo MMU to a threshold hunt, which includes 13 available bull moose to be available for licensed harvest, with a delayed start date of September 1st.

4.2 The Board further recommended the Department and the Mayo Renewable Resources Council monitor the population of moose in this MMU closely to ensure that population fluctuations are matched with the appropriate harvest quota, should the population either rise or fall in the foreseeable future.

Response:

In your response you indicated your support for recommendation 4.1, we are in agreement with this response. You also indicated you varied part of this recommendation from 13 bull moose available for licensed harvest, to a more general provision, establishing a threshold based on sustainable harvest. The Board is in agreement with this variation.

Further, we are in agreement with the variation to establish Ministerial discretion, adjusting season length. However, we recognise the rationale for this proposed change (from August 1st, to September 1st) may be precedent setting and, therefore, something the Minister should be cautious of.

The Board is also in agreement with your variation to recommendation 4.2. This variation encapsulates the intention of our initial recommendation.

Proposal 5: Enable Sustainable Harvest Management of Hart River Caribou Herd

Environment Yukon submitted a proposal to enable a sustainable framework for the management of the Hart River caribou population. This provision would allow the Minister to modify harvest regulations for specific areas during the hunting season. Changes would be based on current information, instead of definitive and non-discretionary regulations which cannot be amended or fine-tuned. This measure would utilize either a threshold or a permit hunt, which would provide managers with the ability to continue providing harvest opportunities, without overharvesting or creating crowding issues.

The proposal was submitted because of trends pointing to increasing harvest rates, as noted over the past decade. Harvest numbers are now nearing sustainable limits based on the most recent population estimates. The herd is also subject to incidental harvest by hunters targeting Porcupine caribou.

Recommendations for Proposal 5:

- 5.1** The Board recommended the Minister **accept** the proposal as it is written.
- 5.2** The Board recommended the Minister utilize a **threshold hunt** for Hart River caribou, to ensure all licensed hunters still have an opportunity to harvest a bull from this herd, rather than making this a Permit Hunt Authorization, which generally favours higher population centers like Whitehorse.

Response:

Your response indicates support for recommendation 5.1, we are of course in agreement with that. As per recommendation 5.2, the Board is supportive of your variation and we agree with your rationale.

Proposal 6: Nelchina Caribou Herd Adaptive Harvest Management

Environment Yukon proposed to reopen a hunting opportunity that has been closed since the 1990's, enabling a sustainable harvest of the Nelchina Caribou Herd. This herd periodically occupies parts of Game Management Subzones (504, 505, and the north end of 506). This proposal aims to open a limited harvest opportunity by adding these Game Management Subzones to Schedules B and C of the *Wildlife Act*, and enabling either a threshold hunt, an open season (with season manipulation), or a Permit Hunt Authorization.

The Board acknowledges this proposal is the Department's response to repeated appeals by Alaskan wildlife managers, requesting Yukon's help in maintaining this herd at what they deem to be a sustainable level (between 35 and 40-thousand animals). The herd is currently over 50-thousand animals. The current population is creating concerns over the possibility of the herd over-grazing its available range, leading to a sudden population crash.

Recommendations for Proposal 6:

- 6.1 The Board recommended the Minister **accept** the proposal as it is written.
- 6.2 The Board recommended careful Ministerial discretion for this herd, owing to the fact that it only occasionally occupies parts of the Yukon. This means the Minister may want to utilize a different provision depending on the herd size, strength and location for any given year whereby any harvest on the Yukon-side is deemed possible by managers and regional biologists (**i.e. either a threshold hunt, open season or Permit Hunt Authorization**).

Response:

In your response you supported recommendations 6.1 and 6.2, we are in support of your response, and the rationale provided for each respective response.

Proposal 7: Enable Adaptive Management of Roadside Hunting for Grizzly Bear

Environment Yukon proposed this change to the current harvest framework for grizzly bears. Presently, hunting of grizzly bears is permitted throughout the territory. However, there has been longstanding public debate over the practice.

This proposal was intended to enable local prohibitions, while also ensuring that if a roadside closure is *proposed and supported by the community*, the prohibitions be enforced and enacted in a standardized manner.

The Board acknowledges the fact that the issue of roadside hunting remains highly divisive amongst Yukoners. Some communities are in support of closures, while others are in direct opposition to any proposed closures. The Board recognises these important regional and cultural differences on the matter – and believes that by enabling an adaptive framework which supports local sentiment and practices, this proposed change will mitigate the intense polarity around this issue.

Recommendations for Proposal 7:

- 7.1** The Board recommended the Minister **accept** the proposal as it is written.
- 7.2** The Board recommended the Minister utilizes a **standard distance of 100 metres** from the centerline of a road, beyond which, hunting of grizzlies will be permitted. The Board believes this will assist in the enforcement of this regulation and will also create some regulatory consistency for hunters in areas where harvest along the roadside may be limited.

Response:

In your response you indicate support for both recommendations. We are in accord with this response, and we look forward to the implementation of this proposal. We agree that for the purposes of this adaptive approach, it will be necessary to be clear and decisive on where roadside hunting of grizzly bears should and should not be permitted.

Proposal 8: Prohibit the Roadside Hunting of Grizzly Bears in Southern Lakes

This proposal came as a joint submission between Carcross-Tagish Renewable Resources Council, and the Taku River Tlingit First Nation. The Nations represented by these bodies have a close cultural connection to grizzly bears, and would like to see prohibitions on roadside hunting of grizzly bears within 100 meters of the following roads: from the McClintock River Bridge to Jakes Corner, the Tagish Road; the Atlin Road to the B.C. border; the South Klondike Highway from the Carcross Corner to the B.C. Border.

This proposal highlights roadside hunting of grizzlies as the most important, sensitive, and emotional public wildlife issue these Nations have ever dealt with. The proposal also clearly identifies that it is not intended to affect, limit, or impede traditional or subsistence harvesting rights in any way.

Recommendation for Proposal 8:

- 8.1** The Board recommended the Minister **accept** the proposal as it is written.

Response:

In your response you indicate support for this recommendation. We are in agreement with this response. It should be noted, the Carcross Tagish Renewable Resources Council did a lot of work around addressing this matter at the community-level and should be appropriately commended for their perseverance and hard work.

Proposal 9: Change the burbot limits in Yukon Lakes to 3 per day and 6 in possession

This proposal was submitted by Environment Yukon. It intends to change the current regulations surrounding burbot fishing in Yukon from 10 burbot per day and 20 in possession, to 3 burbot per day and 6 in possession. It would also amend the set line license conditions from the current allowance of 10 hooks per set line, to 3 hooks per set line.

This impetus for this proposal stems from the results of burbot population surveys conducted on 7 Yukon lakes. These studies found that burbot populations in these lakes were lower than anticipated, and yet, the effort for and harvest of burbot is increasing. These studies also indicate low burbot abundances, relative to current catch and possession limits. Consequently, a need for a regulation change was in order.

Before 2003, licensed burbot harvest was not subject to catch and possession limits in Yukon. When the change from unlimited harvest to a limit of 10 per day and 20 in possession was made, it was done without any population data for Yukon burbot. The regulation limit that was imposed in 2003 is essentially an arbitrary change from unlimited catch.

Given the current information on Yukon burbot abundance and harvest rates, Environment Yukon believes a change in management strategy is required to ensure burbot populations persist and that harvest is sustainable.

Recommendations for Proposal 9:

- 9.1** The Board recommended the Minister **accept** the proposal, with conditions.
- 9.2** The Board recommended that **only smaller lakes be included** in this regulation change, until further studies on burbot populations are conducted on Yukon's larger lakes.
- 9.3** The Board has requested that **Environment Yukon create a list** of which 'puddle lakes' are to be included in this regulation change.

Response:

In your response you indicated you accept recommendation 9.1. However, you have varied recommendations 9.2. and 9.3. We are in full agreement with your variation of recommendation 9.2 and we agree this variation will better achieve burbot conservation.

As for the variation of 9.3, this is also an acceptable alternative to our original recommendation, as it achieves the goal of 9.3 with a more suitable use of specific terminology. We also agree with your variation to include future collaboration with the local Renewable Resources Council, in assessing and recommending future catch and possession limits, to ensure burbot conservation.

Proposal 10: Remove Slot Size for Northern Pike on Teslin Lake

This proposal, submitted by the Teslin Renewable Resources Council, involves two components related to the catch limit of northern pike on Teslin Lake, as follows:

First, it would see the removal of the slot size for northern pike, however, the current restriction of only 1 pike over 41 inches would remain in place. Second, it would revert catch limits of this species back to General Regulations, this includes daily catch limit of 5 pike and possession limit of 10 pike.

Given the current restrictions on pike harvest, many edible fish are being released into the lake, instead of being kept for food. This causes an increase in mortality rates of an otherwise edible food source, and also encourages a practice that is considered to be unsightly by the local community.

Recommendation for Proposal 10:

10.1 The Board recommended the Minister **accepts** the proposal as it is currently written.

Response:

In your response you indicated you **reject** our initial recommendation.

Nowhere in the Umbrella Final Agreement 16.8.0 process is the terminology “reject” in use. As per 16.8.4 of the Umbrella Final Agreement, *“the Minister, within 60 days of the receipt of a recommendation or decision under 16.8.2, may **accept, vary, set aside or replace** the recommendation or decision. Any proposed variation, replacement or setting aside shall be sent back to the Board by the Minister with written reasons. The Minister may consider information and matters of public interest not considered by the Board.”*

It is puzzling to the Board to see the use of language outside the confines of the 16.8.0 process, given our willingness to work within all of aspects of this process in our current duties.

As per the decision to reject (or ‘set aside’) this proposal, the Board would like to remind the Minister that this proposal stems directly from local conservation concerns over Lake Trout and salmon populations on Teslin Lake.

Northern Pike are known to be highly predatory on these vulnerable and slow-growing species, species which hold esteemed cultural value to the local community and First Nations people. The local community also firmly believes there is no conservation concern for Northern Pike on Teslin Lake. By encouraging the harvest of pike on Teslin Lake for food, the local RRC believes this will help to alleviate the pressure on more vulnerable fish species, while still providing ample opportunity for harvest.

The Board understands your logic and cautious approach, however, this response by the Minister will not be well received by the community.

As you recommend, we will include discussion of this proposal in future Angling Working Group discussions, with hopes for an amicable solution that also compliments the current Territorial fisheries management approach.

Proposal 11: Habitat Protection Area — Off-Road Vehicle (ORV) Restrictions

This proposal, submitted by Environment Yukon, intends to enact provisions for restricting the use of motorized ground access (ORVs), by any user, within Habitat Protection Areas (HPAs), with approved management plans that include ORV restrictions. Currently, only the Ddhaw Ghro Habitat Protection Area Management Plan includes such a provision.

The Management Plan for this HPA was approved by all parties in October 2018. Recommendation 39 of that HPA Plan is to develop and advance regulation proposals addressing prohibition **of motorized** ground access into the Ddhaw Ghro HPA, with the intention to restricting use of ORVs, *by any user*, within the HPA. This regulation would be established under HPA provisions (Section 93), prohibiting the use of motorized ground access (ORVs) into HPAs, per approved management plans.

Recommendation for Proposal 11:

11.1 The Board recommended the Minister **accept** the proposal as it is currently written.

Response:

In your response you indicated you accept this recommendation. We are in agreement with this response.

Proposal 12: Surface Disturbance Thresholds in Critical Habitat for Species at Risk in HPAs

This proposal, submitted by Environment Yukon, will enable the Minister to manage and set thresholds in HPAs for surface disturbance in relation to Critical Habitat. This will serve to meet Federal Species at Risk Act requirements, as prescribed in particular Recovery Strategies. The intent of this proposal is to designate areas containing critical habitat for species at risk (such as boreal caribou in the Peel) as being “protected habitat”, and therefore, subject to limitations on surface disturbance. This proposal would provide for Ministerial authority to regulate total impacts to meet Species at Risk obligations.

Recommendation:

12.1 The Board recommended the Minister **accept** the proposal as it is currently written.

Response:

In your response you indicated you accept this recommendation. We are in agreement with this response.

Proposal 13: Mandatory Furbearer Harvest Reporting

Conservation Officer Services Branch (COSB) is proposing to amend regulations to include mandatory licensed trapper reporting for all furbearers harvested on or before April 15. This date is 15 days after the close of the winter trapping season and consistent with other harvest reporting requirements related to licensed activities.

COSB is proposing to make it an offence for failing to provide harvest information on or before April 15, similar to that of other reporting requirements. COSB is also proposing to make it an offence to provide false or misleading furbearer harvest information, and to prohibit the issuance of a trapping license if a harvest report has not been submitted related to any trapping license issued previously.

Recommendations for Proposal 13:

- 13.1** The Board recommended the Minister **accept** the proposal.
- 13.2** The Board recommended that **Environment Yukon engage with the industry**, as well as the Teslin Renewable Resources Council, to ensure they are agreeable with the conditions regarding potential offences included in this proposal.
- 13.3** The Board recommended that the date of **April 15th be revisited** by all affected parties involved in this proposal, due to the incorrect season end date listed (as April 15th).

Response:

In your response you indicated you support recommendation 13.1. We are in agreement with this response. You have also indicated you support recommendation 13.2, we are also in agreement with this response. Finally, you have varied recommendation 13.3. As this is a departmental proposal, we will defer to your technical expertise. We agree with this suite of variations placed on our initial recommendation.

Proposal 14: Allow for wolves and coyotes to be harvested and recovered using snowmobiles in designated routes of Zone 5

This proposal, submitted by Alsek Renewable Resources Council, aims to amend regulations to harmonize the recovery rules around harvesting wolves and coyotes, specifically, while hunting.

Currently, the use of a snowmobile is only permitted for the purpose of hunting and transporting bison during the bison season (in these GMS) and no other species may be hunted or transported by snowmobile at any time on the designated routes. Alsek RRC is proposing that hunters should legally be eligible to harvest a wolf or coyote, should they encounter one while bison hunting in Zone 5, and that they should be legally allowed to transport it back on their snowmobile.

Recommendations for Proposal 14:

- 14.1** The Board recommended the Minister **accept** the proposal.
- 14.2** The board recommended the **proposal be clarified to include the specific Game Management Subzones** to which this regulation is intended to address (i.e. GMS 5-34 5-36, 5-37 and 5-38 and 5-39).
- 14.3** The Board recommended that the Minister make provisions to **ensure that this regulation is specific in scope, allowing *only* those who are legally hunting bison to harvest a wolf or coyote and transport it with a snowmobile.**

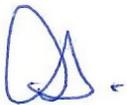
Response:

In your response you indicated you support all respective recommendations for proposal 14, therefore, we are in agreement with your response.

Thank you again for reviewing our final recommendations, and we look forward to receiving your final response. In accordance with sections 16.8.4 to 16.8.6 of the Final Agreement, we will keep all these recommendations and the details of our correspondence confidential until we receive your final response.

If you have any questions or require further clarification please contact our Executive Director Graham Van Tighem at (867) 667-5835

Thank you,



Sincerely,
Car Sidney, Chair

Cc: Ryan Hennings – A - Director, Fish and Wildlife