



Briefing Note – Total Allowable Harvest

Definition: "Total Allowable Harvest" means the total number of animals of a Freshwater Fish or Wildlife species which, in the manner established by this chapter, are deemed not to be required for Conservation. "Use" includes both Harvesting and non-consumptive activities.

Background

Who is responsible for setting or recommending a Total Allowable Harvest?

As outlined in the following subsections of the Umbrella Final Agreement, setting and updating Total Allowable Harvest is the responsibility of a number of bodies, including: Councils, the Board, Yukon First Nations, and the Minister.

Usage: "Total Allowable Harvest" found within 10 subsections of Chapter 16 of the UFA. They are listed below:

Under "Powers and Responsibilities of Councils":

16.6.10 Subject to Yukon First Nation Final Agreements, and without restricting 16.6.9, each Council:

16.6.10.1 may make recommendations to the Minister on the need for and the content and timing of Freshwater Fish and Wildlife management plans, including Harvesting plans, Total Allowable Harvests and the allocation of the remaining Total Allowable Harvest, for species other than the species referred to in 16.7.12.2;

16.6.14 Where the Minister proposes to implement a Total Allowable Harvest which would require the implementation of Basic Needs Level provisions for a species or population in a Traditional Territory in accordance with this chapter, the affected Council may make recommendations to the Minister on alternative measures that could be considered in the place of implementing the Basic Needs Level provisions.

Under "Powers and Responsibilities of the Board":

16.7.12.4 may, where required by species or population management plans, recommend to the Minister a Total Allowable Harvest for a species listed in 16.7.12.2 in accordance with 16.9.0;

Under “Role of Ministers and Yukon First Nations”:

16.8.6 The Minister, within 45 days of receipt of a final recommendation or decision, may accept or vary it, or set it aside and replace it.

16.8.6.1 In the event that the Minister proposes to vary or to set aside and replace a recommendation of the Board with respect to the determination of a **Total Allowable Harvest**, the Minister shall make reasonable efforts to reach a consensus with the affected Yukon First Nation on the variation or setting aside and replacement of the recommendation.

16.8.6.2 In the event that the Minister and the affected Yukon First Nation are unable to reach a consensus under 16.8.6.1, the Minister may proceed to vary or set aside and replace the recommendation of the Board with respect to the determination of the **Total Allowable Harvest**, provided that the Minister is satisfied that the variation or replacement is consistent with the principle of Conservation.

Under “Fish and Wildlife Harvests”:

16.9.1 Each Yukon First Nation Final Agreement shall set out the manner in which the **Total Allowable Harvest** shall be shared between Yukon Indian People and other harvesters.

16.9.1.1 When opportunities to harvest Freshwater Fish or Wildlife are limited for Conservation, public health or public safety, the **Total Allowable Harvest** shall be allocated to give priority to the Subsistence needs of Yukon Indian People while providing for the reasonable needs of other harvesters.

16.9.4 The Board, pursuant to 16.7.12.4, or the Council, pursuant to 16.6.10.1, shall recommend to the Minister the allocation of that portion of the **Total Allowable Harvest** which is not allocated to a Yukon First Nation to satisfy its Basic Needs Level or adjusted Basic Needs Level.

Under “Basic Needs Levels”:

16.9.14 Where a Basic Needs Level is established pursuant to 16.9.10 or 16.9.13, the provisions of 16.9.0 shall apply to the determination and allocation of the **Total Allowable Harvest** to Yukon First Nations and to other harvesters.

16.9.16 In the event that the **Total Allowable Harvest** is less than a Basic Needs Level or an adjusted Basic Needs Level, Government, the Yukon First Nation, the Board and the affected Council shall endeavour to rehabilitate the population.