

August 21, 2018

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

Re: Yukon government's response to Ross River Dena Council's notice to non-Kaska hunters

The requests listed in this letter represent the views of a group of 113 licensed resident hunters in Yukon. This number will likely grow as knowledge of this issue spreads. It represents the values, concerns, and uncertainties of a diverse group who feel their voices are not being heard, and adequate direction is not being offered by the government that has been elected to guide the residents of the territory.

We are concerned with Environment Yukon's handling of the PHA issue, and RRDC's notice. In our view, it is unacceptable for the government of Yukon (YG) to make such decisions without consulting key interest groups and members of the public who are directly impacted. We are concerned that the government has made choices with long lasting socio-economic repercussions, without informing Yukoners about these plans or seeking their thoughts. As such, we are seeking clarity on the following matters.

1. Wildlife populations:

Finlayson Caribou

It is clear from the previous three YG surveys that there has been a conservation concern with the Finlayson caribou herd for nearly twenty years. The 2007 Finlayson Caribou study concluded that this herd could not sustain harvest pressure. RRDC has echoed these concerns for some time. Environment Yukon has had 11 years to undertake the accepted process for harvest regulation change through the Fish and Wildlife Management Board.

- A.** What is the reason this permit cancellation was not brought before the board, by Environment Yukon, in a timely manner over the last 11 years?

On August 6, 2018, Environment Yukon stated that the combined resident and non-resident harvest total for Finlayson Caribou was 5 to 16 annually (bulls).

Yet, in the SUPREME COURT OF YUKON Citation: Ross River Dena Council v Yukon (Government of), 2015 YKSC 45 Date: 20151126 S.C. No.14-A0055 Registry: Whitehorse. Page 9, [30]: Yukon government asserts:

"The restrictions did not apply to First Nations hunters, and Environment Yukon estimates that the RRDC hunter harvest was between fifty and eighty caribou per year, primarily cows."

And:

According to the *Science-Based Guidelines for Management of Northern Caribou in Yukon*:

“The harvest of one cow is equal to the harvest of 3 bulls.”

We recognize RRDC’s right to subsistence harvest. The Finlayson Caribou herd conservation concern is clearly supported by data; we share their concern and want the herd preserved for future generations.

- B.** In YG’s negotiations, what plans has RRDC proposed to mitigate the conservation concern for the Finlayson caribou herd?

It is our understanding that a decrease in wolf harvest and trapping may contribute to an increase in wolf populations in the Ross River area.

- C.** Does Environment Yukon consider encouraging registered trapping concession holders, such as RRDC, to trap wolves as a viable option to kick start the Finlayson Caribou Herd’s recovery?

Moose

The Yukon government *Moose Survey, North Canol, Early Winter 2012* concludes:

“Based on all available data, the current harvest rate, including estimates of non-licensed harvest, of 3.0% within the Ross River Moose Management Unit appears to be at sustainable levels as set out in the *Science-based Guidelines for Management, Harvest, and Mitigation of Land Use Activities: Moose.*”

This study represents the most recent data available to the public for the area of concern.

- D.** Given the findings of the 2012 study, is there any other evidence-based reason that the government would support restrictions on moose harvest in the North Canol area?

Thinhorn Sheep

We can find no relevant public data on sheep populations in the Ross River Dena traditional territory to support or deny over-harvest.

- E.** Is it the position of government that limiting harvest should occur in the absence of data, without due process or population assessment?

During a conversation you had with one of the concerned resident hunters, you cited the dichotomy between calculated estimates and hunter observations. Population concerns are based on both systematic study and hunter observation. You said that First Nations *and* resident hunter observations bear weight in determining if estimates are borne out in a real-world capacity. You have heard the valuable concerns of RRDC on wildlife observations in their traditional territory.

- F.** Does the government intend to engage Yukon resident hunters on their observations in this area as well?

2. Supreme court of Yukon decision 2015, Ross River Dena Council v Yukon (Government of):

In 2015 RRDC initiated legal action against YG on a similar basis to the current situation:

“Ross River Dena Council (“RRDC”) applies in summary trial for a declaration that the Government on Yukon (“Yukon”) has a duty to consult with, and if appropriate, accommodate, RRDC prior to issuing licenses and seals under the *Wildlife Act R.S.Y 2002, c229*, and *Regulations* that would allow persons to hunt in the Ross River area.”
Page 1, [1]

The decision of the court was in favour of YG in this instance. This has led to some confusion among resident hunters.

- G. Is it the position of the government that the decision of the Supreme Court of Yukon does not apply or have merit in this case?

3. Guideline to establish outfitter quotas:

The *Wildlife Act* is updated frequently to ensure that resident hunter harvest conforms to evidence-based guidelines on wildlife management. Yet, the guideline to establish outfitter quotas has not been updated since its inception in 1996.

- H. Does the government intend to update the outfitter quota guideline to conform with current harvest management planning?

4. Clarity:

You have asked that resident hunters to voluntarily comply with the requests of RRDC this hunting season. These requests include early closure for moose and caribou season, attaining limited harvest permits for the area, and avoiding specific areas that RRDC has placed under a moratorium. However, you have also stated that the general laws of application still apply to hunting in the Ross River Dena traditional territory. Many resident hunters are questioning exactly what is required of them, and what regulations apply to harvesting in Ross River Dena traditional territory this season.

- I. Would the government please clarify under which regulations this harvest will be managed, exactly what expectations it has for Yukon resident hunters, and how potential conflicts will be addressed for the 2018-19 hunting season, and beyond?

Although YG’s intent is unclear on the matter of RRDC allocating and issuing hunting permits within their traditional territory, it appears this initiative is supported. If that is the case, First Nations will require a legal and logistical infrastructure which, to the best of our knowledge, they do not currently have.

- J. If YG plans to encourage Yukon First Nations to allocate allowable harvest and issue permits to resident hunters, how will you set First Nations up for success in taking roles traditionally held by branches of the Department of Environment such as Fish and Wildlife, and Conservation Officer Services? Furthermore, how will YG put a legal framework in place under which this is possible?

5. The value of resident hunting in Yukon:

It has become clear through our many collective with YG on resident hunting issues that YG

lacks an understanding of the value of hunting to Yukoners. These values include family traditions, identity, environmental ethics, food security, and quantifiable monetary worth.

- K. We ask that the government undertake a complete socio-economic assessment of Yukon resident hunting and angling in order to gain a full appreciation for the value these privileges hold territory-wide.

In conclusion, we recognize and support the right of First Nations to traditional subsistence harvest. We appreciate RRDC's defense of the land they cherish, and culture it has built, even if we do not agree with the approach they have taken. We support wildlife management practices that reflect a balanced approach based on evidence and historical trends. The collective knowledge of Yukon First Nations must be considered when managing wildlife, as should that of Yukon resident hunters. As you described in a conversation with a concerned resident hunter, we support the principle of co-management of the resources we all hold dear.

However, at this time, we argue that YG has little interest in the values of resident hunters. Our concern is not with First Nations working to protect their culture. We are concerned by YG's willingness to initiate processes that will affect Yukoners for years to come without consultation, provision of information, discussion of intent or transparency. In 2016, Yukon resident licensed hunters represented 13.13% of the territory's population. This significant portion of Yukoners deserves your attention.

As hunting season is well underway, we would ask that you provide clear, comprehensive answers to all of the questions above by Aug 31, 2018 to concernedhuntersyukon@outlook.com

Sincerely,

113, concerned resident licensed hunters in Yukon

Notice to Yukon licensed resident hunters. If you would like the Government of Yukon to answer these questions please email you support to concernedhuntersyukon@outlook.com