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509 Strickland St. Whitehorse, Yukon Y1A 2K5

September 10, 2018

Hon. Sandy Silver  
Premier

Hon. Pauline Frost  
Minister of Environment

Government of Yukon  
Box 2703 (V-3A)  
Whitehorse, Yukon  
Canada Y1A 2C6

RE: YFGA Response to Minister of Environment's Letter entitled 'Licensed Harvest Opportunities and Caribou Conservation' and dated August 9<sup>th</sup>, 2018

Dear Premier Silver and Minister Frost:

Thank you Minister Frost for writing your response letter providing more information about the Finlayson permits and outfitter quotas. I have taken the time to review the information in your letter carefully. I have also taken the time to listen to the concerns of our members from around the Yukon. Recent decisions made by your department coinciding with the start of the 2018/19 hunting season has led to a lot of debate and raised many questions. In brief, our Association was surprised with some of the decisions made by the Government specific to the Ross River area and we would now like to offer a distilled summary of our concerns for your consideration, moving forward.

Firstly, we understand that your decision to cancel the Finlayson permit hunt this season, based on data provided by the Department of Environment, was purported to be in the interest of significant conservation concerns to protect the herd. We feel strongly that this rationale should have been publicly and proactively presented and that subsequently, the well-established regulation change process as administered by the YFWMB and your department should have been utilized in an open manner. This process could identify the rationale and consider recommendations and alternatives. We have been previously advised by your two caribou biologists that the very limited number of bulls harvested by residents under the permit process have essentially no impact on the herd as long as there remain enough bulls for breeding or the population is reduced to levels much lower. This is further acknowledged by your recent caribou management guidelines which suggest that a 1% bull

harvest could be considered for declining herds. As I understand it, the resident harvest is well below 1% (possibly 0.2% unless your data has changed) and there doesn't appear to be any other reliable overall harvest estimate available. The stated figure of a 55% herd decline in your letter appears disingenuous as it takes the herd's population in 1990 after 6 years of wolf control and compares it to 2017. It was always assumed that the artificially high number would have declined after such intensive predator control was discontinued. A more appropriate comparison would be to use the last census of 2007 that shows a 12% decline in the last ten years. In retrospect, we should be looking at what is causing the herd to decline and what measures should be taken. It is too easy to just point to resident hunters and exclude their opportunities without knowing if it has any significant impact. All parties need to be included, and we don't see any success or results from YG/RRDC meetings that attempted to address full harvest reporting and impact, or habitat issues. A multi-party process that involved a public review of the data, garnered grassroots support and most importantly that could have generated the publicity, goodwill, support and buy-in from all including First Nations, for herd recovery should have been pursued. We feel that since you have now taken this decision independently of the YFWMB and without any discussion or input from our association to close the herd to PHA hunting, that the process of recovery has been orphaned, and may not be getting the attention it requires. Given past experiences, it seems unlikely that government will remove this prohibition even if it was not effective which is even more troubling. Herd recovery must be your departments focus and work must be initiated in earnest. Has the department begun planning the Finlayson caribou herd recovery process? If so how is this being done, what is the process, who is involved and how will YFGA and RRDC participate in the recovery? Please note that as resident harvesters, we will see more calls for restrictions on resident hunters given this RRDC precedent without any other actions resulting, including determination of what the overall harvest is, what is causing the decline, and how best to maintain optimal productivity. Most members, whether rightly or wrongly, believe it was to appease RRDC, and certainly wasn't an imperative conservation measure that couldn't wait until an inclusive process concluded.

Secondly the YFGA feels that the YFWMB has done transformational work in the Yukon over the last decades as one of the most significant Final Agreement authorities on fish and wildlife Management. It is our view that some of the recent actions of your current government are undermining the work of the board. Examples include the afore mentioned last minute cancelation of the Finlayson Caribou permit hunt in response to discussions with RRDC, as well as the recent YG decision to intercept the proceeds of the seal fee increase for moose and caribou tags redirecting them from a conservation trust and into the abyss of general coffers of government – not even placed in the government's own conservation fund. This seal fee increase was made possible through a regulation change process initiated and championed by the YFWMB board. When taken together these two events, PHA cancellation and seal fees increase revenue claw back, are examples that indicate to us that your Department of Environment is not respecting the existing relationship developed overtime with the YFWMB. The vision statement of the board is to *“foster an environment where Yukoners continue to enjoy their culture of hunting, fishing, and contact with healthy and abundant fish and wildlife populations...with dedication and leadership in creating and fostering cooperation and strong partnerships between governments and their departments, public interest organizations, and especially Yukon people”*. By dealing with fish and wildlife issues unilaterally, we feel that YG is at risk of

making decisions that are not in the public interest, nor in the best interest of wildlife and we ask you to consider this carefully.

Furthermore, we understand as you have pointed out in your letter, that some Yukon First Nations have not settled their Final and Self Government agreements and Yukon is working to find ways to work together to manage wildlife with these First Nations. We are firmly supportive of your efforts in this regard, however similar to our concerns with the YFWMB, we urge the Minister to closely respect the tenants of the Umbrella Final Agreement that guide the Yukon wildlife and resource frameworks. We are concerned by your Government's decisions on wildlife in the RRDC area that have now impacted many Yukoners across the territory for many years to come without consultation, discussion or transparency. Your discussions with RRDC and your subsequent messaging to Yukoners in our mind are not in keeping with UFA principles, and the sharing priorities within, nor the information exchange that we had during the other First Nation negotiations. Licensed resident hunters are not listed last, and we should not be treated as such. We also seek clarification on the Supreme court of Yukon decision 2015, Ross River Dena Council v Yukon with regard to RRDC application in summary trial for a declaration that the Government on Yukon has a duty to consult with, and if appropriate, accommodate, RRDC prior to issuing licenses and seals under the Wildlife Act.

The YFGA had intervenor status in this case and worked hard to counter this action and was successful as the decision of the court was in favour of YG in this instance. We urge you to consider this ruling carefully and reconsider your position of support to RRDC issuing 'permits'. We consider RRDC issuance of permits to be unworkable for the First Nation, confusing to obtain, without real substance and seemingly at odds with the supreme court of Yukon. There is no basis in existing law for such actions desired by and taken by RRDC, and it is likely that their advertisements in the paper suggest an overt interference with lawful hunting practices.

Finally I wish to speak directly on comments repeatedly found in the last few open communications with hunter with regard to hunting in the RRDC area, whereas you appeal to our members urging 'respect', 'ethical hunting,' and 'peaceful hunting practices' and I wish to tell you that I find these comments nothing short of offensive. I will point out to you that the current issues with hunting near Ross River whether it be the RRDC newspaper decrees that target non-Kaska hunters, or your decision to cancel the PHA hunt at the last minute, have nothing to do whatsoever with any type of actions by licensed hunters. Our members and all licensed Yukon hunters have unwittingly become subjected to the current uncertainty created by RRDC, and YG discussions with RRDC. Licensed hunters alone are feeling the impacts of these actions. Your comments urging respect from us alone, debases our concerns when we have legitimate issues based on the loss of hunting opportunities and the lack of certainty that exists for Yukoner trying to hunt in eastern Yukon.

On behalf of our 1400 members, and given that Yukon's resident licensed hunters comprise 13.13% of the territory's population I urge you to immediately create better certainty for Yukoners: for those now hunting moose, for those who want to again hunt caribou and indeed for all fish and wildlife in the Faro and Ross River area. Hunters are incredibly confused given the full page ads by RRDC and no similar clarification response from government that outlines the legality of resident hunting in this area and those who may interfere.

I respectfully hope, Premier and Minister Frost, that you take seriously the matters addressed in this letter. It is feedback that governments of the past have sought from our organization. It is best to address this matter before there is any further deterioration or declining support from our members, and the public in general.

Yours truly,

Charles Shewan  
President