



# Porcupine Caribou Management Board

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# Chair's Message



*"It is an amazing responsibility and an honour to serve the caribou, the harvesters and the communities."*

Joe Tetlich  
Old Crow - Chair



The migrating Porcupine Caribou Herd supports communities in Alaska, Yukon and Northwest Territories. For over 20,000 years, the caribou have been providing food to our people, and harvesting traditions unite our communities. It is an amazing responsibility and an honour to serve the caribou, the harvesters and the communities. My work as the Chair since 1995 has been to lead the Board in its work to protect the herd, with special recognition of First Nations harvesting traditions. Protecting the herd ensures there will be an ample number of caribou for future generations.

Our concerns over the caribou population continue. We have not had a photocensus count of the herd since 2001. Regularly scheduled counts have been delayed because of natural causes such as forest fire smoke preventing overflights or failure of the herd to form groups the way we anticipate each spring. Other studies, though, such as calving surveys, combined with harvest data, would suggest the herd is declining at a rate that requires our attention. In response to our concerns, we are working with all user communities on a comprehensive Harvest Management Strategy to try to ensure caribou harvesting traditions can continue to thrive.

In the fall of 2005, we embarked on a review of Porcupine Caribou hunting regulations. We consulted with the First Nations and the user communities. In April of 2006, based on what we heard from them, we forwarded recommendations to the Yukon Minister of Environment for regulation changes.

The Minister replied in May that he accepted the recommendations, and he has committed to engage in his own government-to-government consultations regarding those recommendations.

We are also working toward developing a Harvest Management Strategy. If we can engage all the user communities in developing the strategy, we can ensure everyone weighs in with their concerns to ensure we are fair and effective. And by making decisions co-operatively, we will be doing our best to ensure we are seeking the best possible solutions for all groups.

Finally, we are continuing to work on hunter education. In addition to our work in developing a comprehensive Porcupine Caribou hunting program, we are continuing to work to encourage specific sustainable hunting practices. Examples include sparing the cow caribou, avoiding hunting bull caribou during the rut, safe snow machine practices and effective hunting techniques.

This is an exciting time to be working with the PCMB. As we work in partnership with all caribou user groups to conserve the herd, we are working to ensure thriving Porcupine Caribou traditions.

Mahsi cho,

Joe Tetlich

Chair

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# 2006-07

## Board Members

**Steven Taylor**  
*Dawson City - member*  
*Tr'ondëk Hwëch'in*



**Fredrick (Sonny) Blake**  
*Tsiigehtchic - member*  
*Gwich'in Tribal Council*



**Liz Wright**  
*Fort McPherson - alternate*  
*Gwich'in Tribal Council*



**Steven Buyck**  
*Mayo - member*  
*First Nation of Na Cho Nyäk Dun*



**Richard Moses**  
*Mayo - alternate*  
*First Nation of Na Cho Nyäk Dun*



**Georgie Moses**  
*Old Crow - member*  
*Vuntut Gwitch'in First Nation*



**Alan Benjamin**  
*Old Crow - alternate*  
*Vuntut Gwitch'in First Nation*



**Donald Aviugana**  
*Aklavik - member*  
*Inuvialuit Game Council*





**Roberta Joseph**  
*Dawson City - alternate*  
*Tr'ondëk Hwëch'in*



**Doug Larsen**  
*Whitehorse - member*  
*Government of Yukon*



**Joe Tetlich**  
*Old Crow - Chair*



**Dorothy Cooley**  
*Dawson City - alternate*  
*Government of Yukon*



**Deana Lemke**  
*Whitehorse - Secretariat*



**Ron Morrison**  
*Inuvik - member*  
*Government of*  
*Northwest Territories*



**Vacant**  
*Inuvik - alternate*  
*Government of*  
*Northwest Territories*



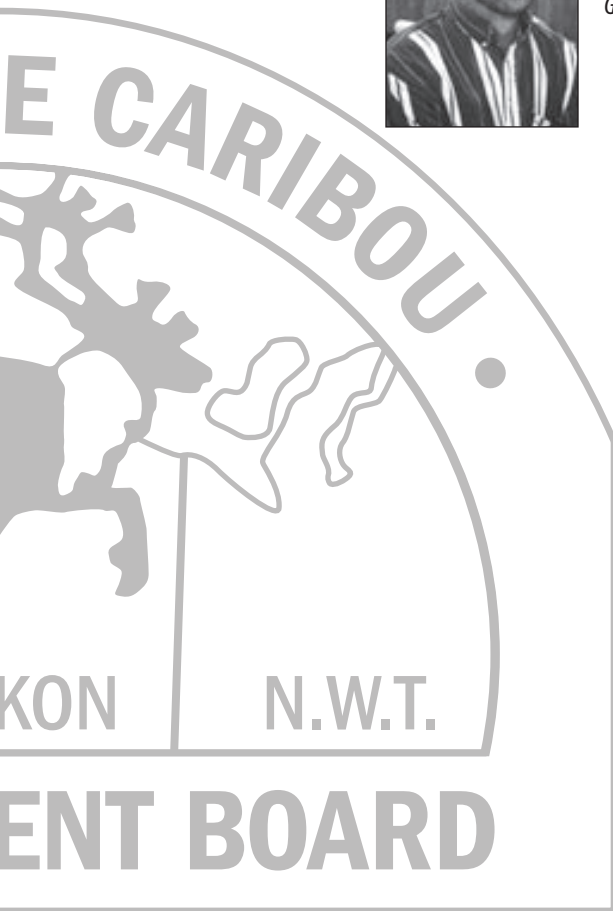
**Billy Archie**  
*Aklavik - alternate*  
*Inuvialuit Game Council*



**Mike Walton**  
*Whitehorse - alternate*  
*Government of Canada*



**Ian McDonald**  
*Inuvik - member*  
*Government of Canada*



# Co-management



When it was established in 1985, the PCMB was one of the first co-management boards ever established in Yukon. Most co-management boards in the Yukon were established several years later under the Umbrella Final Agreement, which was signed in 1993.

The purpose of co-management is to bring representatives of all First Nation groups in the range of the herd together with government representatives to discuss in person their concerns and ideas. For the PCMB, co-management was originally shared among the Government of Canada, the Government of Yukon, the Government of Northwest Territories, Council for Yukon Indians, the Dene Nation and the Metis Association of the Northwest Territories, and the Inuvialuit Game Council.

Over the years since the Agreement was signed, all the First Nations and Inuvialuit involved settled their land claims. The composition of the PCMB changed to reflect the new organizations. Council for Yukon Indians has changed to Council of Yukon First Nations, and this body appoints a member for the Vuntut Gwitchin First Nation and a member for the First Nation of Na Cho Nyak Dun. A member of the Gwich'in Tribal Council sits in place of the Dene/Metis representative. The Government of Yukon, which had two seats on the Board, has given one of its seats to Tr'ondëk Hwëch'in to ensure it is represented.

Each organization chooses its own representative on the PCMB. It is the responsibility of the board members to consult with their sponsoring organizations and their community members. At meetings, the board members debate the issues and report decisions back to their communities. The comprehensive membership of the Board pools the collective knowledge and experience of the member organizations and ensures there is consistency in efforts to protect the herd. With members representing all the interested groups, a co-management board ensures each group's needs are considered.

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Sometimes, because Board decisions affect communities differently, it is difficult for Board members to justify decisions to their own communities. This is where the cooperative aspect of co-management is emphasized. Because the herd's population is declining it is imperative that the Board do what it can to protect the herd and allow it to grow, so that the future generations can continue to use the herd. As the Board continues to meet, it continues to search for new ways to help improve the health and population of the herd and reduce the imposition on the herd's users.

The PCMB makes recommendations to governments. These recommendations are not binding, but they are taken very seriously. After all, the recommendations come from the collective position of all the Board's member organizations through their appointed representatives, which gives them a great deal of weight.

Compromise is often required, but all members are loyal first to the herd, because protecting the herd best protects their own organization's interests in the long term. In addition, all sponsoring organizations recognize that occasional compromise is preferable to having separate management regimes for each of the jurisdictions in the range of the herd. Cooperation, then, is the key to co-management.

Traditional knowledge and scientific research guides the PCMB. This ensures the Board is guided by the best, most comprehensive information available from all its members as well as outside organizations.

# Migratory Range

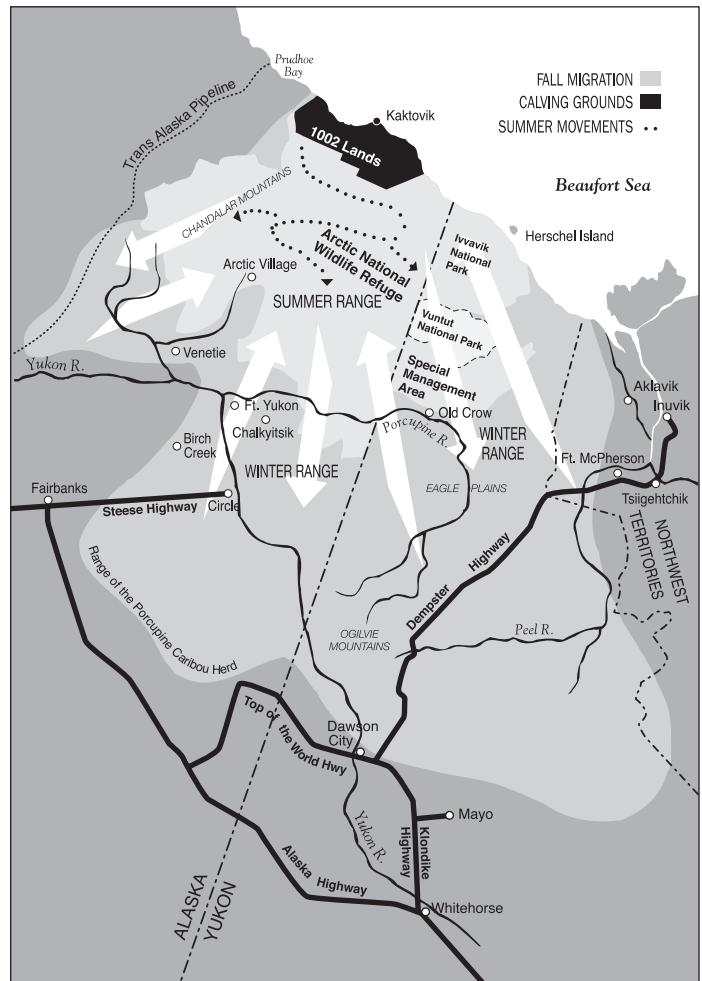
A quick look at the herd's range highlights the importance of co-management.

The range of the Porcupine Caribou Herd covers approximately 260,000 square kilometers of the northern parts of Alaska, Yukon and Northwest Territories. This area includes 12 different management regimes, including two countries. The herd migrates between its winter ranges below treeline in Northeastern Alaska, the Northern Yukon and the Richardson Mountains in the Northwest Territories and its summer range closer to the arctic coast in northern Alaska and northern Yukon.

The primary calving ground of the herd is on the Alaskan coastal plain in the Arctic National Wildlife Refuge. This area provides the best combination of nutrient-rich food, relief from biting insects and protection from predators. In years when the cows are unable to reach their preferred calving grounds, the calf survival rate has declined significantly. The caribou often continue their migration to the coastal plain after calving, and many calves drown along the way. Many more calves and weakened cows fall to predators outside the calving grounds. If development displaces the herd from this vital calving area, the consequences for the herd could be devastating.

This year, the herd wintered in the Yukon, in the Ogilvie and the Hart River basins, and in Alaska, near the East Fork, Chandalar River, and the surrounding hills near Arctic Village. The herd began its spring migration to the calving grounds two weeks later than most years, around May 15, and the migration followed the normal routes. There is no explanation for the delay in migration. Calving began before the cows made it to the calving grounds on the coastal plain of Alaska, and most calves were born on the coastal plain in the Yukon.

By June 25, most of the herd had moved to the Arctic National Wildlife Refuge in Alaska. Because of cool, cloudy weather, the herd failed to aggregate again this year, preventing the scheduled photocensus from taking place, and the herd dispersed to the south and southwest into the Brooks Range.



## Herd Size and Trend

The population estimates of the herd have been tracked since the 1970s, with an opening population count of 102,000 in 1972. However, the early estimates are not considered reliable.

Because of normal population fluctuations, in the absence of a clearly identifiable event, it is important to understand that trends and averages are more important than numbers from any individual year.

In the 1980s, the herd population grew on average by five percent annually. Between 1989 and 1998, the herd declined by 2.5 to four percent annually. Bad winters between 1990 and 1993 lowered rates of calf production and survival. Cold springs and late thaws prevented cow caribou from making it to their customary calving grounds on the Alaska coast in the Arctic National Wildlife Refuge. Since 1998, the herd has been in a slow but steady decline of around 1.5

percent annually. At the time of the last census in 2001, the U.S. Fish and Wildlife Service estimated the population of the herd at 123,000.

A photocensus was planned for July 2004 to estimate the size of the herd, but smoke from forest fires obscured visibility and a count could not be undertaken. In 2005, biologists were frustrated in their efforts to take a census yet again because the herd failed to aggregate in a concentration sufficient to perform a census. Similarly, it was impossible to take a census in the spring of 2006 because of the herd's failure to aggregate. There will be an attempt again next year.

The Alaska Department of Fish and Game (ADFG) provided the PCMB with the results of its June 2006 Porcupine Caribou Herd Calving Survey. The parturition rate (the number of cows observed to be pregnant or to have given birth) was 0.79 for this year, compared with the average over the years of 0.81. The June calf survival rate was observed to be 0.73, which is same as the average over the years. The post-calving survival rate was 0.86, compared to an average over the years of 0.87. The July calf-to-cow ratio was 0.58 compared with an average over the years of 0.59.

*It is important to note that while the exact population of the herd is uncertain, biologists are concerned about the population trend.*

ADFG has been providing calving survey information since 1987. Based on the productivity levels since the last photocensus, ADFG estimates the current size of the herd is likely between 110,000 to 115,000 caribou.

It is important to note that while the exact population of the herd is uncertain, biologists are concerned about the population trend. It is true that wildlife populations tend to go through cycles, and fluctuations are normal and expected. All arctic barren ground caribou herds tend to follow a similar cycle; however, the Porcupine Caribou Herd increased at a slower rate than other herds in the 1980s, its population peaked sooner than other herds, and the decline started earlier than other herds. Although the Porcupine Caribou herd's birth rate was normal, fewer calves survived between 1990 and 1993. However, lower calf survival does not account for the decline continuing after 1995. Consequently, scientists need to be looking for other causes of the decline, such as low yearling or adult survival rates.

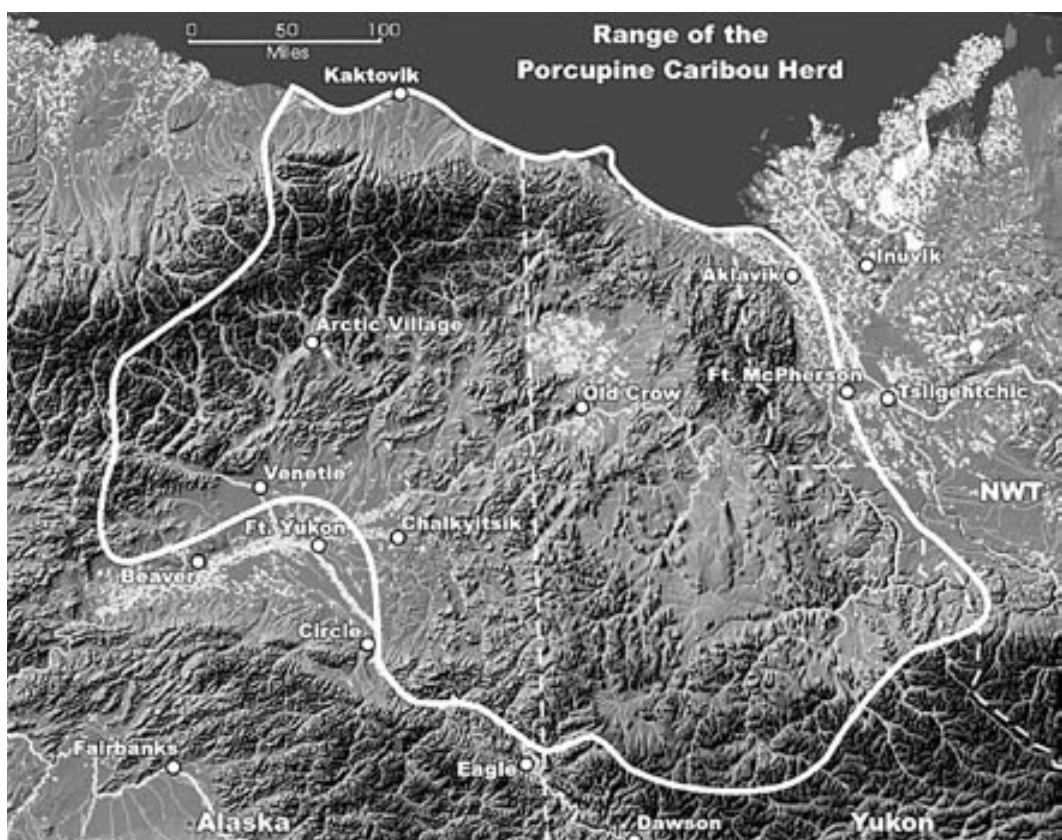
## Harvest Data and Herd Use

Porcupine Caribou are traditionally harvested by Gwich'in, Inuvialuit and Inupiat people from 17 communities on or near the herd's range. The migration patterns of the herd determine which, if any, communities will have a successful harvest. In years when the herd didn't migrate near communities that traditionally relied on the herd, people starved. This was true as recently as the early 1900s.

Subsistence hunters continue to rely on the caribou as their primary source of meat. In addition, several hundred caribou are harvested by non-native hunters or native hunters from outside the user communities each year. A very small number are taken by sport hunters, usually from the United States and Europe, in hunts offered by guides/outfitters in the Yukon and Alaska.

Traditionally, harvesters use every part of the caribou — not just the meat. The preservation of the hunting tradition is crucial for preserving the Aboriginal cultures around the herd's range. In addition, in the far north, the cost of meat in the stores is prohibitive.

In addition to the numbers of caribou actually harvested, there are some caribou that die from wounds arising from hunting accidents. The Board continues to address this problem, often referred to simply as "wounding loss," with hunter education campaigns. One important component is the annual shooting workshop. On November 11 and 12, the PCMB and the Government of Yukon hosted a Porcupine Caribou shooting workshop near Eagle Plains. Larry Leigh,



Martin Kienzler and several conservation officers led the drop-in workshop. Hunters were challenged to guess their distance from a caribou model. This exercise helps hunters adjust their aim while shooting to accommodate the arc a bullet will travel over distance. Larry Leigh helped hunters sight in their rifles. Sighting in rifles for each and every trip is an important way to ensure the shot is accurate. This initiative helps reduce wounding loss.





To protect the herd's ability to maintain its population, signs have been placed along the Dempster Highway requesting hunters to refrain from hunting cow caribou. This year, 72 percent of the harvests reported at the Yukon check station were of bulls. This figure compares to 75 percent bulls out of total harvest for all caribou in Yukon.

In Yukon, it is mandatory that licensed hunters report their harvest to wildlife officials. Managers also have access to information collected in native harvest studies for Aklavik and the NWT Gwich'in communities. The Porcupine Caribou

Management Board has requested that other PCH user communities and First Nations in Yukon collect and submit the number of caribou harvested by First Nation hunters in order to better understand the effect, if any, of harvesting on the herd.

The check station at the start of the Dempster Highway in the Yukon opened on October 27 and closed on December 5. Each year, hunters are invited to enter for a draw prize of a \$400 gas voucher. This year's winner was Norma Tindall, from Watson Lake, Yukon.

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## Special Projects

### Submissions Re Oil and Gas Projects

Part of the PCMB's mandate is to work to protect the herd's habitat in the Canadian portion of the range. The PCMB occasionally makes recommendations to mitigate the effects of human activity in the herd's range. The Secretariat made a presentation to the Joint Review Panel for the Mackenzie Gas Project about the herd when public hearings were held in Whitehorse on October 4, 2006. Later, the PCMB made an undertaking to the Joint Review Panel to provide recommendations to mitigate impacts of that project on the herd.

On February 21, 2007, the PCMB provided a six-page submission to the Yukon Environmental and Socio-economic Assessment Board (YESAB) outlining concerns about a proposed project in the Eagle Plains area, which is an important part of the herd's wintering grounds. The Board made recommendations for mitigating the impact on the herd. The PCMB expects to hear the YESAB recommendations in the coming weeks.

### Satellite Collar Project

This project assists wildlife experts in documenting the herd's migration and seasonal use of the range. Using satellite and radio collars, herd movement is recorded weekly. It is a cooperative project involving numerous wildlife organizations with authority in various portions of the range of the herd. Information about the project and maps of the herd's movement are available at [www.taiga.net/satellite/about.html](http://www.taiga.net/satellite/about.html). This study assists in identify important portions of the herd's habitat, and it also assists scientists in locating Porcupine Caribou for other studies. Until recently, information about the herd's location was published on the web site, with a two-week delay. In February of 2007, publication of the herd's location was discontinued, at the request of the PCMB, to avoid giving hunters an unfair advantage. Seasonal movements are still available online, and the PCMB remains wholeheartedly in support of the satellite collar program.



## Dempster Highway

Until a quarter century ago, access to the Porcupine Caribou was naturally limited. The construction of the Dempster Highway dramatically changed hunting practices by providing relatively easy access to the herd.

Since the fall of 1999, the Board has made recommendations to the Minister for regulations designed to reduce hunting stress on the herd. The Board also makes recommendations to improve hunter safety.

One regulation requires sufficient snow cover to protect the tundra before hunters are allowed to use snow machines. By conserving the herd's habitat, we are ensuring the herd can return to the area year after year. This year, on November 3, the snow machine ban was lifted for the area north of km 195, which coincided nicely with the location of the caribou. This event also coincided with the reopening of hunting after the closure to let the leaders pass.

Board-recommended regulations also require a one-week hunting closure to allow the leaders of the herd to pass undisturbed. This regulation is based on traditional hunting practices to help ensure that hunting does not disrupt migration patterns. This year, in Yukon, hunting was closed on the north end of the highway from the Ogilvie River Bridge to the NWT Border from October 27 to November 3. During this closure, tens of thousands of caribou were observed along the highway corridor. Conservation Officers with many years of experience patrolling the area reported seeing more caribou along the highway at one time than in years past. This closure

appears to have been well timed, as the caribou appeared on the highway in the middle of the hunting closure.

There was an emergency closure on the south end of the Dempster Highway to protect the Hart River Herd, which is a small herd that needs protection from hunting. The range of the Hart River Herd overlaps at times with the Porcupine Caribou Herd. There was concern that Hart River caribou might be harvested by mistake, by hunters thinking they were hunting Porcupine Caribou. On December 9, when the Porcupine Caribou were far north of the overlap range, and there were hundreds of Hart River caribou within view of the highway, the emergency closure was announced.

### Regulation Review

In the fall of 2006, the Board had undertaken its routine review of Dempster Highway regulations. In particular, after reviewing feedback to Board members from the communities, the Board proposed six regulation revisions to the user groups and the public for feedback. It sought feedback on regulation proposals involving enforcing a shorter hunting season, removing the 500-metre no-hunting corridor from portions of the Dempster Highway, and requiring use of blaze orange safety vests. The Board also sought feedback relating to non-regulatory recommendations concerning educational programs, harassment of caribou from snow machines, and encouraging a voluntary hunting ban of mature bulls from October 10 until November 1 each year.

In addition to soliciting and receiving extensive input from stakeholders in the user communities as well as interested organizations outside the range of the herd, the Board invited the Yukon public to provide feedback. There were announcements and invitations to provide feedback in the newspapers and radio stations to ensure as broad a contribution as possible from the general public.

### **The Board reviewed the extensive feedback and made the following recommendations to the Minister on April 12, 2006:**

- (1) That the Government of Yukon and the Government of the Northwest Territories enforce mandatory use of blaze orange safety vests or jackets by all hunters year-round in all Dempster Highway subzones within the Yukon and NWT.
- (2) That the Government of Yukon and the Government of the Northwest Territories work with a sub-committee of the PCMB, in partnership with all relevant governments and user groups, to develop and implement educational programs incorporating traditional knowledge and cultural values. These educational programs should include elements aimed at:
  - a) Reducing harassment of caribou from snow machines used while hunting; and
  - b) Encouraging a voluntary hunting ban of mature bulls from October 10 to November 1 each year.

## Recommendations not put forward to the Minister

Based on feedback received during our consultation, the PCMB did not forward two recommendations previously discussed. While these issues continue to be important, the PCMB intends to address them in an alternative manner, as described below.

- (1) The PCMB recommended that the Government of Yukon and the Government of the Northwest Territories limit the hunting season of the PCH by resident hunters in the NWT and resident and non-resident hunters in the Yukon to a three-month period when the herd is within the Dempster Highway subzones.

Rationale: The existing six-month season for resident hunters is inconsistent with the growing conservation concerns for the herd, and inconsistent with the season for other herds. This proposal was not intended to limit the hunting of other herds that use these same subzones or to reduce their allowable harvest.

- (2) The PCMB recommended that the Government of Yukon reduce the 500-metre no caribou hunting corridor (on either side of the Dempster Highway) to three key areas of concentrated hunting activity.

Rationale: The PCMB recognizes that the 500-metre corridor is not supported by the user

communities most affected, and that the current corridor exists in areas and at times when there are no safety issues, and therefore might unduly restrict aboriginal hunting rights. However, there are still safety concerns in three areas during the highly active hunting periods.

Our consultation suggested this recommendation was not well supported by resident hunters or First Nations. On the contrary, there was strong support to keep the existing no-hunting corridor intact.

The PCMB decided to address the Dempster Highway safety issues through the educational program and the mandatory use of blaze orange clothing by hunters. Thus, in balancing the concerns for safety along with concerns for the restriction of aboriginal rights, we believe that it is best to leave the corridor intact for now. When education efforts prove sufficiently successful, we will be able to recommend that the corridor be removed entirely.

### Renewed recommendation for a second one-week closure to let the leaders pass

The PCMB made a recommendation to Minister Jenkins in June of 2003, and again to Minister Kenyon in May of 2004, regarding a regulation for a second one-week hunting closure each fall to let the caribou leaders pass. It recommended that in some years, as dictated by migration patterns, hunting should not be closed for the entire length of the

highway. Instead, the highway should be divided into north and south sections and those sections should each be closed to hunting for one week when the caribou arrive.

Minister Jenkins accepted this recommendation but advised the PCMB that he would wait to consult with the First Nations until the PCMB presented the enclosed recommendations. At that time, all First Nation matters could be dealt with together.

There is one additional issue that the PCMB raised in correspondence with the Minister. The Board was aware of the Government of Yukon's concern with the Hart River Caribou herd. Although the PCMB is not recommending changes at this time that would affect the Hart River Herd, it took the opportunity to provide some comments in the event that the Minister's office entertains changing the hunting regulations for the Hart River Caribou that might affect the Porcupine Caribou harvest. We asked that the Minister bear in mind the following considerations: (a) The PCMB acknowledges there are benefits to dividing the Porcupine Caribou resident season into a winter and spring hunt; and (b) the timing of the season should discourage hunting during the rut in the fall, when meat from mature bulls tends to be inedible.

# Harvest Management Strategy

Harvest management is complicated because the herd migrates through the U.S., Canada, Yukon and Northwest Territories, through the traditional territories of several Gwich'in First Nations, the First Nation of Na Cho Nyak Dun, Inuvialuit, and Tr'ondek Hwech'in. Each group has its own interest and traditions involving the herd.

In addition, all the user First Nations and Inuvialuit have settled their land claims and have some authority to make hunting regulations within their territories. These First Nations can take an active role in developing consistent hunter education strategies and voluntarily imposing harvest restrictions on their beneficiaries if they deem it necessary.

The Harvest Management Strategy is an effort to bring all parties together, face to face, to discuss

concerns and ideas and to work out a plan to harmonize harvest management. The planning process will involve an education component addressing caribou conservation as well as address the First Nations and Inuvialuit rights and obligations under the land claim agreements. By working together, these groups will have a strong voice in ensuring the herd is protected in a way that satisfies the requirements of all users. This proactive approach is especially important because both territorial ministers are empowered to restrict hunting rights for conservation purposes.

The strategy will involve use of modern scientific studies and the traditional wisdom of community members. All communities will be brought together to weigh harvest regulation options, and the parties

will develop a Harvest Management Plan that protects the Herd as well as native harvesting rights.

The Protocol has now been developed in partnership with the PCMA signatories. One signature has already been provided. Over the coming weeks, effort will be made to secure the remainder of the signatures required to move forward to Phase 2 of the Strategy.

The development of the Strategy will happen in three phases:

- Phase 1: community consultation and developing the Harvest Management Strategy Protocol.
- Phase 2: development of the Harvest Management Plan.
- Phase 3: development of a Harvest Management (Native User) Agreement.

# PCMB Resolutions

Two resolutions were passed this fiscal year, as follows:

## Resolution 06-02: For the Conservation of the Porcupine Caribou Herd

- WHEREAS the Porcupine Caribou Management Agreement (PCMA) was established to ensure the conservation of the Porcupine Caribou Herd with a view to protecting the harvesting rights and providing for the ongoing subsistence needs of native users while acknowledging that other users may also share the harvest;
- AND WHEREAS the rights of native users as set out in the PCMA are subject to laws of general application with regard to conservation and public safety;
- AND WHEREAS the size of the Porcupine Caribou Herd has declined steadily between 1989 and the most recent count in 2001;
- AND WHEREAS there has been four unsuccessful attempts to do another count since 2003;
- AND WHEREAS many barren ground herds in North America such as the Cape Bathurst and Bluenose-West caribou herds in the Northwest Territories are declining;
- AND WHEREAS there is increased harvest pressure on the Porcupine Caribou Herd due to shifts in hunting pressure away from the NWT herds;
- NOW THEREFORE BE IT RESOLVED that the PCMB believes that it is now necessary to take immediate steps to ensure the conservation of the Porcupine Caribou Herd;
- AND FURTHER BE IT RESOLVED that the PCMB recommends that the Parties to the PCMA work with the PCMB to jointly undertake a comprehensive assessment of the status of the herd at the earliest opportunity;

- AND FURTHER BE IT RESOLVED that the PCMB recommends that the Parties to the PCMA provide the necessary support to annually collect complete and accurate harvest data and to participate in the development and implementation of a Harvest Management Strategy.

*Passed Unanimously in Aklavik, NT, on November 5, 2006*

## Resolution 06-03: Board Member Representation

- WHEREAS the Porcupine Caribou Management Agreement (PCMA) states the objective of the PCMB is to conserve the Porcupine Caribou Herd and its habitat through international cooperation and coordination so that the risk of irreversible damage or long-term adverse effects as a result of use of caribou or their habitat is minimized; and
- WHEREAS the PCMA further states the objective of the Board is to encourage cooperation and communication among governments, users of Porcupine Caribou and others to achieve the objectives outlined in the PCMA; and
- WHEREAS the responsibility of each member is to represent and speak for the future of the caribou, to speak for current and future generations of users from the user communities as well as non-aboriginal users, to represent the broad knowledge and interests of all appointing parties and stakeholders and the general public, and to represent the broad objectives of the land claim agreements;
- THEREFORE BE IT RESOLVED that the PCMB members, in discussions at the meetings, will put the wellbeing of the Porcupine Caribou Herd as their first priority.

*Passed Unanimously in Aklavik, NT, on November 6, 2006*



## 2006-07 PCMB Meetings

### Board Meetings

In keeping with the communication strategy of the board, the members try to meet in the Porcupine Caribou Herd communities as often as possible. The community members are encouraged to attend the meeting. As well, the Board regularly holds a public meeting in conjunction with the regular PCMB meetings to encourage the residents to voice their concerns and to discuss current caribou related issues.

- A board meeting was held on November 4 and 5, 2006, in Aklavik, NWT.
- A board meeting was held on February 2, 3 and 4, 2007, in Whitehorse, Yukon.

Board members meet with their respective community organizations before and after Board meetings to keep abreast of community concerns and share information about PCMB activities.

## Representation in Meetings

The Board was represented in other regional, national and international engagements:

- The Chair attended the North American Caribou Workshop on April 23 to 27, 2006, in Jasper, Alberta.
- The Secretariat attended the CircumArctic Rangifer Monitoring and Assessment (CARMA) Network Conference November 28 to 30, 2006, in Vancouver, B.C.
- The Chair attended the Gwich'in Gathering July 28 to August 2, 2006, in Inuvik.

- The Chair, the Secretariat and member Sonny Blake represented the PCMB at the Caribou Impacts Workshop in Inuvik on November 1 and 2, 2006. In addition, several other PCMB members attended as representatives of other organizations.
- The Chair attended the Caribou Summit in January 2007 in Inuvik, Northwest Territories.
- The Chair and Secretariat attended the North Slope Conference in Whitehorse from January 30 to February 1, 2007.

In addition, there have been numerous working group and committee meetings that have been held throughout the year in various communities, which have been attended by Board representatives.

# Circum-Arctic Rangifer Monitoring and Assessment (CARMA) Network

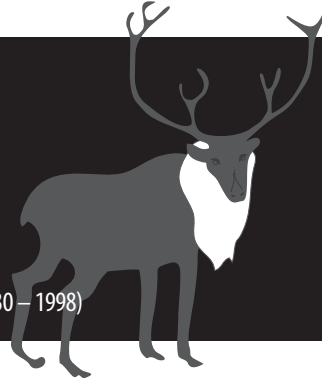
The CARMA Network was officially launched in November of 2004, and the PCMB is a member. It is one of several species monitoring networks under the Circumpolar Biodiversity Monitoring Program, set up by the Arctic Council. CARMA is comprised of members representing seven circum-Arctic countries. Members share their expertise in social science, physical science and biological science, with the purpose of monitoring human-caribou interactions and the impacts of global change on those systems. Members use the Internet to share information with each other, and this provides decision makers and researchers

access to the most current global information possible. CARMA is a source for community, industry, university and agency-based monitoring information. It analyses the status of indicators each year. In December, CARMA's International Polar Year proposal was approved for a study entitled, "Starting the clock for the CARMA Network: Global Change, Resilience and Human-Rangifer Systems of the CircumArctic."

The Porcupine Caribou Herd is one of the reference herds that will be part the International Polar Year project.



Johnny D. Charlie (1930 – 1998)



## Chief Johnny Charlie Scholarship

Johnny D. Charlie was one of the founding PCMB members. He served on the Telit Gwich'in Council as councilor and Chief, and he was well recognized for his experience in living on the land, hunting, trapping and running his own dogs.

In memory of Johnny D. Charlie, the Board employs a summer student each year. The Board had applied for and received a Student Training and Employment Program (STEP) grant, offered by the Government of Yukon, to assist in the costs. This grant paid for nearly half the funds for this position, and the PCMB paid for the remainder. This amount is what is referred to as the Johnny Charlie Scholarship.

The aim of this program is to provide on-the-job experience to help a student gain an understanding of the herd as well as common practices of biologists. In turn, the PCMB benefits from having a new expert contributing to the body of knowledge of the herd. Having a summer student working for the PCMB provides a vital connection between the real-life activities of the biologists and the academic world.

This year, the PCMB selected Simon (Spruce) Gerberding to work with Dorothy Cooley, who is the Government of Yukon Regional Biologist in Dawson City and Porcupine Caribou Technical Committee member. Spruce assisted her in her Dawson City office and accompanied her at work in the field. He also wrote one of the Caribou Update columns.

# Communication Highlights

Communicating Board activities and information about the herd is an important part of the Board's work. Some highlights of the Board's communications are as follows:

- The Annual Report is a key method to share extensive information about the herd and the Board's activities. The Annual Report is distributed widely, to user organizations in the U.S. and Canada, environmental organizations throughout the world, lobbying groups that advocate for protection of the herd's habitat in Canada and the United States, scientists, universities and libraries.
- The Board's Web site is regularly updated with current information and announcements about Board activities. It also contains information sections on the herd (including sections about the herd's population, migration, uses of the herd and herd health). The Reference Desk section contains downloadable reports and the Porcupine Caribou Schools Program, which can be freely used by educators.
- All stakeholders and the general public are invited to attend PCMB meetings to observe the Board's discussions and decisions. Invitations to the meetings are mailed to stakeholders and interested parties. Public Service Announcements of upcoming PCMB meetings are published in newspapers and broadcast radio stations.
- Public open houses are held in conjunction with the Board meetings in the communities. This is a time for dialogue among the Board members and the public.
- Meeting Summaries are very brief reviews of meeting activities. These are distributed by the board and secretariat to user groups and other interested groups on request.
- Newspaper columns are printed in the *Yukon News* to distribute detailed information about specific issues for the broader public. The *Yukon News* is distributed in all Yukon communities, and is read by the general public, caribou users, resident hunters and persons concerned about the environment.
- Community Caribou Update newsletters are distributed to stakeholder organizations and others who have expressed interest.
- To promote hunter safety, blaze orange toques printed with "Think Safety First" are given to hunters on the Dempster Highway. Blaze orange vests are also loaned out.
- The Chair tours Porcupine Caribou Herd user communities and attends various other board and community meetings throughout the year.
- Radio and newspaper interviews are done throughout the year.
- PCMB brochures and other printed materials are made available at all PCMB meetings as well as other events that Board members attend.
- The ongoing Satellite Collar Project publishes quarterly updates on the movement of the herd on the Taiga Web site the location of the herd and other biological information. This can be viewed at: <http://www.taiga.net/satellite/index.html>
- The Board distributes pamphlets, pins, pens and t-shirts at community meetings, speaking engagements and public information events.
  - Counting the Caribou
  - Hunting for Porcupine Caribou along the Dempster Highway
  - Aim for Your Best when Hunting Porcupine Caribou
- One-page information sheets encourage specific ethical hunting practices. Topics included responsible snow machine use, sparing the cow, and voluntarily avoiding hunting the bull during the rut. These information sheets are used in PCMB displays and are distributed at meetings. In addition, they continue to be distributed to all user groups for free copying, display and distribution.
- Posters describing co-management and the structure of the PCMB were developed and printed. These are used at meetings and other public outreach displays.
- PCMB contributed an update to the Council of Yukon First Nations October 2006 newsletter "Boards Update."
- The PCMB contributed an article entitled "Developing a Co-operative Harvest Management Strategy for the Porcupine Caribou Herd" to the Canadian Arctic Resources Committee for the Spring 2007 issue of its newsletter, *Northern Perspectives*.
- The PCMB hosted a poster/essay contest for students in the range of the herd. All students were awarded PCMB pins or pens, and winners are awarded books about the herd. This project engages the youth and in turn engages their families. The artwork and writing reflect on the value of the herd as well as ethical harvesting practices.



# Other Herds



## Northwest Territories Herds

Herds in the Northwest Territories have been found to have declined at an alarming rate after a census was conducted in 2005. The Cape Bathurst Herd declined from 17,500 caribou in 1992 to 2,400 caribou in 2005. The Bluenose West Herd declined from 89,000 caribou in 1987 to 20,800 caribou in 2005. The Bluenose East Herd declined from 104,000 caribou in 2000 to 66,600 caribou in 2005.

Last year, another count was conducted to confirm the declining trend. Surveys in July of 2006 indicate that the Cape Bathurst Herd had further declined from 2,400 in 2005 to 1,821 in 2006. The Bluenose-West Herd continued to decline, as well, from 20,800 in 2005 to 18,050 in 2006. The population of the Bluenose-East Herd had remained nearly the same for that year, changing from 66,000 in 2005 to 66,200 in 2006.

Because the ranges of these three herds are near the range of the Porcupine Caribou Herd, there have been concerns that increased restrictions on these herds might result in increased hunting pressure on the Porcupine Caribou Herd. Governments are continuing to work with the communities to develop strategies to deal with this problem.

In November of 2006, the Chair, Secretariat and several Board members attended the Caribou Impacts Workshop in Inuvik, NWT, in which all the shareholders in these three declining herds discussed the impacts of the declines and ways to mitigate the effects. A report entitled "Walking Together" detailed the proceedings in that workshop.

## Hart River Herd

Tr'ondëk Hwëch'in, the Dawson District Renewable Resources Committee and Government of Yukon are concerned about harvest of the Hart River Herd. This herd's range overlaps with a portion of the Porcupine Caribou Herd's range. The Hart River Herd is a smaller herd that needs more protection than the Porcupine Caribou Herd, and sometimes hunters are inadvertently harvesting Hart River Caribou, presuming they are Porcupine Caribou. Discussions are underway to identify ways to lessen the stress on Hart River Caribou. This year, there was an emergency closure of hunting in the overlap area. This closure was designed to protect the Hart River Caribou from the more liberal Porcupine Caribou hunting regulations while the Hart River Caribou were near the highway but the Porcupine Caribou were far away.

Management of the Porcupine Caribou can be complicated when its range overlaps with another herd, such as the Hart River Herd. In this example, the PCMB would have authority in matters that directly affect the Porcupine Caribou, and the Yukon Fish and Wildlife Management Board would have authority in cases that directly affect the Hart River Herd. In matters where there is overlap, the two boards communicate with each other about their initiatives. In that way, they can comment to each other on matters that affect each other's interests.

On January 11, 2007, the PCMB and the Yukon Fish and Wildlife Management Board made a joint recommendation to the Yukon Minister of Environment. This recommendation sought to limit harvesting in the overlap area to one male caribou from August 1 to October 31 when only Hart River Caribou are present. When the Porcupine Caribou Herd is in the area, the affected subzones will be managed as the more generous Porcupine Caribou subzones, in which the allowable harvest is of two caribou from either sex from August 1 to January 31.

# Auditor's Report

To the Members of  
Porcupine Caribou Management Board:


I have audited the balance sheet of Porcupine Caribou Management Board as at March 31, 2007 and the statements of surplus and revenue and expenses and cash flows for the year then ended. These financial statements are the responsibility of the Board's management. My responsibility is to express an opinion on these financial statements based on my audit.

I conducted my audit in accordance with Canadian generally accepted auditing standards. Those standards require that I plan and perform an audit to obtain reasonable assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In my opinion, these financial statements present fairly, in all material respects, the financial position of the Board as at March 31, 2007, and the results of its operations and its cash flows for the year then ended in accordance with Canadian generally accepted accounting principles.

The comparative figures for the year ended March 31, 2006 were audited by another firm of Chartered Accountants.

Whitehorse, Yukon  
July 20, 2007

  
Chartered Accountant


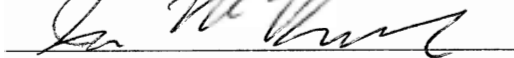


# Balance Sheet

## March 31, 2007

	<u>2007</u>	<u>2006</u>
<b>ASSETS</b>		
Current		
Cash	\$ 41,743	\$ 26,265
Accounts receivable	<u>21,993</u>	<u>20,746</u>
	63,736	47,011
Capital (Note 2)	<u>6,831</u>	<u>1,547</u>
	<u>\$ 70,567</u>	<u>\$ 48,558</u>
<b>LIABILITIES</b>		
Current		
Accounts payable and accrued liabilities	\$ <u>37,384</u>	\$ <u>10,031</u>
<b>EQUITY</b>		
Investment in capital assets (Note 2)	6,831	1,547
Surplus	<u>26,352</u>	<u>36,980</u>
	<u>33,183</u>	<u>38,527</u>
	<u>\$ 70,567</u>	<u>\$ 48,558</u>

APPROVED ON BEHALF OF THE BOARD:

 Director  
 Director

## Statement of Surplus

### March 31, 2007

	<u>2007</u>	<u>2006</u>
Surplus, beginning of year	\$ 36,980	\$ 48,860
Excess (deficiency) of revenue over expenses		
General	(8,519)	(9,513)
"1002" Intervention	<u>(2,109)</u>	<u>(2,367)</u>
Surplus, end of year	<u>\$ 26,352</u>	<u>\$ 36,980</u>

## Statement of Cash Flows

### March 31, 2007

	<u>2007</u>	<u>2006</u>
Operating activities:		
Excess (deficiency) of revenue over expenses	\$ (10,628)	\$ (11,880)
Add (deduct) net change in non-cash working capital items	<u>26,106</u>	<u>(3,970)</u>
Increase (decrease) in cash	15,478	(15,850)
Cash, beginning of year	<u>26,265</u>	<u>42,115</u>
Cash, end of year	<u>\$ 41,743</u>	<u>\$ 26,265</u>

# General Statement of Revenue and Expenses

## March 31, 2007

	<u>2007</u>	<u>2006</u>
Revenue		
Government of Canada	\$ 11,214	\$ 23,633
Government of Yukon	55,023	57,934
Government of North West Territories	38,000	40,300
Other	<u>19,930</u>	<u>2,000</u>
	<u>124,167</u>	<u>123,867</u>
Expenses		
Advertising and promotion	848	8,792
Bookkeeping	3,079	1,852
Capital assets	5,284	-
Communications	6,450	6,626
Contracts	2,700	21,700
Honoraria	22,225	-
Office and miscellaneous	16,527	11,815
Student	9,873	8,581
Harvest management plan	6,464	6,400
Professional fees	1,295	2,638
Secretariat	32,371	34,499
Telephone and internet	1,919	1,214
Training	-	5,475
Travel and accommodation	<u>23,651</u>	<u>23,788</u>
	<u>132,686</u>	<u>133,380</u>
Excess (deficiency) of revenue over expenses	\$ <u>(8,519)</u>	\$ <u>(9,513)</u>

# "1002" Intervention Statement of Revenue and Expenses

## March 31, 2007

	<u>2007</u>	<u>2006</u>
Revenue		
Government of Canada - DIAND	\$ 55,056	\$ 44,000
Environment Canada	-	1,468
Other	<u>-</u>	<u>2,131</u>
	<u>55,056</u>	<u>47,599</u>
Expenses		
Administration:		
Office and miscellaneous	1,873	1,012
Printing	2,377	1,177
Professional fees (audit)	1,931	1,200
Telephone	1,000	516
Core	13,950	13,950
Professional fees (website)	2,500	3,200
Promotional/educational materials	5,816	1,855
Salaries:		
Administration	6,036	6,240
Public information	9,117	15,427
Travel:		
Conference participation	6,014	1,857
Harm mitigation	<u>6,551</u>	<u>3,532</u>
	<u>57,165</u>	<u>49,966</u>
Excess (deficiency) of revenue over expenses	\$ <u>(2,109)</u>	\$ <u>(2,367)</u>

# Notes to the Financial Statement

## March 31, 2007

### 1. Purpose of the organization

The Porcupine Caribou Management Board is a non-profit, charitable organization. The object of the organization is to enhance the well-being of the Porcupine Caribou herd in the Yukon and Northwest Territories by studying the herd to determine its condition and to track migration and habits, holding workshops and seminars and publishing information to educate the public.

### 2. Significant accounting policies

These financial statements have been prepared in accordance with accounting practices generally accepted in Canada. In preparing these financial statements management has made estimates and assumptions that affect the amounts reported. Actual results could differ from those estimates.

#### Revenue recognition

The organization follows the deferral method of accounting for contributions. Restricted contributions are recognized as revenue in the year in which the related expenses are incurred. Unrestricted contributions are recognized as revenue when received or receivable if the amount to be received can be reasonably estimated and collection is reasonably assured.

#### Capital assets

The full cost of capital assets is capitalized on the balance sheet in the year of purchase. Payments toward those costs are expensed in the year they are made. The Investment in Capital Assets represents the historical cost of all assets owned by the Board. The Board does not amortize its capital assets.

#### Financial instruments

The Board's financial instruments consist of cash, accounts receivable and accounts payable. Unless otherwise noted, it is management's opinion that the Board is not exposed to significant interest, currency or credit risks arising from these financial instruments.

### 3. Comparative figures

Certain of the comparative figures for the year ended March 31, 2006 have been reclassified to conform with the presentation adopted in the current year.

# Appendix One

## Plan for the International Conservation of the Porcupine Caribou Herd\*

### 1. BACKGROUND

#### A. The Porcupine Caribou Herd

The Porcupine Caribou Herd is a population of barren-ground caribou that ranges across two Canadian Territories and the State of Alaska. The herd is of major economic and cultural importance to a number of Alaskan and Canadian communities located on or near its range. The herd is also of great public interest and used by non-local people. Porcupine caribou are a key component of the Arctic National Wildlife Refuge in Alaska and Ivvavik National Park in the Yukon.

#### B. The International Conservation Agreement

Conservation of the Porcupine caribou herd can only be effective through coordination among the various political jurisdictions responsible for its management. In 1987, the Agreement between the Government of Canada and the Government of the United States of America on the conservation of the Porcupine caribou herd (Agreement) was signed by which both countries agreed to cooperate on fundamental requirements to conserve the herd.

#### C. The International Porcupine Caribou Board

The Agreement provided for the formation of an International Porcupine Caribou Board (IPCB). The Agreement established the IPCB's role as one of facilitating coordination, communication, and cooperation between the Parties, and to provide advice and recommendations to the Parties. The IPCB's purpose is to further the objectives of the Agreement and to conserve the Porcupine caribou herd and its habitat.

Clause 4(d)3 of the Agreement empowers the IPCB to make recommendations on "cooperative conservation planning for the Porcupine caribou herd throughout its range."

### 2. THE CONCEPT OF AN INTERNATIONAL CONSERVATION PLAN

#### A. Purpose

The International Conservation Plan (Plan) focuses on identifying and coordinating aspects of Porcupine caribou management that require international cooperation. The Plan outlines IPCB consensus on what areas require coordination, and a mechanism to monitor the Parties support of the Agreement.

#### B. Operation

The Plan is based upon the four principle objectives of the Agreement. Under each of these objectives, the Plan identifies areas requiring international cooperation and recommends what such cooperation should entail.

For each of the cooperative initiatives, the Plan proceeds to describe the IPCB's role and actions. In most cases, the actions consist of recommendations from the IPCB to the Parties, and often request responses from the Parties. The responses will be used by the IPCB for monitoring support of the Agreement by the Parties and for informing the public.

Above all, the Plan has been designed as a functional document. Thus, all IPCB actions are specific rather than general and recommend a product or undertaking that can be reviewed by the IPCB. It is intended that the Plan be phased in over several years to ultimately establish an operating mechanism composed mainly of background reports and annual updates through which implementation of the Agreement can be guided and assessed.

This Plan may be revised and updated by the IPCB as needed to address changing conditions of the herd, new conservation issues related to the herd or user concerns. Throughout the Plan, the terms conserve or conservation have the meaning as defined in Clause 1.c., of the Agreement (1987).

### 3. PLAN OBJECTIVES, IPCB ROLES AND ACTIONS

#### Objective A

To conserve the Porcupine caribou herd and its habitat through international cooperation and coordination so that the risk of irreversible damage or long-term adverse effects as a result of use of caribou or their habitat is minimized.

#### 1. Herd Status

To cooperate in monitoring the status of the Porcupine caribou herd, including population characteristics, health and physical condition, and contaminants.

##### IPCB Role:

To advise on and recommend programs for monitoring herd status. (Clauses 4(d) and 4(e) of the Agreement)

##### IPCB Actions:

- Recommend a joint technical committee be formed to coordinate and report on research and monitoring of the Porcupine caribou herd.
- Recommend an annual herd status statement be prepared by the Parties for the IPCB.

#### 2. Harvest

To collect and share harvest data and to mutually determine harvest limits.

##### Harvest Data

##### IPCB Role:

To advise on and recommend actions for the collecting and sharing of harvest data. (Clause 4(d)1 of the Agreement)

##### IPCB Actions:

- Recommend the management agencies, in consultation with users, prepare a report on the methods that have been used to collect harvest data and evaluate their relative reliability.
- Recommend the Parties report annual harvests and data collection methods to the IPCB for inclusion in its reports.

##### Harvest Limits

##### IPCB Role:

To advise on and recommend overall harvest and harvest limits for each country. (Clause 4(d)4 of the Agreement).

##### IPCB Actions:

Recommend the management agencies, in consultation with users, jointly prepare guidelines for when harvest limits will be considered.

#### 3. Habitat

To: a) take appropriate action to conserve the herd's habitat; b) ensure the herd's habitat is given effective consideration in evaluating proposed activities; c) notify and consult where an activity is likely to cause a significant impact; d) avoid or minimize activities that would significantly disrupt migration or other important behavior patterns of the herd.

##### IPCB Role:

To advise on and recommend actions for monitoring and conserving the habitat of the herd. (Clauses 4 (d) and 4 (e) of the Agreement)

##### IPCB Actions:

- Recommend the management agencies monitor habitat quality and land use throughout the range of the herd and report their findings to the IPCB.
- Recommend the management agencies submit to the IPCB a summary of proposed activities which may significantly affect the herd's habitat and update the summary in a timely manner.
- Review, and comment, if proposed activities have been subjected to appropriate impact-assessment and review, and have adequately considered cumulative impacts and mitigation.

#### 4. Sensitive Habitat

To identify sensitive habitats deserving special consideration for the Porcupine caribou herd and to conserve such habitats.

##### IPCB Role:

To identify, advise on and recommend actions to conserve sensitive habitats for the Porcupine caribou herd. (Clause 4.d.5 of the Agreement)

##### IPCB Actions:

- Prepare, in consultation with users, a report identifying sensitive habitats and current management regimes, and report to management agencies.
- Recommend each management agency, in consultation with users, review for adequacy their management regimes on sensitive habitats and update the IPCB when required.

# Appendix One

## Objective B

To ensure opportunities for customary and traditional uses of the Porcupine caribou herd.

### IPCB Role:

To advise on and recommend ways of ensuring opportunities for customary and traditional uses of the herd. (Clauses 3(b); 3(f); 3(g); 4(d)4 of the Agreement)

### IPCB Actions:

- a) Recommend the management agencies, in consultation with users, prepare a report describing the customary and traditional uses of the Porcupine caribou herd.
- b) Recommend each management agency provide statements on laws, regulations and policies affecting the customary and traditional uses of Porcupine caribou.
- c) Review, and comment, if proposed activities have adequately considered the interests of users of Porcupine caribou.

## Objective C

To enable users of Porcupine caribou to participate in the international coordination of the conservation of the Porcupine caribou herd and its habitat.

### IPCB Role:

To advise on and recommend ways to enable user participation in the

international coordination of Porcupine caribou conservation. (Clause 2(c) of the Agreement)

### IPCB Actions:

- a) Recommend each Party ensure user representation on, and in the activities of, the IPCB.

## Objective D

To encourage cooperation and communication among governments, users of Porcupine caribou, and others to achieve the objectives of the Agreement.

### IPCB Role:

To advise on and recommend ways to encourage, and to facilitate, communication among governments, users and others. (Clause 2(d) of the Agreement)

### IPCB Actions:

- a) Recommend each management agency report to the IPCB the content and methods of communications undertaken each year concerning the conservation of the Porcupine caribou herd.
- b) Recommend means for management agencies to achieve effective communication with users.
- c) Summarize and report on the status and conservation of the Porcupine caribou herd as appropriate.
- d) Provide summaries of all IPCB meetings and activities to the public.

# Appendix Two

## Porcupine Caribou Management Agreement

This agreement made on the 26 day of October, 1985 between:

THE GOVERNMENT OF CANADA, as represented by the Minister of Indian Affairs and Northern Development and the Minister of the Environment, (hereinafter referred to as "Canada");

- and -

GOVERNMENT OF YUKON, as represented by the Minister of Renewable Resources, (hereinafter referred to as "Yukon");

- and -

THE GOVERNMENT OF THE NORTHWEST TERRITORIES, as represented by the Minister of Renewable Resources, (hereinafter referred to as "GNWT");

- and -

THE COUNCIL FOR YUKON INDIANS, (hereinafter referred to as "CYI");

- and -

THE INUVIALUIT GAME COUNCIL, (hereinafter referred to as "IGC");

- and -

THE DENE NATION AND THE MÉTIS ASSOCIATION OF THE NORTHWEST TERRITORIES, (hereinafter referred to as the "Dene/Metis\*").

WHEREAS the Porcupine Caribou Herd within Canada historically migrates across the boundary between Yukon and the Northwest Territories;

AND WHEREAS the continued well-being of the Porcupine Caribou Herd and the maintenance of its habitat require co-ordinated management, good will and co-operation between Governments and the traditional users of these caribou;

AND WHEREAS the parties hereto recognize the value of these caribou to Canada generally and that a special relationship exists between native users and these caribou.

NOW THEREFORE this Agreement Witnesseth that the Government parties hereto, under their respective authorities to enter into agreements of this

kind, agree to act within their legislative authorities for the management of Porcupine Caribou and the protection and maintenance of Porcupine Caribou habitat, in a co-operative manner together with the other parties to this Agreement, to give effect to its terms as follows.

## A. DEFINITIONS

In this Agreement:

1. **"Allowable harvest"** means that level of harvest of the Porcupine Caribou Herd in Canada as set pursuant to the terms of this Agreement.
2. **"Board"** means the Porcupine Caribou Management Board established herein.
3. **"Conservation"** means the management and use of Porcupine Caribou and its habitat which best ensures the long term productivity and usefulness of the Herd for present and future generations.
4. **"Habitat"** means the whole or any part of the biosphere upon which the Porcupine Caribou Herd depends, including all of the land, water and air that it inhabits, crosses or utilizes at any time.
5. **"Harvest"** means to shoot, kill, harm, capture, trap, or collect for any purpose, or to attempt to engage in such activities.
6. **"Management"** means the methods and procedures which are necessary to ensure the health and protection of the Porcupine Caribou Herd and the maintenance of its habitat, which may include but are not limited to the following activities associated with wildlife and land management: law enforcement, research, census-taking, monitoring, public information, education and functions provided for in this Agreement.
7. **"Minister(s)"** means the appropriate responsible Minister of the Government of Canada, Government of Yukon or Government of the Northwest Territories.
8. **"Native user"** means a person whose entitlement to the subsistence harvest of Porcupine Caribou has been recognized by a native user community and who is:
  - a) an aboriginal person who is a traditional user of the Porcupine Caribou or the descendant of such a person; or
  - b) an aboriginal person who is a current user of the Porcupine Caribou at

# Appendix Two

the time of signing this Agreement and meets a reasonable residency requirement satisfactory to his native user community; or

- (c) A Canadian aboriginal person who has not traditionally or currently harvested the Porcupine Caribou but meets a reasonable residency requirement satisfactory to the Board.

9. **"Native User Community"** means any one of the communities of Old Crow, Dawson, Mayo, Fort McPherson, Arctic Red River, Aklavik, Inuvik or Tuktoyaktuk and may also include such other new communities as may be determined through native user agreements in effect from time to time. The native users within these communities shall be represented by a Chief and Council, a Hunters and Trappers association or other appropriate native leadership body, including those bodies defined through the comprehensive land claims process.

10. **"Parties"** means the parties to this Agreement and may include their successors or assigns, as defined through the comprehensive land claims process or otherwise.

11. **"Porcupine Caribou"** means members of that herd of barren ground caribou which regularly bears its young in north-eastern Alaska and north-western Yukon and historically moves southward within Alaska, Yukon and the Northwest Territories for the winter. Its Canadian range, the limits of which are defined within Yukon by current Yukon game management subzones, is generally depicted for Yukon and the Northwest Territories on the map attached as Appendix I to this Agreement.

12. **"Preferential Right"** means the right to harvest Porcupine Caribou for subsistence usage and to be allocated, subject to conservation and the terms of this Agreement, quantities of Porcupine Caribou sufficient to fulfill the native users requirements for subsistence usage before there is any allocation for other purposes, such right of allocation being provided for by the establishment, when necessary, of the allocation hereinafter referred to as the "native user allocation."

## B. OBJECTIVES OF THE PARTIES

1. To co-operatively manage, as a herd, the Porcupine Caribou and its habitat within Canada so as to ensure the conservation of the Herd with a view to providing for the ongoing subsistence needs of native users;
2. To provide for participation of native users in Porcupine Caribou Herd management;
3. To recognize and protect certain priority harvesting rights in the Porcupine Caribou Herd for native users, while acknowledging that other users may also share the harvest;
4. To acknowledge the rights of native users as set out in this Agreement; and
5. To improve communications between Governments, native users and others with regard to the management of the Porcupine Caribou Herd within Canada.

## C. ESTABLISHMENT OF THE PORCUPINE CARIBOU MANAGEMENT BOARD

1. The Government parties to this Agreement shall establish a Board, to be known as the Porcupine Caribou Management Board, to provide advice and recommendations to the Ministers.
2. Subject to paragraph 3(f) of this Part:
  - (a) The Board will always include representation from each of the parties to this Agreement.
  - (b) The Board will always contain equal Government and native representation and equal representation of native users from Yukon and the Northwest Territories.
3. Eight voting members shall be appointed within a reasonable time to the Board, as follows:
  - (a) Canada shall appoint one member to represent Canada;
  - (b) (i) Yukon shall appoint two members to represent Yukon;
    - (ii) CYI shall nominate two members to represent the native users of Old Crow, Dawson and Mayo;
  - (c) (i) GNWT shall appoint one member to represent GNWT;
    - (ii) The Dene/Métis\* shall nominate one member to represent the Dene/

Métis\* native users or Aklavik, Inuvik, Fort McPherson and Arctic Red River;

- (iii) IGC shall nominate one member to represent the Inuvialuit native users of Aklavik, Inuvik and Tuktoyaktuk;

(d) Upon receipt of notification from the parties, the Ministers shall confirm the nominations and appointments as required;

(e) The members of The Board shall be appointed for a term of five years, subject to the right of the parties to terminate the appointment of their respective appointees at any time and have Board members reappointed in accordance with the above terms of reference

(f) If, within a reasonable time, nominations or appointments are not made as provided for in this paragraph, the Board may discharge its responsibilities with those members who have been nominated or appointed.

4. (a) A majority of the members of the Board shall nominate from outside the membership of the Board a Yukon resident as the first Chairman and shall notify the Ministers accordingly;

(b) The Board shall determine criteria for the nomination of subsequent Chairmen;

(c) If agreement on nomination of a Chairman cannot be reached within a reasonable time, any party to this Agreement may refer the matter to a Judge of the Supreme Court of the Yukon Territory acting as an arbitrator under the provisions of the Arbitration Ordinance and if the Court shall not provide a Judge, then to an arbitrator under the provisions of the Arbitration Ordinance;

(d) The majority of the members of the Board shall confirm the acceptability of the Chairman as nominated and shall notify the Ministers of its confirmation;

(e) The Chairman shall have tenure for a term of five years and may, with the approval of the Board serve additional terms;

(f) Upon receipt of notification from the Board, the Ministers shall confirm the appointment or dismissal of Chairmen as required.

## D. DUTIES OF THE BOARD

1. The Board shall establish and maintain communication with the native users of the Porcupine Caribou, between the native users of the Porcupine Caribou, between native users and Governments, among Governments and with other users, in order to assist in co-ordinated management and conservation of Porcupine Caribou and its habitat.

2. The Board shall determine the actions that are necessary to achieve the objectives described herein and shall recommend them to the Minister.

3. The Board shall hold such public meetings as are reasonably necessary to report on and discuss with native users and others its findings and recommendations and, in any event, shall inform the native user communities in writing of the Board's recommendations to the Minister.

4. The Board shall review technical and scientific information relevant to the management of the Porcupine Caribou Herd and its habitat and may advise the Minister of its adequacy.

5. The Board shall encourage native users and other harvesters of Porcupine Caribou to participate in the collection of statistics and biological information.

6. The Board shall maintain a list of eligible native users for each native user community and up-to-date information on the suballocation of the native user allocation among communities all of which shall be made available to Governments for management purposes.

## E. RECOMMENDATIONS OF THE BOARD

Without restricting the generality of Part D of this Agreement, the parties agree that the Board may do the following:

1. The Board may make recommendations to the Minister on any matter affecting the Porcupine Caribou and its habitat, including recommendations related to the making of policy, legislation and regulations regarding:

(a) management strategies for the Porcupine Caribou Herd;

(b) a herd management plan for the Porcupine Caribou Herd;

(c) guidelines for native users' participation in Porcupine Caribou Herd



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management plans;

- (d) training required to enable native users to participate in the management or the Porcupine Caribou Herd and the conservation of its habitat;
- (c) a predator management plan in respect of the Porcupine Caribou Herd, provided that no such plan shall be put into effect until the Minister has consulted with the Board;

2. The Board may also:

- (a) review and recommend development of Porcupine Caribou research proposals;
- (b) review available information and recommend further research where there appears to be a need;
- (c) review and recommend methods of data collection and presentation;
- (d) review the conservation and management of the Porcupine Caribou Herd and its habitat and make appropriate recommendations so as to ensure that productivity is maintained; and,
- (e) recommend criteria according to which non-native subsistence users may qualify to share in the native user allocation from the Porcupine Caribou Herd, if the affected native user community approves.

3. (a) Because of the dependence of caribou on its habitat, the Board may make recommendations to other boards and agencies, as well as to the Minister, on land use planning and land management throughout the Canadian range of the Porcupine Caribou Herd or any portion of it. Recommendations of measures to ensure the conservation and protection of habitat shall include, but are not limited to, measures related to specific projects, plans or activities which may:

- (i) impede, delay or disrupt Porcupine Caribou movements, affect behavioural patterns or reduce productivity;
  - (ii) affect Porcupine Caribou habitat; or
  - (iii) affect interactions between native users and Porcupine Caribou;
- (b) The Board may also identify sensitive habitat areas requiring special protection and recommend measures to protect such areas.

## F. MINISTER'S RESPONSIBILITIES

1. The Minister shall consider the recommendations of the Board and report his decisions or comments in a timely manner. The Minister shall, within thirty days of receipt of recommendations, either provide the Chairman with his response or, where he is not able to respond fully, he shall so inform the Chairman and advise him when his full response will be provided. When advised by the Board that an emergency situation has arisen and that a decision on a recommendation is necessary forthwith, the Minister shall govern himself accordingly.

2. The Minister may consult with the Board on any matter related to the Porcupine Caribou and its habitat.

3. Recommendations of the Board shall be submitted in writing to the Minister.

4. If the Minister disagrees with a recommendation or any part thereof, he shall refer the matter back to the Board for reconsideration with due consideration for any time schedule imposed by any statutory or regulatory requirements.

5. Where, as the result of a matter being referred back to the Board recommendations are submitted, the Minister may accept or reject the recommendations in whole or in part.

6. Where the Minister rejects a recommendation in whole or in part, he shall provide the Board with reasons therefore.

7. Where it appears to the Minister that an emergency situation has arisen which affects the well being of the Porcupine Caribou or its habitat, and where time does not permit consultation with the Board, the Minister may take such action as is necessary before consulting with the Board.

8. Where emergency action has been taken pursuant to paragraph 7 above, the Minister shall forthwith inform the Chairman and solicit the continuing advice of the Board.

## G. PROCEEDINGS OF THE BOARD

The Board shall establish and make known, from time to time, rules and

procedures for its functioning, provided however, that:

- (a) thirty days' notice of meetings shall be given by mail, telephone, telegram or other appropriate means;
- (b) the Board shall establish its own quorum;
- (c) decisions of the Board shall be by consensus wherever possible, and shall always require a majority vote in favour, with each member having one vote;
- (d) the Board may decide that alternates be appointed to represent members when they are unable to attend Board meetings and shall establish the terms and conditions of the appointments. If it is decided that alternates are necessary, the parties shall each appoint alternates forthwith according to the terms provided for the appointment of Board members in Part C of this Agreement;
- (e) the Chairman shall, in the event of a deadlock or tie vote, be responsible for resolving the disagreement of the Board and shall, where necessary, cast the deciding vote on any issue which cannot otherwise be resolved;
- (f) the Board shall hold formal meetings at least twice yearly unless it decides otherwise;
- (g) the Board shall keep summary minutes and records of all its meetings and circulate them to its members;
- (h) the Board may establish and instruct such committees as it deems necessary to carry out its functions.

## H. BOARD SECRETARIAT

There shall be a secretariat to administer the operations of the Board which shall be responsible to the Board under the direction of the Chairman. The secretariat shall receive and distribute information, prepare and circulate minutes of Board meetings and perform such other functions as the Board requires.

## I. FINANCES

1. Subject to the terms and conditions of this Agreement and to funds being appropriated by legislative authority on an annual basis the Government parties shall fund reasonable costs of the Board and Secretariat in equal portions and in such amounts as agreed annually, to ensure the Board and Secretariat functioning in a manner herein stated.

2. For further clarity, particular expenditures of the Board which are to be shared by the funding parties may include:

- (a) any salary or honorarium, and all travel, accommodation and related expenses incurred while working on Board activities, paid to the Chairman, provided that same is in accordance with Treasury Board guidelines;
- (b) the production of an annual report and its distribution;
- (c) a modest technical review capability in respect of primary research conducted by Governments and other sources;
- (d) the production of information or educational material, such as newsletters; and
- (e) such other costs as the funding parties may agree upon.

3. The Government parties shall be responsible for any salary or honorarium, and all travel, accommodation and related expenses of their Board members. In addition, Yukon shall be responsible for these expenses related to the participation of the Board members for CYI and GNWT shall be responsible for these expenses related to the participation of the Board members for IGC and the Dene/Metis.

4. The Board shall prepare and submit annual budgets for all expenditures under its control to the appropriate Government parties and shall be accountable for the expenditures of the Board and secretariat.

5. The Board shall account annually for all monies received and disbursed by the Board and secretariat and records of this accounting shall be made available to any of the parties to this Agreement for inspection upon thirty days written notice to the Chairman.

## J. ALLOCATIONS OF ANNUAL ALLOWABLE HARVEST IN CANADA

1. Any of the parties to this Agreement may provide the Board with information that will, in the opinion of the submitting party, assist the Board in

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determining its recommendation of the annual allowable harvest from the Porcupine Caribou Herd.

2. (a) After the Board has considered all relevant information, the Chairman shall submit its report to the Ministers to facilitate the enactment of any necessary regulations.

(b) The report of the Board may include, but is not restricted to, recommendations related to the following:

- (i) annual allowable harvest;
- (ii) categories and priorities of harvest allocations;
- (iii) methods of harvest;
- (iv) areas of harvest;
- (v) means of access;
- (vi) seasons;
- (vii) age and sex of Porcupine Caribou to be harvested; and
- (viii) research study requirements related to the harvest.

(c) In determining the native user allocation the Board shall take into account, among other things, the following criteria:

- (i) food and clothing requirements of the native users;
- (ii) usage patterns and levels of harvest by the native users;
- (iii) ability of caribou and other wildlife populations to meet the subsistence requirements of the native users; and
- (iv) projections of changes in caribou populations.

(d) The Board may also include in its report the appropriate principles, considerations and procedures that should be used in order to calculate a total annual allowable harvest and its allocations, and more generally to define the conservation limit for the harvest of the Porcupine Caribou Herd.

(e) If the Porcupine Caribou Herd is healthy and of sufficient numbers to satisfy all reasonable completing needs, the Board may recommend that the setting of an annual allowable harvest is not required.

3. The territorial Governments shall, upon taking into consideration the recommendations of the Board and consistent with the preferential right of native users to harvest:

(a) establish the total annual allowable harvest of Porcupine Caribou in Canada; and

(b) determine the allocation of the annual allowable harvest in Canada for native users, taking into account the criteria set forth in paragraph 2(c) of this part and the reservation of two hundred and fifty (250) Porcupine Caribou referred to in paragraph 4 below.

4. Taking into consideration the interests of other users, the territorial Government shall allocate as they see fit from that portion of the annual allowable harvest not allocated under paragraph 3(b) of this Part, which shall consist of no fewer than two hundred and fifty (250) Porcupine Caribou, and shall regulate harvesting pursuant to their respective legislative authorities.

5. (a) The native users shall sub-allocate native user allocation among themselves on a community basis.

(b) The details of the sub-allocation shall be provided to the Board annually by CYI, IGC, and the Dene/Métis\* on behalf of the native user communities represented by them respectively so that the necessary information will be available for management purposes.

(c) The respective hunting areas for native user communities are identified on the map attached as Appendix II to this Agreement.

(d) When access to its community hunting area has been granted by a native user community to a native user or users from another community, notice in a form acceptable to the appropriate Governments shall be provided.

6. Where a sub-allocation of Porcupine Caribou is made to the native users of Dawson and Mayo, the Yukon Wildlife Management Board (that is referred to in the Yukon Indian Agreement-in-Principle) and Yukon shall be so informed by the Board.

7. The parties recognize the respective responsibilities of the Yukon Wildlife Management Board for all wildlife south of 65°30' in Yukon and of the Porcupine Caribou Management Board as set out in this Agreement. Therefore, in territorial game management subzones or parts thereof, where the Hart

River and Wernecke Caribou or other herds in Yukon mix with the Porcupine Caribou, Yukon may, on the advice of and in consultation with the appropriate board(s), take the necessary measures to protect these herds that mix with the Porcupine Caribou Herd for such periods of time as are required.

8. The parties recognize the special dependence of all native users on the Porcupine Caribou and in particular, the unique dependence of the native users of Old Crow on the Porcupine Caribou.

## K. THE RIGHTS OF NATIVE USERS

1. The rights of native users as set out in this Agreement are subject to laws of general application with regard to conservation and public safety.

2. Subject to the terms of this Agreement, native users shall have a preferential right to harvest Porcupine Caribou.

3. Native users shall have the right to harvest Porcupine Caribou without being required to pay fees or obtain licenses, permits or tags except that licenses, permits or tags may be required for conservation and management purposes. In such circumstances any such licenses, permits and tags will be issued locally and without cost.

4. The Government parties to this Agreement shall use their best efforts to enact any laws and regulations to allow native users the right to transport lawfully harvested Porcupine Caribou across any jurisdictional boundary within the Canadian range of the herd.

5. Native users shall have the right to employ traditional and current methods to harvest the Porcupine Caribou and the right to both possess and use all equipment reasonably necessary to exercise that right.

6. The development of lists of eligible native users shall be made in each native user community with the assistance of the appropriate native leadership body. These lists shall be provided to the Board annually by CYI, IGC and the Dene/Métis\* on behalf of the native user communities and shall be updated as required.

7. Notwithstanding paragraph 3 of this Part, native users may be required for conservation and management purposes to show evidence that they are native users.

## L. COMMERCIAL HARVEST

1. There shall be no commercial harvest of Porcupine Caribou in Canada.

2. Notwithstanding paragraph 1 above, native users may:

(a) barter or trade with other native users for caribou meat; and

(b) subject to paragraphs 2(c) and 2(d) of this Part, sell caribou meat to other native users who are unable to hunt by virtue of age, illness or other disadvantages or where there is an emergency situation when access for the hunting of caribou is not feasible for a native user community, provided that the money received for the sale does not exceed the reasonable expenses incurred.

(c) The Board shall establish guidelines from time to time on:

- (i) the circumstances that qualify a native user as being disadvantaged, for example when a family does not have a provider;
- (ii) categories of costs which may be considered reasonable expenses;
- (iii) the circumstances that would create an emergency situation when access for the hunting of caribou is not feasible for a native user community.

(d) The Board shall establish procedures for the expeditious consideration of individual situations contemplated by paragraph 2(b) of this Part which do not fall within the guidelines established pursuant to paragraph 2(c) above.

3. Native users shall be permitted to sell the non-edible parts of legally harvested Porcupine Caribou.

4. This part does not apply to commercial guiding or outfitting activities.

## M. INFORMATION

1. All parties to this Agreement agree to use their best efforts to provide the Board with all available information requested by it that is necessary to carry out its functions.

2. The Board may advise the parties on the adequacy of information provided to it by native users and others.

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3. Subject to paragraph 4 of this Part, the Board shall provide available information upon request and may distribute its reports and recommendations to the public.

4. The Board will respect the confidentiality of such information provided to it on a confidential basis.

## N. GENERAL

1. The parties hereto shall jointly and severally indemnify and save harmless the Board and the individual members thereof, against any and all liability, loss, damage, cost or expenses, which the Board, or its individual members jointly or severally incur, suffer or are required to pay as a consequence of any contract or other obligation lawfully undertaken in accordance with the terms of this Agreement.

2. All public reports, summaries or other documentation prepared or otherwise completed by the Board shall become the joint property of all parties hereto and any and all income derived therefrom shall be jointly shared among the parties in proportion to the expenditures incurred by each party generating such income.

3. The parties hereto agree to be bound by this Agreement, notwithstanding subsection 14(2) of the Northwest Territories Act, R.S.C. 1970, and subsection 17(3) of the Yukon Act, R.S.C. 1970.

4. The Government parties to this Agreement will attempt to enact any laws and regulations that may affect the Porcupine Caribou Herd and its habitat in a manner consistent with this Agreement.

5. This Agreement may be amended following unanimous approval in writing by the parties hereto, and the Government parties agree to attempt to secure passage of any necessary legislation.

6. Those parties to this Agreement which are negotiating parties in comprehensive land claims shall act as soon as possible following the signing of this Agreement to incorporate this entire Agreement by reference, by means of sub-agreement or interim agreement, into the completed or ongoing Yukon Indian, Inuvialuit and Dene/Métis\* comprehensive land claims respectively. If any consequential amendments to existing sub-agreements, interim agreements or overall agreements are required as a result of the signing of this Agreement, they shall be made no later than the time of incorporation by reference referred to herein.

7. It is the intention of the parties to this Agreement that its provisions not be used to interpret or derogate from the provisions of any comprehensive land claims settlement and that the provisions of any comprehensive land claims settlement not be used to interpret the provisions of this Agreement.

8. In recognition of the fact that the Porcupine Caribou Herd is an international resource with a substantial part of its habitat in Alaska, the parties agree that it is desirable to negotiate a Porcupine Caribou bilateral agreement following the completion of this Agreement. In recognition of the fact that the provisions of a bilateral agreement might involve aboriginal and treaty rights within the meaning of the Constitution Act, 1982, as well as the Legislative and management responsibilities of the territorial Governments and the Porcupine Caribou Management Board in its role, Canada agrees to consult with the other parties to this Agreement prior to and during the course of any such bilateral agreement negotiations.

9. For greater certainty, and pending compliance with paragraph 6 of this Part, as well as final settlement of the Yukon Indian, Inuvialuit and Dene/Métis\* comprehensive land claims, it is intended that this Agreement shall come into full force and effect upon signature by the parties and that the Board shall carry out its functions in accordance with the terms of this Agreement.

# Appendix Three

## Agreement Between the Government of Canada and the Government of the United States of America on the Conservation of the Porcupine Caribou Herd

Ottawa, July 17, 1987

In force, July 17, 1987

The Government of Canada and the Government of the United States of America, hereinafter called the "Parties":

Recognizing that the Porcupine Caribou Herd regularly migrates across the international boundary between Canada and the United States of America and that caribou in their large free-roaming herds comprise a unique and irreplaceable natural resource of great value which each generation should maintain and make use of so as to conserve them for future generations;

Acknowledging that there are various human uses of caribou and that for generations certain people of Yukon Territory and the Northwest Territories in Canada have customarily and traditionally harvested Porcupine Caribou to meet their nutritional, cultural and other essential needs and will continue to do so in the future, and that certain rural residents of the State of Alaska in the United States of America have harvested Porcupine Caribou for customary and traditional uses and will continue to do so in the future, and that these people should participate in the conservation of the Porcupine Caribou Herd and its habitat;

Recognizing the importance of conserving the habitat of the Porcupine Caribou herd, including such areas as calving, post-calving, migration, wintering and insect relief habitat;

Understanding that the conservation of the Porcupine Caribou Herd and its habitat requires goodwill among landowners, wildlife managers, users of the caribou and other users of the area;

Recognizing that the Porcupine Caribou Herd should be conserved according to ecological principles and that actions for the conservation of the Porcupine Caribou Herd that result in the long-term detriment of other indigenous species of wild fauna and flora should be avoided;

Recognizing that co-operation and co-ordination under the Agreement should not alter domestic authorities regarding management of the Porcupine Caribou Herd and its habitat and should be implemented by existing rather than new management structures;

Have agreed as follows:

### 1. DEFINITIONS

For the purpose of this Agreement only:

a. "**Porcupine Caribou Herd**" means those migratory barren ground caribou found north of 64 degrees, 30' north latitude and north of the Yukon River which usually share common and traditional calving and post-calving aggregation grounds between the Canning River in the State of Alaska and the Babbage River in Yukon Territory and which historically migrate within the State of Alaska, Yukon Territory, and the Northwest Territories.

b. "Conservation" means the management and use of the Porcupine Caribou Herd and its habitat utilizing methods and procedures which ensure the long term productivity and usefulness of the Porcupine Caribou Herd. Such methods and procedures include, but are not limited to, activities associated with scientific resources management such as research, law enforcement, census taking, habitat maintenance, monitoring and public information and education.

c. "Habitat" means the whole or any part of the ecosystem, including

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summer, winter and migration range, used by the Porcupine Caribou Herd during the course of its long-term movement patterns, as generally outlined on the map attached as an Annex.

## 2. OBJECTIVES

The objectives of the Parties are:

- a. To conserve the Porcupine Caribou Herd and its habitat through international co-operation and coordination so that the risk of irreversible damage or long-term adverse effects as a result of use of caribou or their habitat is minimized;
- b. To ensure opportunities for customary and traditional uses of the Porcupine Caribou Herd by:
  - (1) in Alaska, rural Alaska residents in accordance with 16 U.S.C. 3113 and 3114, AS 16.05.940(23), (28) and (32), and AS 16.05.258(c); and
  - (2) in Yukon and the Northwest Territories, Native users as defined by sections A8 and A9 of the Porcupine Caribou Management Agreement (signed on October 26, 1985) and those other users identified pursuant to the process described in section E2(e) of the said Agreement;
- c. To enable users of Porcupine Caribou to participate in the international co-ordination of the conservation of the Porcupine Caribou Herd and its habitat;
- d. To encourage co-operation and communication among governments, users of Porcupine Caribou and others to achieve these objectives.

## 3. CONSERVATION

- a. The Parties will take appropriate action to conserve the Porcupine Caribou Herd and its habitat.
- b. The Parties will ensure that the Porcupine Caribou Herd, its habitat and the interests of users of Porcupine Caribou are given effective consideration in evaluating proposed activities within the range of the Herd.
- c. Activities requiring a Party's approval having a potential impact on the conservation of the Porcupine Caribou Herd or its habitat will be subject to impact assessment and review consistent with domestic laws, regulations and processes.
- d. Where an activity in one country is determined to be likely to cause significant long-term adverse impact on the Porcupine Caribou Herd or its habitat, the other Party will be notified and given an opportunity to consult prior to final decision.
- e. Activities requiring a Party's approval having a potential significant impact on the conservation or use of the Porcupine Caribou Herd or its habitat may require mitigation.
- f. The Parties should avoid or minimize activities that would significantly disrupt migration or other important behavior patterns of the Porcupine Caribou Herd or that would otherwise lessen the ability of users of Porcupine Caribou to use the Herd.
- g. When evaluating the environmental consequences of a proposed activity, the Parties will consider and analyse potential impacts, including cumulative impacts, to the Porcupine Caribou Herd, its habitat and affected users of Porcupine Caribou.
- h. The Parties will prohibit the commercial sale of meat from the Porcupine Caribou Herd.

## 4. INTERNATIONAL PORCUPINE CARIBOU BOARD

- a. The Parties will establish an advisory Board to be known as the International Porcupine Caribou Board, hereinafter called the Board.
- b. The Parties will each appoint four members of the Board within a reasonable period following the entry into force of the present Agreement.
- c. The Board will:
  - (1) adopt rules and procedures for its operation, including those related to the chairmanship of the Board; and
  - (2) give advice or make recommendations to the Parties, subject to concurrence by a majority of each party's appointees.

d. The Board, seeking, where appropriate, information available from management agencies, local communities, users of Porcupine Caribou, scientific and other interests, will make recommendations and provide advice on those aspects of the conservation of the Porcupine Caribou Herd and its habitat that require international co-ordination, including but not limited to the following:

- (1) the sharing of information and consideration of actions to further the objectives of this Agreement at the international level;
  - (2) the actions that are necessary or advisable to conserve the Porcupine Caribou Herd and its habitat;
  - (3) co-operative conservation planning for the Porcupine Caribou Herd throughout its range;
  - (4) when advisable to conserve the Porcupine Caribou Herd, recommendations on overall harvest and appropriate harvest limits for each of Canada and the United States of America taking into account the Board's review of available data, patterns of customary and traditional users and other factors the Board deems appropriate;
  - (5) the identification of sensitive habitat deserving special consideration; and
  - (6) recommendations, where necessary, through the Parties as required, to other boards and agencies in Canada and the United States of America on matters affecting the Porcupine Caribou Herd or its habitat.
- e. It is understood that the advice and recommendations of the Board are not binding on the Parties; however, by virtue of this Agreement, it has been accepted that the parties will support and participate in the operation of the Board. In particular they will:

- (1) provide the Board with the information regarding the conservation and use of the Porcupine Caribou Herd and its habitat;
- (2) promptly notify the Board of proposed activities that could significantly affect the conservation of the Porcupine Caribou Herd or its habitat and provide an opportunity to the Board to make recommendations;
- (3) consider the advice and respond to the recommendations of the Board; and
- (4) provide written reasons for the rejection in whole or in part of conservation recommendations made by the Board.

## 5. INTERNATIONAL RESPONSIBILITY

The Parties will consult promptly to consider appropriate action in the event of:

- a. significant damage to the Porcupine Caribou Herd or its habitat for which there is responsibility, if any, under international law; or
- b. significant disruption of migration or other important behavior patterns of the Porcupine Caribou Herd that would significantly lessen the ability of users of Porcupine Caribou to use the Herd.

## 6. IMPLEMENTATION

Co-operation and co-ordination under and other implementation of this Agreement shall be consistent with the laws, regulations and other national policies of the Parties and is subject to the availability of funding.

## 7. INTERPRETATION AND APPLICATION

All questions related to the interpretation or application of the Agreement will be settled by consultation between the Parties.

## 8. ENTRY INTO FORCE; AMENDMENTS

- a. This agreement which is authentic in English and French shall enter into force on signature and shall remain in force until terminated by either Party upon twelve months' written notice to the other.
- b. At the request of either Party, consultations will be held with a view to convening a meeting of the representatives of the Parties to amend this Agreement.