



## WMAC NS Regular Meeting Minutes

### January 25, 2021

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**Attendees:** **WMAC NS:** Billy Storr (IGC representative), Kaitlin Wilson (WMAC NS staff), Allison Thompson (WMAC NS staff), Lindsay Staples (WMAC NS Chair), Dave Tavares (Canada Member), Craig Machtans (Canada alternate), Mike Suitor (Yukon Government technical support), Matt Clarke (Yukon alternate), Tyler Kuhn (Yukon member)

*Meeting called to order at 10:00am MST.*

**Agenda:**

No additions to the agenda.

**Motion 2021-01-01** to accept the agenda as tabled. Moved by Tyler Kuhn, seconded by Dave Tavares.

**Minutes:**

No comments on the minutes

**Motion 2021-01-02** to accept the December telemeeting minutes as tabled. Moved by Billy Storr, seconded by Matt Clarke.

**Action Items:**

There was only one action item since the last meeting (which will be addressed today). Many older action items were cleared out if they were no longer relevant.

**Staff/Chair/Member Updates:**

*Lindsay Staples - Chair update*

**WCMP and IPCA:**

We have received a letter from IRC regarding the WCMP and the IPCA. IRC supports the Plan and finalizing it.

Tyler - getting the WCMP on to the cabinet schedule is a long process and when it will be on the Cabinet agenda is still unclear. We are still several weeks out of moving to public engagement.

Lindsay summarized the IRC letter regarding the IPCA. IRC expressed an unwillingness to proceed with an IPCA-type designation, but an interest in funding for an enhanced conservation regime in Aullaviat/Aunguniarvik.

An important piece of context here is that when the Indigenous Circle of Experts process happened, Inuit authorities did not sign on to the findings. The concern was that this process would infringe on the paramountcy of land claim agreements in Inuit regions. WMAC NS had some legal work done to address this issue, and our legal opinion didn't find this to be problematic. It is also worth noting that there is an IPCA in Nunavut now (in Lancaster Sound).



Lindsay explained how an Establishment Agreement may provide for long-term protection of Aullaviat/Aunguniarvik without designating it as an IPCA. We should see a draft agreement in the next day or so from John Donihee. As soon as possible, we should gather the foundations and go through IRC's letter and the draft Establishment Agreement. This would be followed up with a meeting of the Inuvialuit representatives.

The foundations have already been advised that the IPCA language may not be acceptable to IRC. There has been no concern expressed by the foundations in response to the IRC.

Craig - we should establish the primacy of the IFA at the very front of the agreement (e.g. first whereas clause, this agreement cannot undermine or affect the powers/rights/responsibilities set out in the IFA).

Tyler - YG has not had any internal discussions about the letter. This letter might be problematic from a YG perspective - without confirming the nuance Lindsay has suggested about other ways of getting to an established agreement (IPCA vs other ways of protection), YG might interpret the letter as a total shutdown of discussions around any protection or agreement. YG probably doesn't see much to gain through EYNS protection. They might not be keen to push too hard to do something other than an IPCA.

Lindsay - Under Canada *Wildlife Act*, there are sections of the Act that allow Canada to enter into agreements for conservation purposes. The agreement we are looking at here would be an agreement that would fall under those relevant sections. So, it's a different instrument from IPCA, which provides for all of the provisions for a management regime.

Dave - We don't understand the intent behind the letter: is it the IPCA specifically or is it robust protection more generally that is problematic for IRC?

Craig - The letter is confusing, it sends mixed messages - that IRC doesn't want an IPCA, but do want an agreement and funding. Governments should be interested in better futures for Inuvialuit - both federal and territorial; better funding for conservation should be seen as a win for government, including Yukon Government.

Dave - will IRC sit down for some discussions? Will IRC engage with the establishment agreement? Clarity might not come from a letter. It may be more about their actions and if they remain engaged.

Lindsay - IRC have communicated clearly that they do want to come to the table and negotiate. I perceive this as a purely political response.

Tyler - understand the value of a potential agreement, but there are some risks from a Yukon government perspective. YG needs clarity from IRC to proceed. Suggest that Council take a step back and let the Inuvialuit come to a unified stance.

Lindsay - prior to a discussion of the Parties about an Establishment Agreement, there needs to be a bilateral conversation between the Foundations and Inuvialuit to ensure that the Inuvialuit are in fact committed to the long-term protection of Aullaviat/Aunguniarvik.

Billy - We (Aklavik) need to have a meeting with IRC. Make sure they know that this is in support of the IFA and not undermining it. This needs to be our next step.



#### WMAC NS HR Manual:

WMAC NS committed some funding to Lee Vincent (Visionary Seeds) to draft an updated Human Resources manual for WMAC NS. This work has been in partnership with the Joint Secretariat. There is now a new draft Human Resources manual for WMAC NS. Requesting that the Council read the draft manual and prepare for a future Council discussion on the matter. There is also a job description for the WMAC NS chair for Council members to review. The Council will aim to discuss this in February 2021.

Tyler - does the Council have a document that outlines the roles of the members?

Lindsay - yes, the Council does have an operating procedures document. But there is a lot more detail in the Chair job description.

#### *Staff Updates*

##### GNWT Harvest Data Report:

Allison summarized the grizzly bear harvest for the 2019-20 harvest season, including the DLP issues from that season. As Billy Archie is not present, staff will follow up with him about any questions he might have.

For polar bear, there were no harvests recorded for the Southern Beaufort sub population last year. No DLPs either.

The population number for grizzly bears for the Yukon North Slope is out of date (1994). We will work with Mike and GNWT to get that updated.

**Action Item 2021-01-01:** Staff will follow up with Billy Archie about the harvest report and any questions/concerns he might have about grizzly bear. These can be discussed at a future meeting.

**Action Item 2021-01-02:** Staff will work with the appropriate government representatives to ensure that the correct population data are used in the GNWT Harvest Report.

#### Flexible Quota System:

Matt - A flexible quota system for grizzly bears would allow a carryover of bears from an under filled annual quota to account for DLP grizzly bear harvests that may contribute to an overharvest of the annual quota in other quota years. The flexible quota proposal states: "If a community runs out of reserve tags, tags are applied from other areas in the ISR (preferably from adjacent zone)." There is some risk with this part (re adjacent zones) of the proposal for a flexible quota system. Using unused tags from other areas of the ISR does not make sense, biologically.

In terms of mechanics, a regulation change is not likely required.

Key to this proposal is sustainable harvest over time - this will require very active monitoring of the grizzly bear population to ensure that there are no local grizzly bear population sinks created inadvertently. Under the ISR tag system for polar bears, all harvested bears (inclusive of subsistence, sport and DLP kills) are reported annually.



Council should be engaging with Aklavik to support the reduction of attractants, particularly at the dump and seasonal camps. Yukon has previously worked to electrify Yukon landfills. Our Council should be looking to engage on this issue to support sustainable harvest. Jodie Pongracz, Yukon's bear biologist, has been working on grizzly bear DLPs in Yukon related to transfer stations. Her findings may be relevant for Council's perspective on this.

**Action Item 2021-01-03:** Yukon Government will draft a summary paper on the considerations and suggestions for the flexible grizzly bear quota system that can be shared with Council, Aklavik, WMAC NWT, and IGC.

Federal Planning for Grizzly Bears:

Grizzly bears have been listed as a species of Special Concern so a management plan is required. This is a nationwide process, but grizzly bear management issues in the North are very different from the South. Canada has a working group for the plan and is seeking input. Canada is also taking a strong approach to incorporating Traditional Knowledge into the plan. There will be two threat assessments: one will be science-based and the other TK-based. This is the first time Canada has used this model.

Staff can support Inuvialuit members to prepare for the TK threat assessment call. As staff aren't TK experts, it would be great to have Inuvialuit representation on this call.

Craig noted that this is not a jurisdiction-based plan (like the polar bear plan was).

**Action Item 2021-01-04:** Staff will work with Billy Storr and the HTC (if they would like to designate someone) to prepare for the grizzly bear threat assessment call.

Nigel Bankes/ANWR Briefings:

Nigel has completed his legal work, rounding out the reviews he has been conducting throughout the environmental review process for the issuance of hydrocarbon drilling leases. Once the Record of Decision was issued, we had Nigel review and summarise how Inuvialuit concerns had been addressed (or not). He also looked at the oil and gas program from a human rights perspective. Lastly, he noted some recommended options for WMAC NS consideration. Allison has included a briefing note in the meeting package on this issue and Nigel has offered to present to Council at a future meeting.

Craig - Nine leases have been legally awarded. Mike produced a map of the leases that were sold, this can be shared with the Council. Canada sent a diplomatic note to the United States on December 23rd. Canada had asked the US for Consultation under the Treaty before those leases were legally awarded. The US declined to do so and didn't address why. Under the diplomatic note, Canada also expressed concern with the membership on the US side on the Porcupine Caribou herd international board, and how this relates to their mandate under the Us-Canada Agreement on Porcupine Caribou. Canada has already started the diplomatic note process. Canada puts together high-level materials for bilateral meetings with the US and ANWR-related issues have consistently been in those documents. ECCC up to the Minister's office are supportive of seeing if there is an appetite to strengthen the Treaty during the Biden administration. In the diplomatic note, Canada expressed displeasure with the failure of the US to consult with Indigenous peoples in Canada, which they had committed to. So, Craig's advice to Council is at this time, no need to pursue further intervention.



Additionally - there are four court cases relating to the leases that have already been sold, and the awards of the leases could potentially be reversed. Also, there was an executive order putting a moratorium on all leasing activities, and there was also a secretarial order taking away ability to issue permits from local managers. Craig is trying to confirm what is happening with the seismic program.

Nigel could do a podcast, or join the Council on Zoom as possible avenues to better insure that various parties are aware of US international obligations as they apply to the Porcupine caribou herd and Inuvialuit rights and how they can be addressed.

The Council agrees to share Nigel's work with Canadian federal government officials.

Canada has already followed up via a diplomatic note and some of his recommendations have been implemented.

Canadian Mountain Network Letter of Intent

Mike provided a summary of the proposed project. Council didn't have any concerns at this time. We should know by early February if he is successful and will put in a full proposal.

#### Correspondences

ISR Climate change strategy: Allison and Kait reviewed an early draft of IRC's climate strategy. They provided staff-level comments due to a very short turnaround time for comments. In early January, WMAC NS received an updated draft of the strategy from IRC along with a request for WMAC NS to endorse the IRC climate change strategy. The current version of the IRC strategy is very unclear when it comes to who is responsible for implementing the strategy. There are six thematic areas under the strategy - the most relevant is "ecosystem health and diversity". Staff had many comments on this section in the initial draft; many of these concerns still remain.

The Council will send a neutral letter of response, providing comments, thanking IRC for the opportunity. And in the meantime, consider the issue of what a Council endorsement of plans, strategies and agreements drafted by third parties means.

**Action Item 2021-01-05:** WMAC NS staff write a letter of response to IRC on their climate change strategy (neutral response noting timeline, previous comments).

**Action Item 2021-01-06:** WMAC NS staff and Chair pursue guiding information on what a Council endorsement means.

IRC's proposed LNG project:

There is a letter from IGC to IRC on the topic of the proposed LNG project. The letter lists a suite of concerns/information requests pertaining to the environment and wildlife. Lindsay provided additional context regarding the IGC position on this project and the process surrounding it.

#### Upcoming Meetings

PBTC - Feb 1-4

IGC - Mar 8-12 (will be looking for an update on the WCMP and IPCA; DLP + flexible quota system)

Motion to adjourn: Billy moved, Dave seconded



*Meeting adjourned at 12:05pm YST/MST.*