An aerial photograph of a mountain valley. A river flows through the center of the valley, winding between green and yellowish-brown slopes. To the left, there is a large, dark, rocky area, possibly a scree slope or a forested area. The background shows rugged, snow-capped mountain peaks under a clear sky.

Grizzly Bear Management Plan for the Gwich'in Settlement Area

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Introduction

Many of our Aboriginal communities have negotiated land claim, resource, or self-government agreements with the Government of Canada, and at times, the provincial or territorial governments. Within these agreements, are provisions for the management of lands and resources. Our Aboriginal communities envision that these agreements will provide the means to have more local control and authority over the decisions that are made in the management of what they deem as their own resources, but this is often more complicated than envisioned. Often, what follows are years of trying to determine how these agreements work out in practice.

The Gwich'in Comprehensive Land Claim Agreement (GCLCA) provided that the Gwich'in would have some authority over the management of the wildlife resources, including the grizzly bear, in their traditional territory. The GCLCA provided for a Harvest Study to be commenced once the Land Claim had concluded, and the resultant research findings to be used in the development of various wildlife management plans. However, at the time that the GCLCA was concluded, there were serious pressures on the grizzly bear population that entailed immediate action. The urgency of the pressures necessitated that the Gwich'in establish harvesting measures before the Study could be completed.

What evolved were various efforts to manage the grizzly bear harvest, without an actual Management Plan being put into place. For almost twenty years, the Gwich'in have managed the grizzly bear under various management agreements, and the status of the development of a management plan appears uncertain. This report, originally intended to be a review the management plan itself, is instructive in terms of analyzing how events can lead to the derailment of a management planning process, and can provide an opportunity to make recommendations on how future management planning processes can be refocused and benefit from the learning opportunities provided as a result of this experience.

Background

The Gwich'in are Athabaskans who claim traditional territory which extends from the interior of Alaska through the Yukon and into the Mackenzie Valley of the Northwest Territories. Under the Gwich'in Comprehensive Land Claim Agreement (GCLCA) signed on April 22, 1992 between Canada and the Gwich'in, the Gwich'in Tribal Council (GTC) was granted ownership of 16,264 square kilometres of land in parcels located throughout the Gwich'in Settlement Area (GSA) and the Yukon (Comprehensive Land Claim, 1992). The Gwich'in were signatories to the original Treaty # 11 signed in 1921, and the GCLCA replaces the old treaty as a modern day treaty (Comprehensive Land Claim, 1992).

The GTC is responsible for administering these lands and managing the resources connected with them for the benefit of all Gwich'in beneficiaries (Land Claim Agreement, 1992).

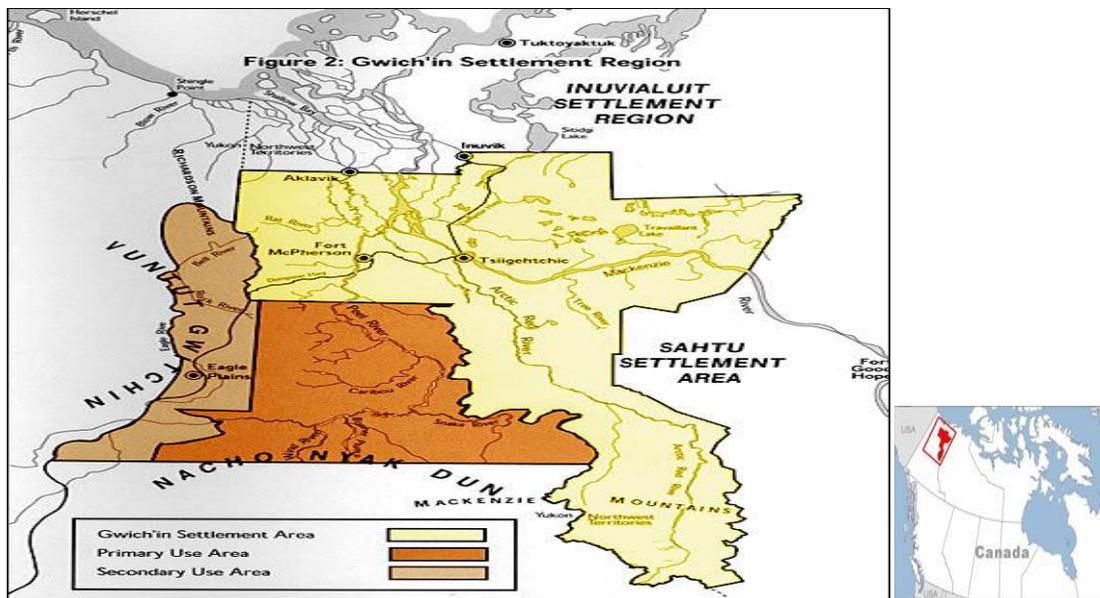


Figure 1 - Gwich'in Settlement Area. (Source: <http://gwichin.strengthwebsitehosting.com/GSRMap1>)

According to the terms of the GCLCA, the GTC designated the Gwich'in Renewable Resources Board (GRRB) to have authority to manage wildlife in the Gwich'in Settlement Area. The GRRB is

comprised of representatives of the Gwich'in and the federal and territorial governments (Comprehensive Land Claim, 1992).

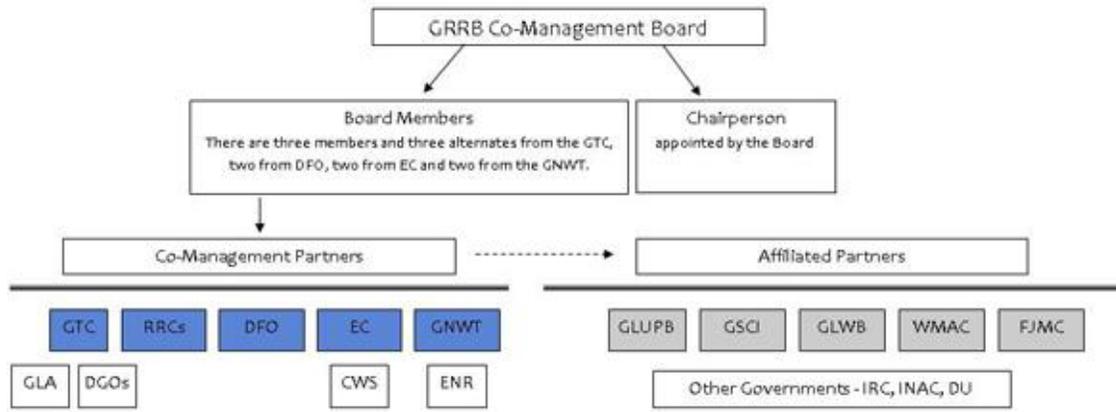


Figure 2 - Organizational Chart GRRB Co-Management Board (Source: http://www.grrb.nt.ca/co-management_partners.htm)

Wildlife harvesting and management efforts are guided by objectives agreed to in the GCLCA and include the following (Comprehensive Land Claim, 1992):

- To protect the future of the Gwich'in to hunt throughout the settlement area at all seasons of the year;
- To conserve and protect wildlife and wildlife habitat and to apply conservation principles and practices through planning and management;
- To provide the Gwich'in with certain exclusive, preferential and other harvesting rights and economic opportunities related to wildlife;
- To respect the harvesting and wildlife management customs and practices of the Gwich'in and provide for their ongoing needs for wildlife;
- To involve the Gwich'in in a direct and meaningful manner in the planning and management of wildlife and wildlife habitat;
- To integrate planning and management of wildlife and wildlife habitat with the planning and management of all types of land and water use in order to protect wildlife and wildlife habitat

On behalf of the Gwich'in, the grizzly bear are managed by the GRRB and the Gwichya, Ehdiitat, Nihtat, and Tetlit Gwich'in Renewable Resource Councils (RRCs), the GTC, the Gwichin Land and Water Board, Land Use Planning Board, and Land Administration (Comprehensive Land Claim, 1992).

Grizzly Bear Management

Grizzly bear management efforts have had a long history in the GSA. As far back as 1982, residents of the North West Territories (NWT) could hunt grizzly bear, but were only allowed one grizzly bear per lifetime and could not kill females with cubs. From 1987 to 1991, the NWT government did a mark-recapture study in the Richardson Mountains as part of an effort to gather data as part of their management efforts (Personal communication, November 16, 2009).

In 1992, twenty-eight bears were harvested in Aklavik. There is some discrepancy as to the actual number, and there may have been an overlap of the numbers reported by both the Gwich'in and Inuvialuit hunters in that area. The high harvest resulted in increased community concern about the sustainability of the grizzly bear population, so the communities voluntarily imposed a hunting ban (Personal communication, November 16, 2009).

In 1992, the Gwich'in signed their land claim agreement, and from 1992 to 1994, the GRRB was formed. The first major management initiative of the GRRB was to begin addressing the overharvesting of bears. In December 1993, the ban on grizzly bear harvesting within the GSA expired. The Ehdiitat, Tetlit and Nihtat RRCs supported continued restriction on harvesting. The Gwichya Gwich'in RRC felt that the ban would not affect them (Personal communication, November 16, 2009).

From about 1989 to 1994, work was also being done to establish grizzly bear management in the Inuvialuit Settlement Region (ISR), another land claim settlement being negotiated by the federal government with the Inuit to the north and west of the GSA, extending into the Yukon. There was concern in the GSA about lifting the hunting ban when no regulations existed on the GSA side of the boundary with the ISR, and the Gwich'in were concerned that hunters from the ISR could then hunt unregulated in the GSA (Personal communication, November 16, 2009).

On April 18, 1995, grizzly bear hunting was again banned in the GSA until the GRRB approved a grizzly bear management plan. In 1995, the Gwich'in Harvest Study began (Personal communication, November 16, 2009). The objective of the GHS was to provide the necessary harvest data for:

- Calculating the Gwich'in Minimum Needs Level (GMNL); and
- The effective management of wildlife by the GRRB and government. (Harvest Study, 2009)

While work on the Harvest Study was ongoing, work started on a draft grizzly bear management plan. The work entailed compiling and analyzing information on the geographic areas of the GSA, community hunting areas, population size, sustainable harvest rates, and harvest mortality data. The work included an education component, community workshops and surveys (Personal communication, November 16, 2009).

In 1998, the grizzly bear hunting ban ended and on June 3, 1998, the RRCs signed a *Management Agreement for Grizzly Bears in the Gwich'in Settlement Area*. It was witnessed by the GRRB and the territorial Dept. of Resources, Wildlife and Economic Development (DWRED). The agreement allocated 12 tags a year divided up into 5 habitat zones. Each RRC got 2 tags annually; the GRRB got 4 annually. However, the agreement was for Gwich'in beneficiaries only and it was never formalized. (Personal communication, November 16, 2009).

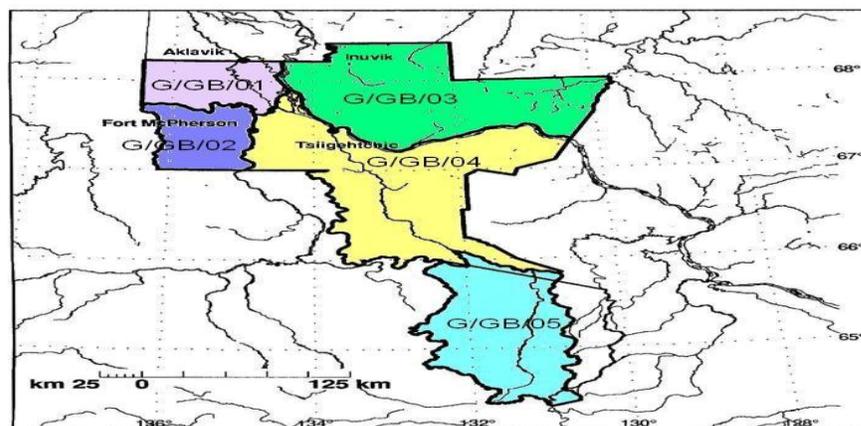


Figure 3: Grizzly Bear Management Zones - GSA (Source: Personal Communication, October 21, 2009)

In another effort to establish a management plan, in December 2000, the GRRB, the RRCs, and the DRWED produced a five-year *Grizzly Bear Management Plan for the Gwich'in Settlement Area, Northwest Territories, 2000-2005*. The Management Plan provided the framework for the management of grizzly bears, the protection of their habitats, and the protection of Gwich'in harvesting rights. The Management Plan described the authority framework, the grizzly bear numbers and habitat, and the pressures on the population. (Management Plan, 2000). The principles for co-management and sustainable development were stated and the goals of the management plan were clear. The proponents of the plan had developed clear action plan and work plan items to achieve over the five-year period.

The principles included in the 2000-2005 Management Plan, included:

- recognizing and promoting the cultural, economic, and ecological importance of the Grizzly to the Gwich'in and other Canadians;
- using traditional and scientific knowledge to make informed management decisions; and
- involving communities in the research and management of the grizzly in the GSA.

The sustainable development principles for the management of the grizzly included (Management Plan, 2000):

- ensuring healthy and viable grizzly bear populations;
- monitoring the status of the grizzly bear populations;
- fairly allocating the harvest quota among users, and modifying the harvest as needed; and
- recognizing the value of the grizzly and the importance of their habitats when evaluating land-use activities such as industrial development, tourism, and transportation.

The goals of the management plan included (Management Plan, 2000):

- maintaining the current population size by ensuring that the total number of bears killed by people is sustainable;

- allowing for recovery if over-harvest occurs by reducing quotas or closing hunting areas;
- protecting grizzly bear habitats;
- encouraging wise hunting practices;
- increasing our knowledge of grizzly bears by promoting research and exchange of traditional and scientific knowledge;
- ensuring that management decisions and study results are provided to the communities in a timely and meaningful way;
- reducing the potential for grizzly bear-people conflicts by promoting safe conduct in grizzly bear country;
- managing human activities to prevent disturbance to grizzly bears and important habitats; and
- promoting a cooperative spirit among the GRRB, RRCs, government agencies, other land claim organizations, and neighbouring settlement areas with respect to grizzly bear management.

The plan was proposed to the Minister of the DRWED. According to Amy Thompson, Executive Director of the GRRB, the plan was never officially signed off by the territorial government and is only used as a guide (Personal communication, October 26, 2009).

A Management Agreement for Grizzly Bears in the Gwich'in Settlement Area was subsequently negotiated and signed on May 1, 2002 by the GRRB and the RRCs (Management Agreement, 2002). The government was not a signatory, nor a witness. The agreement contains the following objectives:

- to maintain a healthy, viable population of grizzly bears in the GSA;
- to manage the harvest of grizzly bears for sustained yield according to the best information available;

- to provide maximum protection to female grizzly bears by protecting family groups and keeping the total harvest of females below 33% for the entire population within the GSA;
- to encourage the wise use of grizzly bear products and by-products;
- to involve grizzly bear hunters in grizzly bear research, management, and collection of harvest data;
- to encourage the collection of adequate technical information and traditional knowledge on a timely basis to facilitate management decisions; and
- to reduce the number of problem bear incidences and the need to destroy problem bears at camps.

Although not a signatory to the agreement, the DRWED continues to hold the grizzly bear tags and administer them to the RRCs. DRWED also participates in the review of the quotas and has the power to review or change any aspect of the agreement (Management Agreement, 2002). Section 12.3.1 of the GCLCA states that the government retains the ultimate jurisdiction for the management of wildlife and wildlife habitat in the GSA, although the Gwich'in have the exclusive right to harvest on GSA lands (Comprehensive Land Claim, 1992). The NWT Wildlife Act continues to apply respecting conservation, public health and safety, and the regulations under the Act continues to apply to resident, non-resident, and non-resident alien hunters (Comprehensive Land Claim, 1992).

Generally, the 2002 agreement divided the GSA into the same geographic zones of the 1998 Agreement, opened the hunt to beneficiaries and non-beneficiaries, extended the annual quota of 12 per year to 36 over a three year period, and specified in greater detail how the allocation would occur (Management Agreement, 2002). Adherence to the terms and conditions of the agreement is voluntary, and I am told, there have been no problems with compliance. In the absence of a management plan, the Gwich'in continue to voluntarily follow the terms of the 2002 agreement (Personal communication, November 16, 2009).

A Gwich'in Harvest Study Final Report (Harvest Study) was finally completed in early 2009. According to the terms of the GCLCA, a Harvest Study would be initiated within one year of the establishment of the GRRB and be conducted for a minimum of five years, the purpose of which would be to provide information necessary for effective management of wildlife. The Harvest Study includes the determination of the Gwich'in Minimum Needs Level (GMNL) (Harvest Study, 2009). The data collection period lasted from 1995 to 2004, the additional time at the request of GRRB. The GRRB has authority to set the total allowable harvest (TAH) for any species, which is arrived at through a formula agreed to in the GCLCA. Once the TAH is set, the GRRB must set the GMNL. GMNL has first priority on TAH, and only then can surplus supply be allocated to non-Gwich'in (Harvest Study, 2009). Significantly, according to the GCLCA, it was this data that had been missing in the earlier planning processes for the management plan and management agreements.

Throughout 2008-2009, community members have been growing increasingly concerned about the number of bears along the Dempster Highway where they are caribou hunting or berry picking in the fall. In January 2009, the RRCs met regarding the opening up of the zones of the GSA and the use of grizzly bear tags in any zone (Personal communication, November 18, 2009). In May 2009, the Nihtat RRC formally requested that the GRRB hold a meeting of the parties to review and amend the management agreement. A meeting was held by the GRRB and the RRCs on September 30, 2009 to discuss the reliance on the terms of the Management Agreement signed in 2002 and what the RRCs would consider as next steps to deal with the issue of hunting out of zones (Personal communication, November 18, 2009). The RRCs have taken the issue back to their communities for consultation and decisions will be made in the next few months as to how they will proceed (Personal communication, November 18, 2009).

Recommendations

As demonstrated in the overview provided, the Gwich'in have encountered several challenges to put a Management Plan in place for the grizzly bear harvest. Although one was developed in 2000, it was never signed by the government. Efforts to further that work resulted in an Agreement in 2002, and, without a request to review or amend the agreement coming in from one of the parties to the agreement (the GRRB or RRCs), the provisions of the agreement could continue indefinitely.

Now that the Harvest Study is complete, as required by the GCLCA, this might provide a good opportunity for the Gwich'in to develop a Management Plan which would incorporate the methodology from the Harvest Study for arriving at the TAH and GMNL, the baseline data gathered from 1995 to 2001, and the recent data on the grizzly bear harvest as collected under the agreements. The Management Plan could build on the previous five-year plan developed in 2000, and include a review of the outcomes from the two agreements. It might also include consider the following:

1. A determination of what the sustainable population figure is and the methodology for arriving at that determination;
2. Development of indicators to measure ongoing sustainability;
3. Forecast of expectations for indicators and strategies for dealing with variances in forecast;
4. A clear delineation of the property rights within the Zones, and the rights accorded to the harvesters in each Zone; and
5. A commitment to implementation and specific commitments to an alternative(s) if not implemented.

An approach should include:

1. Description of the planning process;
2. A one-year operating plan;

3. A five-year Management Plan (which if working well, could become a 10-year plan);
4. A 20-year Strategic Plan;
5. A long-term sustainability scan;
6. List of action items – who does what when;
7. Description of public participation activities required;
8. Commitments to monitor and evaluate;
9. Commitments to Adaptive Management approach to management;
10. Commitments to further research;
11. Consideration of emerging issues such as climate change and demographic changes;
12. Consideration of cumulative effects on the grizzly bear population;
13. Commitment to a management plan review process.

Conclusion

The Gwich'in Management Plan experience demonstrates many of the unknowns in developing management regimes within a land claim, interim resource, or self-government negotiated process. For almost twenty years, the Gwich'in have attempted to formalize a Management Plan with government that has not been successfully concluded. The GCLCA provided that various wildlife management plans be developed, however, a plan for the management of the grizzly bear harvest in the GSA, remains uncertain. This experience is instructive in terms of demonstrating that not all management planning processes proceed as expected, but can be recursive processes with the learning opportunities brought back to the planning stages.

References

Callaghan, K., personal communication, November 16, 2009.

Callaghan, K., personal communication, November 17, 2009.

Callaghan, K., personal communication, November 18, 2009.

Grizzly Bear Management Plan for the Gwich'in Settlement Area, Northwest Territories, 2000-2005.

Gwich'in Renewable Resource Board. Retrieved on October 3, 2009 from

<http://www.grrb.nt.ca/pdf/wildlife/grizzly/grizzlymgmt%20plan.pdf>

Gwich'in Comprehensive Land Claim Agreement, Volume 1. (1992). Indian Affairs and Northern

Development. Retrieved on October 17, 2009 from

<http://gwichin.strengthwebsitehosting.com/documents/GCLCA.pdf>

Gwich'in Harvest Study Final Report. (2009). Gwich'in Renewable Resources Board. Retrieved on

November 19, 2009 from http://www.grrb.nt.ca/pdf/GHS/Harvest_Study_Report_FINAL09Web.pdf

Management Agreement for Grizzly Bear in the Gwich'in Settlement Area, 1998. Gwich'in Renewable

Resources Board. Retrieved in an email from K. Callaghan, October 21, 2009.

Management Agreement for Grizzly Bears in the Gwich'in Settlement Area, 2002. Gwich'in Renewable

Resources Board. Retrieved in an email from A. Thompson, October 21, 2009.

Thompson, A., personal communication, October 21, 2009.

Thompson, A., personal communication, October 26, 2009.

Thompson, A., personal communication, November 16, 2009.