



Yukon Fish and Wildlife Management Board Review

Final Report

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Fish and Wildlife Working Group of the Yukon Forum

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1 Background

The Umbrella Final Agreement (UFA) came into effect in 1993 and formed the basis for subsequent First Nation Final Agreements (FNFA) and Self-Government Agreements (SGA) throughout Yukon. Chapter 16 of the UFA and subsequent FNFAs created provisions for several instruments to be established to involve Yukon First Nations in the management of fish and wildlife within the territory, including the creation of the Yukon Fish and Wildlife Management Board (YFWMB). The YFWMB was “established as the primary instrument of Fish and Wildlife management in the Yukon,” to act in the public interest and serve the objectives of Chapter 16.

It has been more than 25 years since the signing of the UFA and the first four FNFAs and the creation of the YFWMB. In that time, one other review has been conducted that included the instruments in Chapter 16. Beginning a decade after the UFA and first FNFAs were signed, in May 2003, a suite of coordinated reviews was jointly undertaken by the Parties to the UFA and the seven FNFAs and SGAs that were signed at that point. The reviews examined the effectiveness of the implementation of the UFA and FNFAs (including, but not limited to, the instruments in Chapter 16), culminating in a single report published in October 2007. The Implementation Reviews offered some learnings for fish and wildlife management in Yukon and the YFWMB. Many of these learnings are still applicable today.

The external environment has changed dramatically since the UFA and first four FNFAs were signed and there have been a great deal of lessons on the implementation of Final Agreements and the models used for cooperative management of resources. Consequently, it is timely to take stock of how the YFWMB is working in the broader fish and wildlife management structure to which it contributes.

At the December 2018 Yukon Forum meeting, the Government of Yukon and First Nations decided to review the YFWMB “to evaluate the success and effectiveness of this important Chapter 16 entity” (Yukon Forum, 2018, p. 2). The Yukon Salmon Subcommittee (YSSC) and the Renewable Resources Councils are not addressed through this review, except as they interface with the YFWMB.

2 Review Purpose and Methodology

The overall purpose of the review was to examine:

- The current external context in which the YFWMB is operating;
- The existing fish and wildlife management structure that is in place in Yukon and how the YFWMB links to other actors in this management structure;
- The mandate, activities and outputs of the YFWMB, including as they relate to the Yukon Fish and Wildlife Enhancement Trust (YFWET);
- The governance and management of the YFWMB; and
- The YFWMB's overall effectiveness – noting key strengths and opportunities for improvement.

The review results will be used to reflect on how effectively the YFWMB has been implemented and whether it is meeting the challenges of modern-day fish and wildlife management.

2.1 METHODOLOGY

As detailed in Figure 1, we completed the review by undertaking five distinct process steps.

Figure 1: Review Methods



Three areas of inquiry were outlined in the review plan and used to guide the data collection and analysis steps. These areas of inquiry are as follows:

1. **Legal Landscape / Roles for Fish and Wildlife Management in Yukon** – to understand prescribed roles for fish and wildlife management in Yukon; how these roles have been implemented in practice; what has changed in the legal landscape since the UFA / FNFAs were negotiated; and what these changes mean for future fish and wildlife management
2. **YFWMB Mandate and Activities** – to understand the YFWMB mandate, objectives, activities and inputs / outputs, including as they relate to the YFWET (i.e. what the YFWMB does, why, and how); how effective the YFWMB is in fulfilling its mandate; and key strengths or areas for improvement in fulfilling its mandate
3. **YFWMB Governance and Management** – to understand how the YFWMB operates to fulfill its mandate, considering YFWMB leadership and management, decision-making, accountability, planning and procedures, and operations

To confirm the scope and approach to the review with the Fish and Wildlife Working Group (FWWG), we developed a review plan, which included an interview guide based on the areas of inquiry, a list of intended interview participants, and a document review list.

To support this review we collected information from four main sources:

1. 26 documents related to the YFWMB, the UFA / FNFAs, and UFA implementation
2. 23 interviews with a variety of organizations with knowledge of the YFWMB

3. Five (5) meetings / focus groups with the YFWMB and subsets of its membership and staff
4. Input from an *Engage Yukon* survey open to the public

The lists of documents and of interviewees can be found in Appendix A and B, respectively.

In total, we conducted 23 interviews, many of them group interviews involving multiple individuals from the same organization. A sampling approach was used to identify First Nations Lands Directors and Renewable Resource Council (RRC) participants, based on organizations that have been most active in the fish and wildlife management structure. We then contacted interviewees by email to invite them to an interview. The emails included an introductory letter explaining the purpose of the review and a copy of the interview guide. We followed up by phone and email as needed to schedule interviews.

In addition to the interviews, we received input from the YFWMB as a whole and from four focus groups with subsets of the board members grouped around key perspectives. The four focus groups were: Past Chiefs, Community / On the Land Perspectives, YFWMB Executive (Chair, Co-Chair, and Executive Director), and YFWET Executive (Chair, Co-Chair, and Trust Manager). The interview guides were tailored for each of the YFWMB focus groups to reflect the questions and insights that were most relevant to that group's perspective.

The *Engage Yukon* questions were a variant on the interview guide. The survey was published in English and French and was open for online public participation from March 1 to 31, 2019.

Following the collection of data, we synthesized information, aligning with several key themes that emerged from the information collection phase according to the areas of inquiry. This information was analyzed to form findings, discussion, and recommendations which are presented in the subsequent sections of this report.

While the review asked broad questions about the overall fish and wildlife management structure and the YFWMB's mandate to understand how things are working, many participants assumed that there would not be a willingness to make changes to the UFA and FNFAs. Consequently, the majority of participants focused their input on opportunities for improvement within the existing fish and wildlife management structure.

3 Findings: Changes in External Context

In the more than 25 years since the UFA and earliest FNFAs were signed, the context surrounding fish and wildlife management in Yukon has evolved, with implications for how all actors in the fish and wildlife structure (including the YFWMB) conduct their work. During this review, we explored what political, economic, social, technological, legal, and environmental changes have occurred since 1993, when the UFA and first four FNFAs were signed, that affect the way fish and wildlife are managed in Yukon. These changes in context, and their implications, are described below.

Evolving Indigenous Rights

Canada adopted the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and is working to redefine its relationships with Indigenous Peoples. Canada has stated its commitment to reconciliation and improved nation-to-nation relationships with Indigenous Peoples. This shift is leading to greater recognition and upholding of Indigenous rights, including constitutionally protected rights to hunt, fish, and trap, as well as treaty rights such as those laid out in the UFA / FNFAs.

Obligations for the duty to consult and accommodate have also evolved since 1993. Decisions in case law have defined a distinct role and requirement for governments to engage directly with Indigenous Peoples, specifying that the duty to consult and accommodate cannot be discharged through boards or committees. This shift in the context around the YFWMB has led to a perception of duplication of engagement activities – as the Crown’s duty to consult means that it must solicit input on any action that may impact Indigenous rights, irrespective of the YFWMB’s public engagement processes.

Indigenous Peoples are now more integrated into resource management structures in Yukon through membership in the YFWMB and the Renewable Resource Councils (RRCs) and through other structures nationally and internationally. Furthermore, there is more experience and learnings from a range of different models than in the early 1990s. As learnings are shared among organizations, more effective ways to work together are evolving.

Growing First Nation Capacity

Many Yukon First Nations have more capacity than in 1993, including more capacity within First Nations organizations, better understanding of how to work alongside the federal and territorial political systems, and more educational training in resource management. Yukon First Nations are thus better able to contribute to fish and wildlife management. However, the degree of capacity differs across First Nations: some are well-equipped, actively managing fish and wildlife in their traditional territory and establishing working relationships with governments and the YFWMB, while others have less capacity and have been less involved.

Even among those that are better equipped, First Nation participants frequently expressed that they felt their capacity was stretched and they feel they have too few staff relative to the breadth of issues they are responsible for managing. This statement was underscored by participants’ comparisons with the growth in employment and complexity in the Government of Yukon since 1993.

Not all Yukon First Nations have Final Agreements

When the UFA was negotiated, it was expected that all fourteen Yukon First Nations would sign final agreements that would align with the UFA. To date, eleven Yukon First Nations have signed FNFAs. Three First Nations have not developed final agreements and continue to interact with the territorial

and federal government under the provisions in the *Indian Act*. This has implications for their representation in instruments of the UFA / FNFAs, such as the YFWMB. Their needs and issues must be considered outside of the processes and structure envisioned in the UFA.

Greater Pressures and Conflict over Wildlife in Yukon

Human population growth and growing development – including of natural resources and tourism industries – in Yukon since 1993 have resulted in greater pressure on fish and wildlife via habitat encroachment and fragmentation, as well as increased harvesting pressure. These effects on fish and wildlife populations and their habitats are compounded by a rapidly changing environment due to the fast pace of climate change effects.

The increasing pressures on fish, wildlife, and their habitat has also created conflicts and tension among rights holders, user groups and the public, making fish and wildlife management more challenging and in some cases controversial. Ensuring the protection of First Nation rights, while also managing for other objectives has become more complex with greater pressures on species and their habitats. For migratory species, pressures in surrounding habitat ranges (e.g. in British Columbia, Alaska, the Northwest Territories, and international waters) and from neighbouring jurisdictions (e.g. harvesters from British Columbia and the Northwest Territories who hunt, fish, or trap in Yukon) are compounding pressures on, and tensions over, Yukon fish and wildlife.

Evolving Societal Views and Values

Evolving societal views and values have influenced the acceptance of certain management approaches. For example, predator management such as wolf culls are currently viewed negatively by portions of the population and are no longer employed by the Government of Yukon. Other portions of the population see this as part of a long-standing tradition of responsible stewardship, contributing to tensions among fish and wildlife management actors. Another example of evolving societal views and values is the increased importance placed on non-consumptive uses, such as photography, other forms of art, and wildlife viewing.

Societal expectations are also evolving around how much public engagement and the timeframe of engagement is suitable for fish and wildlife management activities. On one hand, Yukoners have a keen interest to have input on decisions and on the other hand, some people believe the time it takes to gather input is not quick enough to respond to fish and wildlife threats.

Greater Use of Technology with both Positive and Negative Impacts

The technological changes that have occurred since 1993 have had both positive and negative impacts for fish and wildlife in Yukon.

The positive implications of technological developments include increased ease of public engagement, however some people cannot be reached through these means and consideration must still be given to generational and cultural differences, for example in internet and social media usage. Another positive implication is that technology has enabled better fish and wildlife management tools (e.g. greater ability to monitor fish and wildlife populations, movements, and habitats).

Technology has also had some negative implications for fish and wildlife in Yukon. One example cited by a participant is that cell phone cameras and social media have enabled rapid communications about wildlife sightings, contributing to greater efficiency of and pressure from harvesting.

Implications

The changes in the external context as described above provide overall context for understanding the findings from this review. They also point to specific questions that will need to be resolved by actors operating within the fish and wildlife management structure in Yukon. Some questions raised by this examination of the changing context include:

- As reconciliation and greater respect for and recognition of Indigenous rights evolve in Canada, what implications does this have for the fish and wildlife management structure in Yukon?
- Given the Government of Yukon's duty to consult and accommodate First Nations on things that affect their rights and the statement in Chapter 16 "that there not be any duplication in the public management of Fish and Wildlife", should the YFWMB's role in public engagement evolve?
- Given that three First Nations do not have final agreements, what does this mean for the YFWMB's Yukon-wide role and/or how these three FNs should be included in fish and wildlife management?

We do not treat these questions in more detail within this review, except where they relate specifically to the purpose of the review (i.e., the YFWMB's mandate and activities; and governance and management).

4 Findings: Fish and Wildlife Management Structure

The fish and wildlife management structure for Yukon is defined through Chapter 16 of the UFA / FNFAs and the *Yukon Wildlife Act*. Together, these foundational documents outline different roles in fish and wildlife management for five key actors.

There are also legislative requirements of the Government of Canada that contribute to the fish and wildlife management structure in Yukon; however, these were not raised during the review and there was little understanding as to how Canada fits into the structure. Most participants describe the fish and wildlife management structure as Chapter 16, rather than being inclusive of the *Yukon Wildlife Act*.

1. **Government of Yukon** – The Fish and Wildlife Branch of Environment Yukon performs fish and wildlife research and monitoring, coordinates harvest management, ensures habitat and wildlife management and protection, provides public experiential education on wildlife (wildlife viewing programs), and participates in co-operative management. Per the UFA / FNFAs, the Minister holds decision-making authority on fish and wildlife management in Yukon. The Minister receives recommendations from the YFWMB, RRCs, and others and then, considering information or matters of public interest that may not have been considered by the YFWMB or RRCs, may accept, vary, set aside or replace the recommendation or decision and must provide written reasons for any variation, replacement, or setting aside. The Government of Yukon also administers the Transfer Payment Funding Agreement for the YFWMB on behalf of the Government of Canada and was a contributor to the initial funding of the YFWET.
2. **Yukon Fish and Wildlife Management Board** – The YFWMB is a public advisory body with a mandate to address fish and wildlife management issues that affect all of Yukon. As the primary instrument of fish and wildlife management in Yukon, the YFWMB consolidates public input and the best available technical, traditional, and local knowledge to provide recommendations to First Nations, territorial, and/or federal governments on policies and legislation for sustainable fish, wildlife, and habitat management.
3. **Renewable Resource Councils (RRCs)** – In each Yukon First Nation's Traditional Territory, a RRC has been established as the primary instrument for local renewable resources management, with the authority to solicit public input and deliver recommendations to their respective First Nation, the territorial or federal government, the YFWMB, and the YSSC on any matter related to conservation of fish and wildlife in their Traditional Territory (TT).
4. **First Nations** – Subject to the terms of their respective FNFAs, each First Nation is empowered to manage how its citizens and other Yukon First Nations exercise harvesting rights within the First Nation's TT, and is required to provide harvest information to the YFWMB, YSSC, RRC, or an officer with lawful authority upon request.
5. **Government of Canada** – Canada is responsible for ensuring that when issues involving fish and wildlife management arise in international negotiations, reasonable efforts are taken to represent the interests of affected Yukon First Nations. Canada also provides funding to the YFWMB and contributed to the initial funding of the YFWET. Fisheries and Oceans Canada

(DFO) provides administrative and technical support to the YSSC, including by serving as Executive Secretary.

The Government of Yukon, Government of Canada and the Council of Yukon First Nations all play a role in nominating and/or appointing board members to the YFWMB (as discussed in the Section on “Board Representation and Appointments”).

Efficacy of the Structure

Through the review we heard that the integration of the UFA and FNFAs into the fish and wildlife management structure in Yukon represented a major shift in how these resources were managed, and by whom, and that this integration and transition is still unfolding.

Overall, we heard that most participants believe in the fish and wildlife management structure outlined in Chapter 16 of the UFA / FNFAs, but think it could be implemented more effectively. Participants in the review emphasized that the UFA / FNFAs created a structure to recognize the rights of First Nations and enable their participation in fish and wildlife management. One participant noted “the structure looks great on paper”. In particular, the inclusion of local and regional roles in fish and wildlife management were thought to be particularly insightful. However, we heard quite strongly from a number of participants that to more successfully integrate the UFA / FNFAs into the overall structure for fish and wildlife management, they would like to see the *Yukon Wildlife Act* amended to conform with these Agreements. This theme of assessing and making changes to government regulatory regimes is not new – it was raised in the 2007 Implementation Reviews, with the recommendation to prioritize and cooperatively advance changes.

Although most participants believe in the structure outlined in Chapter 16 of the UFA and FNFAs, there were a few participants that believe that the YFWMB model could be strengthened based on other models that have been in practice over the last 30-40 years. Comparisons were made to the models used for the Porcupine Caribou Management Agreement and the Wildlife Management Advisory Committee – North Slope, which participants characterized as “co-management” models. Useful elements of these models that were highlighted include:

- Having a professional Chair that can support consistent implementation of the mandate over time;
- Building in mechanisms for technical expertise (through staff and board members); and
- Having members of the Parties to the Agreements involved in the management body (with the authority to speak on behalf of their organization).

One participant acknowledged that, in practice, it has been a challenge to accommodate two key purposes established through Chapter 16 through the role of the YFWMB:

1. The effective management of fish and wildlife, which in part requires technical knowledge, expertise and data and which are either not part of the YFWMB mandate or not incorporated into structural mechanisms of the YFWMB (e.g., through staff positions or YFWMB member expertise); and
2. The full participation of First Nations into renewable resource management, which requires the integration of First Nation values, perspectives and knowledge.

The challenge of accessing the right technical expertise and information is a theme that recurs throughout this report and is in part influenced by the structure outlined in the UFA / FNFAs.

Roles and Behaviours in Support of the Structure

While participants generally believe in the structure for fish and wildlife management outlined in Chapter 16, the overall structure is complex with multiple organizations playing various roles. Through the review, we learned that there is no universal understanding or agreement on what the overall fish and wildlife structure is and what roles are meant to be played by the various actors. While some progress has been made on defining roles within the structure over time, this issue has existed since the beginning. One participant noted that there were a number of items that were loosely identified in the UFA in order to achieve a negotiated agreement, which then required further clarification and interpretation through Agreement implementation. However, it was noted by another participant that the Parties to the Agreement did not provide sufficient direction and support to assist in the ongoing understanding and implementation of Chapter 16, both in its early implementation and currently.

Despite the complexity of the structure, there is no formal mechanism for the various organizations to coordinate, collaborate, set priorities and work together. In addition, the role of the Government of Canada in Chapter 16 implementation is largely seen as absent, although some recent activities with Fisheries and Oceans Canada (DFO) and Environment and Climate Change Canada (ECCC) / Committee on the Status of Endangered Wildlife in Canada (COSEWIC) were identified.

While some of the relationships in the structure are working well, there appears to be diminished cooperation and trust to enable some of the key actors to work together effectively. Given that this review focuses on the YFWMB, we focus on relationships that intersect with the YFWMB, rather than commenting on relationships between all sets of actors. The YFWMB and RRCs have worked together over time to define roles and cooperation through an MOU. The YFWMB has acknowledged that there are many ways to engage with First Nations and it is still figuring out how best to engage with them. However, the relationship between the YFWMB and the Government of Yukon has been described by many as adversarial, and there appear to be a number of underlying or contributing factors influencing this relationship which are described below:

- In negotiating Chapter 16 of the UFA / FNFAs, First Nations sought to achieve decision-making authority for fish and wildlife management. Ultimately, this authority was not granted through the UFA / FNFAs, but this initial expectation has continued to shape some individual and organizational perspectives and behaviours. Many participants either think the YFWMB has decision-making authority currently or *should* have this authority.
- Some have noted that the appointment of UFA / FNFA negotiators to the YFWMB in the early years, led to a rights-based focus early on.
- Today, a number of participants are very concerned that the spirit and intent of the UFA / FNFAs are either not well-understood or not respected / implemented, including by the Government of Yukon.
- There is also an overall feeling by a number of actors in the structure that is hard to work with the Government of Yukon due to its size and the number of departmental touch points (and lack of coordination between departments) on fish and wildlife issues.

Management Practices and Outcomes in the Structure

We heard universally that there is a desire for a different kind of fish and wildlife management approach in Yukon, and that an effective management structure is needed to achieve positive outcomes for fish, wildlife, and their habitats. In particular, we heard a need for:

- More proactive management;
- Longer-term thinking;

- Better understanding of pressures that integrates science, local and traditional knowledge equally;
- Greater openness to a range of management tools / solutions (including species management and not just “people” management); and
- Better data to support management approaches and decisions.

Discussion

In general, participants believe in the fish and wildlife management structure in Yukon and recognize that there is an important role for each actor to play. Due to the complexity of the structure, it is essential to ensure that everyone understands the structure and the roles within it and that there are mechanisms in place to enable cooperation. Implementation of Final Agreements and fish and wildlife management are both dynamic processes that requires all actors and Parties to the Agreements to work together, respond to changes in the external context, and evolve roles from time-to-time, but this can only be done with strong relationships and trust to foster collaboration and respect for each other’s defined and agreed roles. While structural mechanisms will support better cooperation in the fish and wildlife structure, none of this will matter unless behaviours are altered to shift to a collaborative approach that recognizes the roles and value of each of the actors in the structure.

Despite the articulation of the YFWMB as a recommending body (rather than decision-making body) in the UFA and FNFAs, many people either think the YFWMB has decision-making authority currently or believe it *should* have decision-making authority. Although we do not propose changes to the UFA and FNFAs through this review, it may be appropriate for the Parties to examine the YFWMB model in the context of evolving Indigenous rights, the lessons that have been learned from this model and other resource management models in the North, and the sufficiency of the capacity to undertake any proposed changes.

Recommendations

1. Undergo a process to clarify, achieve consensus and document the fish and wildlife structure and various roles within it, including the Government of Canada, based on the current external context / legal landscape, areas of overlap / duplication, and identified strengths and weaknesses (**All actors; Parties to the Agreement**)
 - a. Establish a formal mechanism and defined time period for Parties to the Agreement to engage in regular review of the effectiveness of the implementation of the fish and wildlife management structure
2. Establish a formal mechanism for the actors in the structure to coordinate and collaborate in implementing the objectives in Chapter 16, including identifying wildlife management issues, priorities, solutions, and changes to the fish and wildlife management structure over time (**All actors**)
 - a. This mechanism could be through an existing or new engagement structure and it should formalize how the actors will collaborate, on what subject matter and with what frequency
 - b. Ensure there is a way to get input from the Parties to the Agreement on joint priorities for fish and wildlife management
3. Develop and implement an approach to build a common understanding and meaningful implementation of the UFA / FNFAs including documenting materials, enabling dialogue and providing training (**Parties to the Agreement**)

4. Commit to reframing behaviours and relationships to foster collaboration and partnership, based on trust and mutual respect and consider whether to co-develop and put in place guiding principles and/or ground rules (**All actors**)

5 Findings: YFWMB Mandate and Activities

This section of the report describes the YFWMB's mandate, the key activities it undertakes to deliver its mandate, and the key inputs to and outputs from those activities. Discussion and recommendations follow the initial presentation of information on these topics.

5.1 MANDATE

Through the UFA and FNFAs, the YFWMB is defined as the primary instrument for the management of fish and wildlife in Yukon. It is mandated to make recommendations on all matters related to fish and wildlife management, legislation, research, policies, and programs. It was noted by several participants that in the early years of YFWMB operation, the YFWMB focused on the language “primary instrument” to guide interpretation of its mandate, rather than focusing on the powers and responsibilities granted to it through the UFA / FNFAs. While the Implementation Reviews of 2007 clarified that the “primary instrument” language is to be interpreted in the context of the entirety of Chapter 16 of the UFA and FNFAs, we observed a very strong attachment to the term “primary instrument” by the YFWMB and a number of other participants, with implications for how the YFWMB's mandate is interpreted both within the YFWMB and outside the YFWMB. Many participants believe the YFWMB's mandate is not clear to the YFWMB and other actors in the fish and wildlife management structure.

“The “primary instrument” reference is to be interpreted in the context of the entirety of UFA 16. ... UFA 16.3.1 provides that the Minister retains “*ultimate jurisdiction, consistent with this chapter (emphasis added), for the management of Fish and Wildlife and their habitats*”. UFA 16.3.15 expresses the intent that “*there not be any duplication in the public management of Fish and Wildlife*”. The chapter provides a new framework within which the Minister must exercise jurisdiction, and assigns significant responsibilities in that process to RRC and the FWMB.” [Implementation Review Group (IRG), 2007, p. 114]

Overall, many participants believe the YFWMB is effectively implementing some parts of its mandate, but that it could strengthen delivery on other parts of its mandate. We heard that the YFWMB has focused on the legislative review process and formulating recommendations to the Minister of the Environment at the Government of Yukon. We also heard that there is an opportunity for the YFWMB to make use of the full mandate prescribed to it including: addressing issues related to habitat and the full range of species that are defined as “wildlife” in the UFA / FNFAs (e.g., the impacts of placer mining on fish, wildlife, and habitat; and addressing freshwater fish); and formulating recommendations to the full range of Ministers that intersect with fish and wildlife management within the Government of Yukon and to First Nations governments.

There are two distinct views about why the YFWMB has been unable to achieve its full mandate. Some participants believe this is a result of things that are within the YFWMB's control (i.e., how it operates) and think that improvements are needed to planning, day-to-day activities, procedures, and accountability. Other participants believe this is a result of things that are out of the YFWMB's control (i.e., access to the right supporting mechanisms and inputs) and think that the YFWMB requires clarity in mandate, training, additional funding and access to scientific data. Some participants commented that fulfilling an organizational mandate is a work in progress and that the YFWMB is doing the best it can with the resources it has.

Areas of Overlap / Duplication

The UFA / FNFAs specify that “there not be any duplication in the public management of Fish and Wildlife”. When we asked about potential areas of overlap and duplication in the review, three areas emerged and are described below.

1. **First Nations without Final Agreements:** Given that three Yukon First Nations do not have Final Agreements and the YFWMB has a Yukon-wide role for fish and wildlife management, the YFWMB has noted that it requires clarification on its role in areas where First Nations are not signatories to the UFA / FNFAs.
2. **Inuvialuit Final Agreement / Porcupine Caribou Management Agreement:** It was noted that there are two Agreements (with associated management structures) that predate the UFA and FNFAs – the Porcupine Caribou Management Agreement and the Inuvialuit Final Agreement. The structures covered by these Agreements are thought to have unique, Northern-specific knowledge of species and habitat. It is not clear how the YFWMB’s Yukon-wide role is reconciled with these earlier-established structures.
3. **Public Engagement:** Given the Government of Yukon obligation to consult and accommodate First Nations where their rights may be impacted and the YFWMB’s role in public engagement on fish and wildlife matters, there is a belief that there is some duplication in efforts to engage Yukoners on matters related to fish and wildlife management.

5.2 YFWMB ACTIVITIES

The YFWMB undertakes a range of different activities to deliver on its mandate. These activities are described below and organized in six categories: formal processes, board meetings / operations, communications / outreach, support to / engagement with RRCs, education / advocacy, and issues scanning / contributions.

Formal Processes

- The YFMWB’s primary tool for fish and wildlife management is the **Yukon Wildlife Act regulation change process**, which is facilitated by the YFWMB in order to provide recommendations about fish and wildlife issues that are in the public interest to the responsible governments or other bodies.
- The YFMWB also participates in the **development and implementation of wildlife conservation and management plans** in Yukon for species identified in the UFA / FNFAs Section 16.7.12.2. The YFWMB engages with the Government of Yukon and First Nations to develop these plans and facilitates the public review of these plans.
- The **Yukon Salmon Sub-Committee (YSSC)** is a public advisory body established via Chapter 16 of the UFA / FNFAs as the main instrument of salmon management in Yukon. It is a sub-committee of the YFWMB whose membership includes two board members, as well as other members specifically nominated to the YSSC by the Canadian Minister of Fisheries and Oceans and by Yukon First Nations. The YSSC provides formal recommendations to the Canadian Minister of Fisheries and Oceans and to First Nations on all matters related to salmon and their habitat.
- The **Yukon Fish and Wildlife Enhancement Trust (YFWET)** is a charitable organization established via the UFA / FNFAs with the objective “to restore, enhance and protect Fish and Wildlife populations and their habitat in the Yukon.” All YFWMB members are trustees.

Board Meetings / Operations

- The YFWMB has five **Board meetings** per year, which generally follow a predictable annual cycle (April, June, October, December, February).

- The Board establishes **working groups** as a means of responding to emerging or urgent issues relating to Yukon's fish, wildlife, and habitat. Ten working groups are in place: Angling, Communications, Fish and Fish Habitat, Policy, Regulation and Legislation, Licensed Hunting, Alex Vanbibber Sharing the Land Scholarship, Trapping, Wildlife Habitat, Wildlife Management Plans, and YFWET.

Communications / Outreach

- The YFWMB produces two formal publications every year: an **annual report** and a **calendar**. The Communications Working Group manages the production of the YFWMB's annual calendar, which is considered a key communications piece for the YFWMB.
- The YFWMB also engages through informal mechanisms including **meetings**, **correspondence**, and more recently, a **newsletter**.
- The YFWMB has been **building relationships with new wildlife management bodies** across the country, especially in BC, as other jurisdictions seek to learn from Yukon's fish and wildlife management environment.

Support to / Engagement with RRCs

- The YFWMB participates in two formal annual engagements with RRCs: 1) the **YFWMB Chairs Meeting** occurs in the spring and is required by the UFA / FNFAs; and 2) the **Annual General Workshop** takes place in the fall. The YFWMB also takes administrative responsibility for advancing resolutions that come out of these meetings.
- As prescribed by the UFA / FNFAs, the YFWMB provides **support to RRCs**. This support has included advice, regular communications, administrative / logistical support for hosting meetings, and minor financial support (e.g., for meeting event lunch; travel expenses to attend YFWMB Chairs Meeting).

Education / Advocacy

- The YFWMB believes **educating Yukoners** about the implementation and benefits of the UFA / FNFAs (for First Nations and non-First Nations people) is an essential part of its work. It has **developed and delivered an informational presentation** about the history, spirit and intent, and implementation of the UFA / FNFAs, including the YFWMB's role in the fish and wildlife management structure.
- The YFWMB has stated that most of its work has been in defense and protection of First Nations harvesting rights and conservation of wildlife. The YFWMB has **advocated for many years to amend the Yukon Wildlife Act** to bring it in to conformity with the UFA / FNFAs.
- The YFWMB has **championed certain issues** that have arisen (e.g., the Dall sheep campaign, which sought to address the transfer of respiratory disease from domestic sheep to wild sheep).

Issues Scanning / Contributions

- The YFWMB **stays abreast of issues and makes contributions to other processes** that affect wildlife (e.g., wetland management policy).
- The YFWMB has **provided submissions** to the Yukon Environment and Socio-economic Assessment Board (YESAB) on many projects and to the Yukon Land Use Planning Council during the land use planning processes for North Yukon and the Peel Watershed.
- The YFWMB has also **coordinated short-term working groups / responses** to respond to things such as Federal statutory changes.

5.3 INPUTS AND OUTPUTS

The YFWMB uses a set of key inputs and produces a set of main outputs as described in Table 1.

Table 1: YFWMB Key Inputs and Main Outputs

Key Inputs	Main Outputs
<ul style="list-style-type: none"> • Technical support from the Government of Yukon as provided for through the UFA / FNFA: “the Director of Fish and Wildlife for the Yukon shall serve as an advisor to the board and shall ensure that technical support is provided to the board” (16.7.8) • Informal identification and use of local and traditional knowledge through stories, discussions, outreach to people who have knowledge • Input from engagement activities 	<ul style="list-style-type: none"> • Primarily recommendations (e.g., Outfitter quotas; catch 7 release fishing (live release); off-road vehicles; harvest monitoring; captive wildlife) • Contributions to development of management plans • Annual calendar • Meeting agendas (last 5 years available on website) • Meeting minutes (approved public documents, but not available on website) • Annual report • Annual audit

Inputs

The accessibility of the Government of Yukon technical support has been seen to vary over time and some participants believe that the YFWMB does not have access to the right scientific data to conduct its work effectively. In addition, the Implementation Reviews of 2007 stated that Boards would benefit from formal processes for accessing and incorporating local and traditional knowledge to inform their work.

Public engagement

Section 16.7.6 of the UFA / FNFA states that “The Board [YFWMB] shall make provisions for public involvement in the development of its decisions and its recommendations.” One of the key activities of the YFWMB is to host public engagement activities, including open houses in communities and online engagement through the YFWMB’s website. Perspectives shared during these engagements become a key input to the YFWMB as it develops its recommendations.

Participants in this review had mixed views on the quality and effectiveness of the YFWMB’s engagement activities: some felt that engagement has been good and that their views have been well-reflected; others believe that engagement has not met reasonable quality standards and/or their voices have not been heard. Positive feedback shared by participants included comments about the YFWMB being connected to communities and an important component of democracy, raising public concerns to the attention of government. Critiques of the YFWMB’s engagement process included:

- Suggestions to improve the approach to collecting meaningful feedback online by using appropriate question prompts and also to consider accessibility of engagement media (e.g. not all Yukoners access the internet);
- Statements about insufficient notice of upcoming in-person engagement sessions, which participants commented likely restricted the number of people who knew about and were able to attend the engagement events;

- A perception that there is low participation in YFWMB engagement and that the same voices are being heard each time such that public engagement input does not reflect the diversity of perspectives throughout Yukon;
- A perception among some participants that the YFWMB has already established its position before conducting engagements, so the input received will not influence the recommendation; and
- A perception of lack of transparency about how input from the engagement has been considered and addressed (or why it was not incorporated), especially when participants have not seen evidence that their comments have been reflected in YFWMB outputs.

Since public engagement is a key input into the YFWMB's deliberations, perceptions that engagement has not been effective and does not represent the breadth and depth of Yukoners' views have contributed to participants' perception of declining credibility of the YFWMB and undermine the value of the YFWMB's outputs.

Outputs

Without sufficient access to scientific data and without formal approaches to collect local and traditional knowledge, some participants perceive the work of the YFWMB to rely more on opinion from engagement, rather than data, facts, science, observations and knowledge. There are a number of key outputs that are not readily available to all Yukoners via the YFWMB website such as: YFWMB meeting minutes, working group proceedings, outputs from public engagement and rationale for recommendations, which causes people to speculate how inputs are used and how the YFWMB formulates its advice. Some participants also identified that the outputs of the YFWMB lack substance and are not always viewed as credible, which may be affecting the uptake and use of the YFWMB's recommendations and advice.

Discussion

While there have been efforts over time to clarify the role of the YFWMB, we could not find evidence that a universal or agreed understanding of the YFWMB's mandate is being implemented by the YFWMB. While the YFWMB's mandate is outlined in the UFA / FNFAs, mandates are meant to be interpreted and further defined (within their authorities) and there are currently different interpretations of the YFWMB's mandate. It is common practice for not-for-profit organizations to have a formal, documented, and public organizational mandates to ensure that no expectation gaps exist between a board, management and its stakeholders. Despite the clarification by the Implementation Reviews in 2007, we observed that a focus on the YFWMB as the "primary instrument" for fish and wildlife management stills exists and appears to be contributing to how the YFWMB interprets its mandate and is influencing the nature of the relationship between the YFWMB and Government of Yukon. The expectations and beliefs that underlie this ongoing tension need to be resolved in the broader fish and wildlife management structure as described earlier.

Many participants don't know what activities the YFWMB undertakes, while others believe the YFWMB is undertaking activities that it should not. Some participants believe that the YFWMB has experienced mandate creep in some instances; however, with no agreed understanding about the YFWMB's mandate it is difficult to determine what is in or out of scope. In addition, some people believe the YFWMB lacks adequate scientific information / technical expertise to adequately do its job, which may compound a perception of mandate creep (if the YFWMB then undertakes activities to obtain necessary information).

In addition, because there are broader concerns that the spirit and intent of the UFA / FNFAs are not being respected, the YFWMB has taken on a strong education / advocacy role (which has been critical of the Government of Yukon and advocating on behalf of First Nations rights). One participant described the YFWMB as an “advocacy group for the people”. By resolving broader issues and tensions within the fish and wildlife management structure, the YFWMB could likely divert time from advocacy and education to address pertinent fish and wildlife management issues.

By achieving clarity on the YFWMB’s mandate, the public mandate then serves as the basis for a board’s work plan and activities and provides the basis for board self-evaluation. Once the YFWMB clarifies and documents its role, then there is likely an opportunity to be more selective about its activities and to focus on what would be most useful in the broader fish and wildlife management structure (vis-à-vis other actors in the structure). In addition, making a broader set of outputs publicly available on the website (public mandate, YFWMB meeting minutes and outputs of proceedings / engagements) will enable Yukoners to objectively assess YFWMB performance, rather than basing their evaluations on perceptions.

Recommendations

5. Work with other actors in the fish and wildlife management structure to define the YFWMB’s mandate (i.e., what would be most useful in the current context), within the powers and responsibilities assigned through the UFA / FNFAs (**All actors**)
 - a. This should include consideration of areas of strength / gaps
 - b. This should be a publicly documented mandate that deepens the interpretation for all actors and the public beyond the UFA / FNFAs (rather than simply restating the UFA / FNFAs)
 - c. The YFWMB is then accountable for delivering on this agreed mandate
6. Work with actors in the fish and wildlife management structure to address areas of overlap / duplication (**All actors and others as required**)
 - a. First Nations without Final Agreements
 - b. Inuvialuit Final Agreement / Porcupine Caribou Management Agreement
 - c. Public Engagement
7. Once the YFWMB has an agreed public mandate, make choices about the activities it undertakes in line with its redefined mandate, strategic plan, annual plan and priorities (**YFWMB**)
8. Work with other actors in the fish and wildlife structure to figure out how the YFWMB can effectively and efficiently access technical expertise and information, while respecting the roles of other actors, maintaining the principle of “no duplication” and balancing other appropriate objectives (such as cost effectiveness, etc.) (**All actors**)
9. Adopt and implement more formal approaches for accessing and incorporating local and traditional knowledge (**YFWMB**)
10. Adopt and implement procedures and service standards for effective public engagement, communicate these publicly and ensure they are followed (**YFWMB**)
11. Publish key outputs to the YFWMB website (**YFWMB**)

6 Findings: YFWMB Governance and Management

This section of the report describes the YFWMB's governance, use of planning and procedures and key board operations - board orientation and board meetings. Discussion and recommendations are presented in each of these four subsections.

6.1 GOVERNANCE

The Board is comprised of 12 members appointed by the Minister of Environment. The Council of Yukon First Nations nominates 6 members. The Government of Yukon nominates 6 members, one of whom is selected in consultation and concurrence with Canada.

The YFWMB has procedures for appointing a **Chair** and **Vice-Chair**. Although the procedures do not state term periods and limits for these appointments, board members indicated that the practice is to nominate the Chair and Vice-Chair every year and renew these appointments for up to a maximum of two years.

The Board uses special **Working Committees** to assist it in completing its tasks. It uses two specific Working Committees: Personnel Committee and Executive Committee. The Executive Committee is composed of the Chair, Vice-Chair and Executive Director and was created to provide more support to the Executive Director.

The YFWMB also uses **Working Groups** to deal proactively with issues. While some groups may not meet for months at a time, they are technically always in operation in order to be proactive and available as issues arise.

The YFWMB is currently supported by three **staff**: two full-time and one part-time staff (80%). The roles that currently exist are the Executive Director, Office Manager and Communications and Information Specialist. There have been significant staffing changes since the YFWMB was established in 1993.

Leadership and Management

Board members and the Executive Director work closely to deliver the mandate and activities of the YFWMB. Due to the short term of the Chair and Vice-Chair (and consequently the Executive) and the turnover / renewal of board members, there appears to be limited consistent leadership from the Board itself. Rather, the consistency in leadership and direction has come from the Executive Director. While there are different models for how boards and management work together to run an organization (including policy boards and administrative boards), it is not clear to review participants what model the YFWMB follows and how the Board provides objective oversight. Consequently, participants noted confusion between how the Board and management are implementing their respective roles.

Board Decision-Making

The Board has a clear procedure for how it makes decisions. The majority of its decisions are made by consensus and if necessary, it proceeds with a majority vote (which is rarely required). We heard from participants that it is not always clear how input from engagement is used in the work of the

Board. There is a keen interest from participants for greater transparency about what information the Board uses and how it makes decisions. They would also like to see justification and rationale for decisions and recommendations. Without this public transparency and understanding, some people perceive Board decisions and recommendations to be representative of a narrower set of interests rather than a fulsome weighting of diverse perspectives; and to be reflective of uneven weighting of Board member contributions.

Accountability

The YFWMB has some procedures documented for enabling public and individual accountability in its Operating Procedures and Administrative Policies and Procedures. These include: Strategic Goals Review which requires the YFWMB to review its progress annually, and Performance Reviews which requires annual reviews of staff performance (but not Board member performance). However, as discussed in the following section on Planning and Procedures, these procedures are not implemented consistently by the YFWMB.

In addition, the YFWMB prepares some key outputs that could be used to strengthen accountability, but it would need to alter its practices to seize this opportunity. The YFWMB's meeting minutes are considered public documents and are currently available by request. By making these minutes available on the website, it will create a simple way for many Yukoners to easily access the results of the board meetings. The YFWMB also prepares an annual report. The 2007 Implementation Reviews acknowledged that annual reports are an important way to communicate about YFWMB progress and that they "should focus on results, featuring balanced reporting that may include the citation of examples by one or more Parties respecting not only achievements but also challenges" [IRG, 2007, p. 31]. The annual report could be used as a key communications tool that reflects on progress and the priorities that lie ahead.

The Board previously received feedback on its heavy use of "in camera" time through its meetings and has modified its practices to limit the amount of time spent "in camera". While it is normal to make use of "in camera" time as required, it is meant to be used sparingly, for certain purposes (such as personnel issues) and is usually undertaken without management present. The YFWMB also has unique circumstances which requires it to use "in camera" time during the deliberation phase of recommendations, which includes both the established process for regulation changes under the *Yukon Wildlife Act* but also other formal recommendations that are being drafted as issues arise. This practice stems from a requirement in the UFA / FNFAs (16.8.3) to keep "all recommendations and decisions of the Board confidential until the process in 16.8.4 to 16.8.6 has been completed or the time for the process has expired."

The YFWMB has also acknowledged that much of its corporate memory resides with the Executive Director and that it will be important to ensure this memory is documented and retained for the future. In addition to the effort to document historical knowledge, it would be helpful for the YFWMB to make documentation a regular part of its practices including documenting: a public mandate, procedures as perceived gaps arise, annual work plans / priorities, a strategic plan and rationale for decisions. Not only will greater documentation enable the YFWMB to work more effectively and efficiently (by enabling board members to access historical progress on fish and wildlife issues that are also being addressed today), but greater transparency of its documentation can strengthen public accountability.

Perceived and Actual Independence

We heard through the review that there is a perception that the YFWMB is not independent from the Government of Yukon, which was characterized as a challenge. In particular, the UFA / FNFAs

(16.7.7.2) provide that “The Director of Fish and Wildlife for Yukon shall serve as an advisor to the board and shall ensure that technical support is provided to the board”. Given that the Government of Yukon is the primary source of technical expertise to the YFWMB and one of the YFWMB’s primary tools is to facilitate the regulation change process for amendments to the *Yukon Wildlife Act*, some participants wonder how the YFWMB can undertake this process objectively. The inability to access the right technical support or impartial advice was a recurring theme throughout the review and would likely require structural changes to address.

In addition, without consistent and transparent strategic and annual planning exercises, some participants believe the YFWMB’s activities and priorities are reactive and in response to the Government of Yukon activities and/or requests. We address the importance of undertaking planning activities in the following section on Planning and Procedures and with consistent effort in this area, the YFWMB should be able to demonstrate that it influences its priorities, while also collaborating with other actors in the fish and wildlife management structure.

Discussion

Overall, the YFWMB’s governance structure is relatively standard for a board. However, it is not clear to participants how the Board provides objective oversight to the organization and there is confusion outside the YFWMB around the distinction of roles between board members and management, and what type of board model the YFWMB has adopted.

Regardless of the type of board, all boards must be capable of providing objective oversight (Davidson, 2014). Boards are responsible for putting in place policies, procedures, values, and long-term planning to meet the organizational mandate and uses a governance structure to do this (Davidson, 2014). Boards are consequently responsible for determining their governance structure (including defining the roles of the board versus management), which may need to evolve or change over time (Davidson, 2014). The activities of the organization are then carried out by board members, staff and committees (Davidson, 2014). Generally speaking, the key functions of a board are as follows:

- “Determine a governance model and ensure that appropriate organizational policies and structures are in place
- Participate in the development of a mission and strategic plan for the organization
- Hire and ensure that an effective senior management team is in place (i.e., Executive Director)
- Maintain effective partnerships and communication with the community, the organization’s members and its stakeholders
- Maintain fiscal responsibility, including raising income, managing income, and approving and monitoring annual budgets
- Ensure transparency in all communication to members, stakeholders, and the public
- Evaluate the organization’s work in relation to a strategic plan
- Evaluate the work of the board of directors, ensuring continuous renewal of the board, and plan for the succession and diversity of the board” (Davidson, 2014, p.1)

Two basic categories of boards exist (see Table 2):

1. **Policy boards** (board focuses on policy and hires ED to implement); and
2. **Administrative boards** (board is more hands-on in management activities) (Davidson, 2014).

Table 2: Distinctions between Types of Boards

Policy Boards		Administrative Boards	
Policy Board or Management-Team Board	Policy Governance Board	Working Board	Collective Board
<ul style="list-style-type: none"> ▪ Board committees help carry out activities of organization ▪ Board and staff relationship is a partnership 	<ul style="list-style-type: none"> ▪ Board operates with a single voice (rarely uses committees) ▪ ED has clear scope; main emphasis of Board is on policy 	<ul style="list-style-type: none"> ▪ Board plays a hands-on role with administrative functions of the organization ▪ Organization may not have any staff 	<ul style="list-style-type: none"> ▪ Board plays a hands-on role with administrative functions of the organization ▪ Focused on specific goal ▪ Typically no ED

(Davidson, 2014)

It appears that the YFWMB is a policy board, specifically a “Management-Team Board”, because the Board executes its work through the use of committees and board members and management work together closely through the Executive Committee. All models of boards can be successful, but it needs to be clear to everyone what model is in use and what the model means for the distinction in roles between the board and management.

Key elements that may shape a board’s choices about how it governs itself and how responsibilities should be delineated include: “the experience of board members and staff, past experiences within an organization, how the organization wants to deliver its programs and services, and how the board views power and authority within the organization” (Davidson, 2014, p.13).

There is also an opportunity to strengthen the functioning of the Board by determining how to provide consistent leadership over time. One possible tool is to make the Chair and Vice-Chair terms longer; however, having the ability to vote in the Chair and Vice-Chair each year can also be a way to promote individual accountability. The other key tool is through organizational behaviour and culture, which is up to the individuals involved to set the right tone and to hold each other accountable.

Public accountability was a recurring theme that we encountered through the review and that has connections to many different aspects of our findings. It is a responsibility of public boards to be accountable to the public that they serve. The public should be able to understand the YFWMB’s mandate and independently assess its performance relative to its mandate and objectives. Without easily-accessible mechanisms to stay informed about YFWMB objectives, priorities, progress, and performance, the public has not been able to make this independent assessment, which has led some to speculate about the performance of the YFWMB and make judgments about the activities it undertakes. This is a critical area for the YFWMB to address moving forward – to demonstrate its value and credibility.

Recommendations

12. Confirm and communicate the YFWMB governance structure, including model of board and differentiated roles between board and management, and diligently implement this structure to demonstrate objective oversight by the Board (YFWMB)
13. Determine how to set and maintain consistent leadership from the Board (YFWMB)

- a. Consider whether to extend the Chair and Vice-Chair terms to provide greater consistency to the organization
14. Develop a clear set of procedures that outline a range of practices (and diligently implement them) to strengthen transparency of YFWMB activities and its public accountability including (YFWMB):
- a. Developing a procedure outlining which items will be publicly available and through which channels (e.g., YFWMB meeting minutes, working group proceedings, outputs from public engagement and rationale for recommendations) and make these public materials easily accessible to the public
 - b. Developing procedures on strategic and annual planning and communicate these plans to the public
 - c. Developing a procedure for the use of in camera sessions
 - d. Developing a procedure for formalizing documentation across the YFWMB to ensure that corporate memory is retained
 - e. Implementing the Strategic Goals Review procedure and communicate the results in the annual report
 - f. Implementing the Performance Reviews procedure, and supplement this procedure to address board member performance

6.2 PLANNING AND PROCEDURES

The YFWMB has two key documents that guide the operations of the YFWMB (Operating Procedures and Administrative Policies and Procedures), which were last updated in 2015 (see Table 3).

Table 3: Elements of Two Key YFWMB Procedural Documents

The Operating Procedures of the YFWMB are a guide to the conduct of board members and board meetings.	The YFWMB's Administrative Policies and Procedures are a guide to the operations of the YFWMB as an organization.
<p>Key elements included:</p> <ul style="list-style-type: none"> • Mandate, roles / expectations of members • Chair role • Appointment of Chair / Vice-Chair • Working committees of the Board • Working groups of the Board • Conflict of interest • Strategic goals review • Appointments to external committees • Board meetings – Quorum, Decision-making, Meeting minutes 	<p>Key elements included:</p> <ul style="list-style-type: none"> • Board honoraria and expenses • Board training / education (excludes orientation) • Invitations to conferences • Use of lawyers • Budgeting and financial management • Asset protection • Personnel policies • Board personnel Committee • Performance reviews (for staff) • Human rights policies

For the most part, these documents have standard provisions for good governance and management. There are three key topics that are excluded from these documents that we recommend the YFWMB add to provide clarity and strengthen its governance and management approaches:

1. **Board member orientation** – to guide how new board members are integrated into this role to set them up for success.
2. **Strategic and annual planning** – to guide how the YFWMB undertakes regular planning exercises to inform priorities and shape the activities of the organization.

3. **Performance reviews (for board members)** – to enable board members to periodically reflect on their role and ensure that they supported to make the best contributions they can.

There is also one area that is not well-defined in the procedures – **conflict of interest**. The conflict of interest section is short and requires strengthening. Currently, there is no clear policy that states actual and perceived conflicts of interest should be avoided. In addition, the current procedure allows the Board a great deal of discretion on how to deal with a declared conflict.

One purpose of having Board decisions on conflicts documented in meeting minutes is to build transparency and accountability of the Board for dealing effectively with conflicts. However, the Board meeting minutes are not currently available online (only by request), so public accountability is currently limited. We heard from participants that there is a perception that conflicts of interest are not well-managed by the Board. Participants noted that conflicts are likely to arise in Yukon where the population is small, but they expect them to be managed effectively and transparently. By documenting, following, and reporting on a strengthened conflict of interest procedure, Yukoners can independently assess the Board's handling of conflict based on facts rather than perception.

Although the YFWMB procedures cover many elements of good governance, it is not clear whether these procedures are universally understood and followed by board members and staff. We identified two key areas that need to be implemented more consistently or effectively.

1. **Strategic Goals Review:** This section provides the basis for the YFWMB's annual organizational performance assessment relative to its mandate and strategic goals. We did not find evidence that this is completed annually or that it is a key tool in helping the YFWMB to guide implementation of its mandate and activities. Implementing this procedure consistently creates a great learning opportunity for the YFWMB, both to celebrate successes and to find ways to make even greater contributions to fish and wildlife management.
"12.1 The Board shall annually review its mandate and strategic goals and assign them priority.
12.2 The Board shall annually review its performance through an internal assessment of its efforts to accomplish its mandate and strategic goals.
12.3 Periodically, the Board may conduct a strategic performance review through an external assessment of its effort to accomplish its mandate and strategic goals."
(YFWMB, 2015a, p. 9)
2. **Management Performance Review:** The section on Performance Review provides the basis for reviewing management performance, which is a key tool for supporting the overall development of management in an organization. We heard that execution of this procedure has been informal and inconsistent, particularly with the frequent changes to the Chair position. Addressing this procedure effectively will strengthen the growth and development opportunity for management by setting goals, identifying opportunities for professional development, and reviewing progress annually relative to goals.

Planning and Priority Setting

The YFWMB has used a mix of planning tools and mechanisms with different degrees of formality over its history including:

- Undertaking the Vision 2020 exercise to establish longer-term fish and wildlife management priorities with the public;
- Having a strategic plan in place from 2012-2017;
- Engaging in planning discussions at some board meetings; and

- Articulating some annual priorities.

However, the YFWMB's approach to annual planning, long-term strategic planning and priority setting has been intermittent, not well-documented and not well-understood by outside actors. The Vision 2020 exercise has been described as a foundational process that continues to shape YFWMB activities, but there is no culminating output (just a set of survey data). Where goals, strategies, and priorities have been documented, they include a mix of statements that repeat the YFWMB's mandate, outline good practice, and state some issue-specific priorities.

“2012-2017 Strategic Plan Goals:

- 1) With a positive and respectful approach, fulfill our responsibilities and mandate*
 - 2) Become integral in management of fish and wildlife as per the Final Agreements*
 - 3) Maintain confidence and integrity in the Board*
 - 4) Be instrumental in creating partnerships with governments, agencies and other interests”*
- (YFWMB, 2017, p. 5)

There is an opportunity for the YFWMB to establish goals and priorities that relate more to the outcomes and issues that it would like to affect in fish and wildlife management, and the clarified public mandate can serve as the frame to guide choices about priorities.

The YFWMB currently identifies priorities by identifying problem areas or big issues that need immediate attention. The YFWMB finds it hard to plan, without having an understanding of the Government of Yukon's priorities over a three- to five-year horizon. Many participants commented that the YFWMB's role has been reactive, rather than proactive.

Discussion

Overall, the YFWMB has not developed / documented or effectively implemented key administrative functions and procedures that are necessary for good governance and management of a Northern board, including formalized board member orientation, regular strategic planning and annual planning and mechanisms for reviewing performance. These are key tools for enabling the success of board members, providing consistent leadership to guide the organization and reviewing progress.

Participants outlined a number of contributing factors that shape why the Board has not prioritized administrative functions over time including:

- Lack of time and consistency in leadership (through short Executive terms) to make progress in this area or to implement these functions consistently;
- Lack of expertise / capacity of the YFWMB Executive to address these functions adequately; and
- Lack of interest by the YFWMB Executive to address these functions relative to the other activities the YFWMB is undertaking.

We encourage the Board to find ways to overcome or work around these contributing factors to support improved implementation of administrative functions.

Recommendations

15. Implement good governance practices outlined in procedural documents (specifically Strategic Goals Review and Performance Reviews) (YFWMB)



16. Develop procedures for Board Member Orientation, Strategic and Annual Planning, and Performance reviews (for board members) and ensure these are followed (**YFWMB**)
17. Include administrative expertise in Board competency matrix (**YFMWB**), so that competency in this area can be addressed through the appointment process (**Parties to the Agreement**) – Relates to Recommendation 23 under Board Representation and Appointments
18. Following the documentation of the YFWMB's public mandate, develop a strategic plan to guide the organization for a 3- to 5-year period (**YFWMB**)
 - a. Seek external support to develop the first strategic plan for the organization in order to implement best practices in strategic planning
19. Prioritize performance reviews (annual YFWMB progress; and board member and management performance) to build a culture of continual improvement (**YFWMB**)
 - a. Make use of culturally-appropriate methods to undertake these performance reviews

6.3 BOARD OPERATIONS

There are two particular areas that arose in the review where there is an opportunity to improve the overall effectiveness of the YFWMB by enabling and capitalizing on the experience of board members: 1) Board orientation / onboarding, and 2) Board meetings. These areas are further elaborated below.

Board Orientation / Onboarding

The orientation process for new board members consists of a few meetings with the Executive Director to develop an understanding of Chapter 16 of the UFA / FNFAs, the YFWMB role, board member responsibilities and the Operating Procedures of the Board. There is no formal, documented or consistent approach to orientation for new board members. We heard that board members often require two to three years to come up to speed on their roles and that despite the informal orientation, they aren't always familiar with the UFA / FNFAs, the YFWMB's mandate or their individual responsibilities as board members. Board training was a theme that was also raised through the 2007 Implementation Reviews, highlighting a need for training on mandate, familiarity with the UFA / FNFAs and cross-cultural orientation and education. In addition to the formality of orientation, this is an important time to set the right tone for the expected culture and behaviours of the Board; consequently, we heard from participants that the orientation process represents a great opportunity to learn from the Parties to the Agreement.

Recommendation

20. The YFWMB should develop and document formal Board onboarding materials that can be used to orient new board members in an efficient and consistent way (**YFWMB**):
 - a. The materials should cover familiarity with Chapter 16, the YFWMB's agreed public mandate, board member responsibilities, including the code of conduct and Board Procedures; and
 - b. The YFWMB should consider how to incorporate the wisdom of the Parties into orientation to foster a collaborative and respectful approach to supporting implementation of Chapter 16 (e.g., through a buddy or mentorship system)

Board Meetings

The YFWMB holds five Board meetings per year, which generally follow a predictable annual cycle (April, June, October, December, February). Meetings are three days in length and at least one meeting per year is held in a different community as an "on the land" meeting. Meetings are open to

the public and meeting agendas are often available to those outside the YFWMB about one week in advance of meetings. Historical meeting agendas are available on the YFWMB website for the last five years; meeting minutes, however, are not available on the website, but they are available by request.

For the most part, meeting agendas appear to follow a typical format:

- At least half a day is spent on administration, finances, review of meeting minutes, action items, and correspondence;
- At least half a day is spent on updates from other groups or on topics;
- Almost half a day is spent on the YFWET; and
- The remainder of the time is spent on advancing specific issues or activities of the YFWMB.

The YFWMB has received feedback on its historical use of “in camera” time through its meetings and is now trying to limit in camera time on agendas. The YFWMB now includes one to two 30-45 minutes segments of “in camera – closed to media” for “members time” sessions and recognizes that the use of this time is for specific purposes.

Participants raised concerns that Board meetings are not as effective as they could be. In reviewing historical Board agendas, it is our observation that about half the Board meeting time is used for updates and information exchange. In our experience, the time that board members have together in person is precious and the richest output from boards comes from the dialogue and discussion when they are together. Consequently, we encourage the YFWMB to look for ways to undertake “information exchange” outside of meetings, enabling more time in meetings for dialogue and advancing work.

Recommendation

21. As YFWMB priorities are established in a strategic plan and in annual work plans, develop board meeting agendas that align with those priorities (**YFMWB**)
22. Identify ways to preserve time on agendas for dialogue and decision-making (such as by delivering information and sharing/presentation materials between meetings via webinar/conference call or in writing) (**YFMWB**)

7 Other Findings

This section of the report has three subsections that describe Board representation (diversity) and the appointment process, the activities and management of the YFWET, and the YFWMB's budget. Discussion and recommendations are presented in each of these three subsections.

7.1 BOARD REPRESENTATION AND APPOINTMENTS

Chapter 16 of the UFA / FNFAs stipulates that “the Board shall be comprised of six nominees of Yukon First Nations and six nominees of Government” and that “the majority of representatives of Government and the majority of representatives of Yukon First Nations shall be Yukon residents.” All nominees are submitted to the Yukon Minister of Renewable Resources for appointment. One of the members nominated by Yukon must be acceptable to Canada. Board members' terms are five years in length and they may be reappointed for consecutive terms at the discretion of the nominating and appointing Parties.

Board Diversity

Overall, participants believe the process outlined in the UFA / FNFAs to have CYFN nominate half the board members and the Government of Yukon (and Canada) nominate the other half leads to a good balance of First Nation and non-First Nation perspectives on the Board. This diversity is viewed very positively for supporting implementation of Chapter 16 objectives.

However, many participants believe the Board could be even stronger if a greater number of aspects of diversity were covered by the Board, including greater diversity in gender, age, ethnicity, geographic origin within the territory, interests / types of uses (e.g., consumptive and non-consumptive), and skill sets. There is a perception that the current composition of the Board is skewed more towards harvesters, outfitters, and agriculture, and towards more southern representation. Participants frequently mentioned a desire to see greater representation of women, youth, a broader range of interests (specifically non-consumptive use interests), and better regional diversity and technical expertise. The Board would also benefit from administrative expertise to support development and implementation of a number of good governance and management functions (as identified earlier in this report).

Regional representation on the Board has changed over its history. Although board members do not represent the regions they are from, regional diversity is considered important to understand local and regional issues and foster connections with the YFWMB. Current Board composition is viewed as having more representatives from southern Yukon, which is seen to limit the YFWMB's understanding and effective handling of the full range of interests and issues in Yukon.

Although diversity in Board composition is seen as extremely important for enabling the YFWMB to fulfill its Yukon-wide mandate, board member per diems and the time commitment to serve the YFWMB are seen as a challenge to attracting greater diversity on the Board. Board members' honoraria are currently \$200 per day (\$300 per day for the Chair), which has not changed since the YFWMB's inception in 1993. In 2007, the UFA Implementation Reviews noted that honoraria were low across several Yukon boards, including the YFWMB, and posed a challenge to attracting and retaining members and recommended that the honoraria be increased to \$250 per day (\$350 per day for the Chair), consistent with honoraria for boards funded by Canada (IRG, 2007, p. 101). The

current per diems and time commitment are believed to sway Board representation more to an older demographic that is retired or working part-time, because fully employed people cannot always take time away from work or rely on the honoraria to serve as a meaningful source of income.

Nomination and Appointment Processes

Both CYFN and the Government of Yukon have formal, repeatable selection processes and tools to identify and nominate potential board members. Calls for applications are announced publicly, and applications received are evaluated against specified criteria. Despite these processes, some participants stated that the appointment processes have not always been followed and that some appointments have been politically motivated. This finding is consistent with the findings of the 2007 Implementation Reviews, which state that “[c]onsiderable frustration was expressed by Board representatives... about Board member appointments that appear to be primarily politically motivated” (IRG, 2007, p. 99).

Participants frequently raised concerns about delays in the appointment process, echoing the findings of the 2007 Implementation Reviews, which noted that “[v]irtually every Board identified delays in the membership appointment process as a major concern” and confirmed that several delays had occurred, ranging in length from months to years (IRG, 2007, p. 98). Currently there are three vacancies on the Board.

Discussion

Board members’ individual skills and knowledge and collective diversity, backed by a robust, defensible, and transparent recruitment and appointment process, are important factors influencing the effectiveness and perceived credibility of the YFWMB.

The 2007 Implementation Reviews emphasized that “membership appointments can significantly affect how [Boards] are viewed by the public. Appointments perceived as unsuitable have a detrimental effect on the Board’s credibility” (IRG, 2007, p. 98) and recommended that “in identifying their nominees the Parties give consideration to factors affecting the perceived suitability of prospective candidates, including how their appointment would be perceived by the other Parties, the Board, and the public” (IRG, 2007, p. 97). The Implementation Reviews further describe the “frustration” around appointments that are perceived to be primarily politically driven as being “based on what are seen as lost opportunities to add needed skill sets or other attributes to the Board, or to otherwise improve its balance and/or functioning” (IRG, 2007, p. 99).

The effectiveness and perceived credibility of the YFWMB is also affected by the diversity of perspectives, skills, and knowledge among its members. This aligns with the finding of the 2007 Implementation Reviews asserted that Boards’ “functioning and the value of their advice or decisions would benefit significantly if the Parties were to focus collectively on establishing a balanced mix of knowledge, skills, and experience when making their nominations” (IRG, 2007, p. 98). The Implementation Reviews further recommended that “the Parties seek information from Boards about the attributes and skills that would be most beneficial to the Board, before identifying their nominees” (IRG, 2007, p. 97). While this practice may be occurring informally, there is an opportunity to be more formal by having the YFWMB maintain a diversity matrix / profile of its membership in order identify gaps that could be filled through Board renewal and reappointments.

A few participants identified that the pool of interested and qualified candidates – especially First Nations candidates and individuals living outside of Whitehorse – is small, which presents a challenge

for achieving greater diversity of knowledge, skills, and perspectives on the Board. There is considerable competition for the same individuals for several roles, including on various boards, councils, and First Nations governments.

Recommendations

23. Establish and maintain a matrix of skills / attributes of current board members so that gaps can be identified and communicated to the nominating Parties to strengthen Board diversity through renewal (**YFMWB**)
 - a. Some key aspects of diversity that should be reflected include gender, age, geography, ethnicity, interests / types of uses, areas of expertise
24. Increase board members' honoraria to be competitive with other similar boards in order to attract the desired diversity and competencies (**Parties to the Agreement**)
25. Execute nomination and appointments in line with formal organizational nomination processes to remove the actual or perceived political discretion in the appointment process (**Parties to the Agreement**)

7.2 YUKON FISH AND WILDLIFE ENHANCEMENT TRUST

Chapter 27 of the UFA / FNFAs provides for the creation of the Yukon Fish and Wildlife Enhancement Trust (YFWET, "the Trust"), a charitable organization with the objective "to restore, enhance and protect Fish and Wildlife populations and their habitat in Yukon so as to achieve the objectives of Chapter 16 – Fish and Wildlife." Chapter 27 of the UFA / FNFAs enables trustees to "initiate, sponsor, fund, direct and carry out measures" in service of the YFWET's objective and specified that "expenditures from the Trust are not intended to duplicate or replace Government [Yukon or Canada] expenditures on Fish or Wildlife management."

The YFWET's governance structure is linked to the YFWMB in that all board members are also Trustees. The Board nominates and appoints a minimum of three members to form the YFWET Executive Committee, who then identify a YFWET Chair and Co-Chair. Appointments to the YFWET Executive Committee last for a term of one year and may be repeated indefinitely. Some members of the YFWET Executive Committee have been longstanding (10 of the past 15 years). The YFWET is also served by one part-time staff member (Trust Manager), who works in the YFWMB office.

The YFWET's main activity is funding projects related to the restoration, enhancement, and/or protection of Yukon fish and wildlife populations and habitat. It issues a Call for Proposals from January 1 to March 1 each year, then convenes a Technical Review Committee – including external technical experts as required – in March to review all proposals. The YFWET then presents its recommended list to all Trustees at the April Board meeting, at which time the Trustees vote to decide which projects will be funded.

To promote the call for proposals and to announce the winners, the YFWET communicates through a variety of media, including advertising in two Yukon-wide newspapers; advertising on the YFWET's website; direct emails to past applicants, all RRCs, all FNs, NGOs and special interest groups; and inclusion in the YFWMB's email newsletter.

The YFWET meets three to five times each year, scheduling meetings on the margins of Board meetings to avoid extra travel and associated costs. Other meetings address administrative matters,

such as how much funding will be drawn from the YFWET in the following year. The YFWET undergoes an annual audit.

The YFWET has operated in a similar way from year to year, to enable efficiency in order to minimize administrative costs and maximize the funds available to applicants. The YFWET Executive Committee has chosen to distribute small amounts to as many applicants as possible each year (up to a maximum of \$15,000 each). The YFWET accepts all applications and evaluates each on its own merit, rather than setting strategic priorities and seeking proposals for projects related to those. The YFWET does not encourage multi-year projects.

Although the YFWET's technical review committee invites input and advice from external experts, some participants would like to see the YFWET fund projects that will have a greater impact on restoring, enhancing and protecting fish and wildlife and their habitats. Some of the projects that have been funded were perceived by participants as costly, insufficiently designed and not making a strong contribution to addressing key priorities in fish and wildlife management. Some participants noted that limited technical expertise within the Board and the small funding cap and single year focus of projects has limited the impact the YFWET has through its funding of projects.

YFWET Funds and Financial Management

The YFWET was initially funded through equal contributions from Canada, Yukon, and Yukon First Nations, for a total principal contribution of just over \$3M CAD by 1997. To optimize growth of funds with conservative risk tolerance, the YFWET has retained the services of an independent financial advisor in accordance with the YFWET's Investment Policy. At present, the YFWET's funds are nominally 50% more than their 1997 value (not accounting for inflation / purchasing power).

The Canada Revenue Agency's annual spending requirement ("disbursement quota") requires registered charities to spend a minimum percentage of their funds each year on their own charitable activities or on gifts to qualified recipients. Based on these rules, the YFWET is required to disburse at least 3.5% of its asset in any given year. To ensure the YFWET maintains growth for future years, it limits its annual withdrawals to its disbursement quota. Withdrawals are limited to interest accrued and do not deplete the principal investment. These withdrawals amount to \$200,000 to \$300,000 per year, depending on market conditions and recent growth. Of this, 15 to 20 % is used to cover operational and maintenance expenditures (including but not limited to professional services, advertising and promotion, Trust Manager, YFWET meeting expenses, annual audit, and Trustee expenses, including travel, accommodations, and training and professional development). The remainder is distributed to successful projects.

In addition to its core funding, the YFWET accepts charitable donations. 100% of charitable donations are put toward project funding within one to two years of receipt of the funds (i.e. donations are not used for administrative expenses).

Policies and Procedures

The YFWET has a thorough and clear onboarding package for new Trustees, including a policy that clearly describes how Conflicts of Interest will be managed, yet there are still perceptions of lack of independence and objectivity in decisions around which proposals to fund.

The YFWET has evaluation criteria that they use to ensure consistent and fair evaluation of applications, but these are not communicated publicly, and several participants indicated that they were not clear on how decisions to fund projects are made.



The YFWET has a public document to guide proposal development, which clearly states the information required and the purpose of the YFWET's funds; some participants believe the guidance is very clear while others have contacted the Trust Manager to seek clarification.

Discussion

Overall, participants displayed limited awareness and knowledge of the YFWET. Among those with some knowledge of the YFWET, responses were evenly split between (a) perceiving that the YFWET was well-managed with fair and consistent evaluation criteria and well governed in how they account for the money invested and the results achieved in return and (b) perceiving that there was a lack of transparency in how the YFWET decides which proposals receive funding. Those familiar with the YFWET were frequently recipients of its funds and were supportive of it, noting the valuable work it has supported to date and how those projects were well linked to community priorities.

While the YFWET has occasionally set a theme or focus in its call for proposals, this has been rare. Many participants believe there is an opportunity for the YFWET to be more strategic in its funding, by establishing priorities and focusing giving around issues of greatest concern or impact.

There is a perception that the same few organizations tend to receive YFWET funding each year and that there is an opportunity to reach a broader set of recipients to broaden the types of projects that the YFWET funds.

Recommendations

26. Strengthen the approach to communications from / about the YFWET to build awareness of the YFWET to increase participation and to improve transparency and accountability of its funding decisions (YFWET)
27. Set priorities for allocating funds in line with the strategic priorities of the YFWMB and other actors in the fish and wildlife management structure to support projects that will address pertinent issues and/or have the greatest impact on restoring, enhancing, and protecting fish and wildlife and their habitats (YFWET)

7.3 YFWMB BUDGET

The YFWMB develops and submits a budget to the Government of Yukon annually, based on a planned set of activities for the year. In addition, the YFWMB sometimes receives special funding for additional activities that arise. We heard strongly from the YFWMB and from a number of RRCs and First Nation governments that the YFWMB's base budget has been relatively static since its inception and they believe the YFWMB's budget is inadequate relative to the Government of Yukon.

Overall, an organization needs to evaluate its resources in the context of having an agreed and diligently implemented mandate; strategic and annual plans to guide priority setting and activities; and regular reviews of performance relative to the organization's mandate and priorities. Every organization has choices to make about the activities it undertakes in line with its mandate, objectives and priorities and it is a reasonable expectation that organizations should look for ways to be efficient with their resources. Without key elements currently in place at the YFWMB (agreed mandate and regular planning activities and progress review), it is difficult to assess whether the YFWMB's budget is adequate.

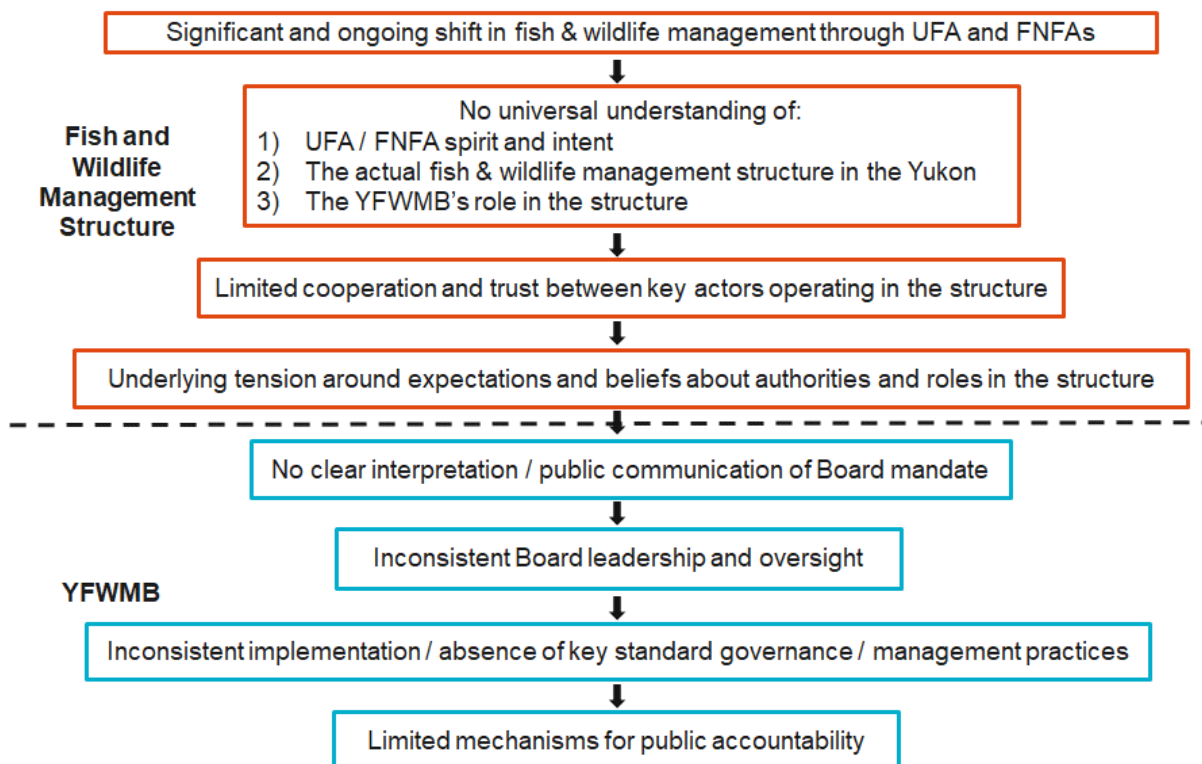
While there is certainly a case to be made that fish and wildlife management is more complex than it was historically (due to increasing pressures) which could put pressure on the YFWMB's budget, there are a number of critical factors that have not changed (e.g., YFWMB mandate, honoraria) which is supportive of a more static budget. In addition, the 2007 Implementation Reviews encouraged Boards to pool resources to identify cost savings. Overall, we encourage the YFWMB to put key governance and management practices in place to guide the choices and activities of the organization and once these are in place, the YFWMB will be in a better position to examine the adequacy of its budget.

8 Overall Reflections and Path Forward

In general, participants believe in the fish and wildlife management structure in Yukon and believe all of the actors have an important role to play in implementing the structure. Participants share a common interest for strengthening approaches to fish and wildlife management in Yukon and think that the fish and wildlife management structure could be more effectively implemented to achieve positive outcomes for fish, wildlife, and their habitats.

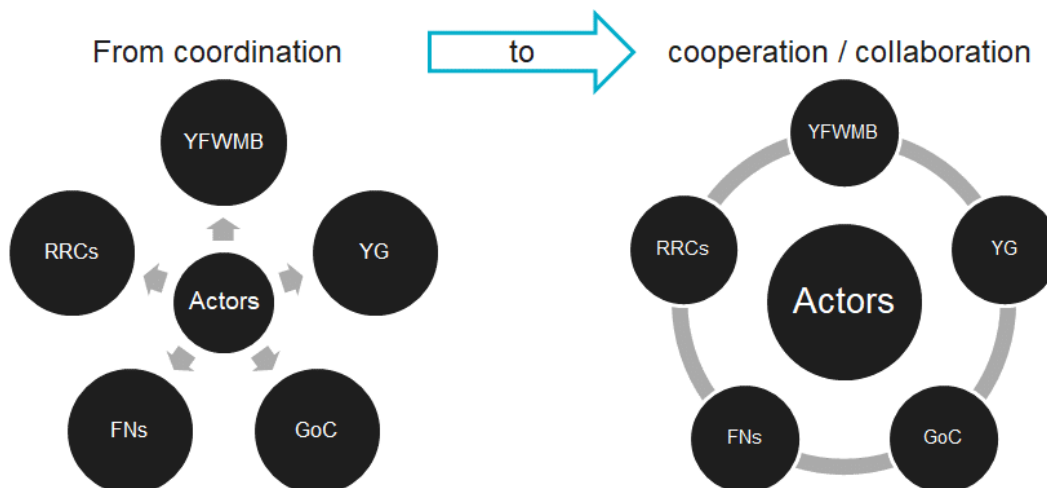
While there are a range of themes and a number of issues discussed throughout this report, the key high-level issues that seem to be influencing the overall effectiveness of the structure and the role of the YFWMB in the structure are outlined in Figure 2.

Figure 2: Diagnosis Hierarchy



It is important to note that the YFWMB plays a role in a broader structure with a number of actors. Without addressing the challenges more broadly in the structure, it will continue to limit the overall effectiveness of individual actors. Addressing these challenges will require different behaviours and a commitment to trust, mutual respect and constructive working relationships. The fish and wildlife management structure is complex and requires a high-degree of cooperation and partnership. Together, the actors in the structure need to shift from coordinating with each other to collaborating (see Figure 3) and respecting the value that actor brings.

Figure 3: Moving toward Greater Cooperation and Collaboration



In addition to the effort to improve the effectiveness of the fish and wildlife structure, there are a number of things that the YFWMB could act on independently and immediately to strengthen its overall effectiveness. In particular, the YFWMB can make efforts to document its interpreted mandate, use planning mechanisms to set priorities and guide the activities of the organization, strengthen Board orientation, undertake annual progress and performance reviews, and implement mechanisms to strengthen public accountability.

While there are many themes and recommendations in this report and it is not realistic to implement them all at once, we recommend prioritizing actions that relate back to the diagnosis hierarchy in Figure 2, as these are deemed to be the most critical elements affecting the fish and wildlife management structure and the YFWMB. Other actions can then be addressed in a sequenced fashion over time. Table 4 outlines our recommendation for proceeding with recommendations in a sequenced fashion according to key action areas. We suggest that the recommendations in Phase 1 be addressed within 12 months and the recommendations in Phase 2 be addressed within 24 months.

Table 4: Recommendation Sequencing for Key Action Areas

Key Action Areas	Recommendation Sequencing	
	Phase 1	Phase 2
Build clarity and collaboration in fish and wildlife management structure	1, 2, 4	3
Build clarity on YFWMB mandate and activities	5, 6, 8	7
Clarify and implement a governance structure that ensures Board oversight and leadership	12, 13	18, 19
Implement / develop key processes for good governance and strengthened public accountability	11, 14, 15, 16	9, 10
Implement mechanisms to enable greater Board diversity	17, 23, 24, 25	
Put practices in place to build board member capacity and strengthen Board operations	20	21, 22
Put practices in place to improve communications and strategic approach of the YFWET		26, 27

The issues and recommendations in this report address a mix of organizational effectiveness issues including: work, processes, people, and culture. As recommendations are addressed, it will be important for the YFWMB and all actors in the fish and wildlife management structure to implement solutions that address both what work is done (work and processes) and how work is done (people, behaviours, and relationships).

Finally, as noted earlier, participants are committed to the fish and wildlife structure and there is an opportunity to strengthen the effectiveness of its implementation for a common purpose. As the obligation for strengthening effectiveness does not rest with any one actor, but through a collaboration of all the actors in the structure, the recommendations in this report can serve as a roadmap for moving forward on this journey together.

9 Full List of Recommendations

Fish and Wildlife Management Structure

1. Undergo a process to clarify, achieve consensus, and document the fish and wildlife structure and various roles within it, including the Government of Canada, based on the current external context / legal landscape, areas of overlap / duplication, and identified strengths and weaknesses (**All actors; Parties to the Agreement**)
 - a. Establish a formal mechanism and defined time period for Parties to the Agreement to engage in regular review of the effectiveness of the implementation of the fish and wildlife management structure
2. Establish a formal mechanism for the actors in the structure to coordinate and collaborate in implementing the objectives in Chapter 16, including identifying wildlife management issues, priorities, solutions, and changes to the fish and wildlife management structure over time (**All actors**)
 - a. This mechanism could be through an existing or new engagement structure and it should formalize how the actors will collaborate, on what subject matter and with what frequency
 - b. Ensure there is a way to get input from the Parties to the Agreement on joint priorities for fish and wildlife management
3. Develop and implement an approach to build a common understanding and meaningful implementation of the UFA / FNFAs including documenting materials, enabling dialogue, and providing training (**Parties to the Agreement**)
4. Commit to reframing behaviours and relationships to foster collaboration and partnership, based on trust and mutual respect and consider whether to co-develop and put in place guiding principles and/or ground rules (**All actors**)

YFWMB Mandate and Activities

5. Work with other actors in the fish and wildlife management structure to define the YFWMB's mandate (i.e., what would be most useful in the current context), within the powers and responsibilities assigned through the UFA / FNFAs (**All actors**)
 - a. This should include consideration of areas of strength / gaps
 - b. This should be a publicly documented mandate that deepens the interpretation for all actors and the public beyond the UFA / FNFAs (rather than simply restating the UFA / FNFAs)
 - c. The YFWMB is then accountable for delivering on this agreed mandate
6. Work with actors in the fish and wildlife management structure to address areas of overlap / duplication (**All actors and others as required**)
 - a. First Nations without Final Agreements
 - b. Inuvialuit Final Agreement / Porcupine Caribou Management Agreement
 - c. Public Engagement
7. Once the YFWMB has an agreed public mandate, make choices about the activities it undertakes in line with its redefined mandate, strategic plan, annual plan, and priorities (**YFWMB**)
8. Work with other actors in the fish and wildlife structure to figure out how the YFWMB can effectively and efficiently access technical expertise and information, while respecting the roles of other actors, maintaining the principle of "no duplication" and balancing other appropriate objectives (such as cost effectiveness, etc.) (**All actors**)

9. Adopt and implement more formal approaches for accessing and incorporating local and traditional knowledge (YFWMB)
10. Adopt and implement procedures and service standards for effective public engagement, communicate these publicly, and ensure they are followed (YFWMB)
11. Publish key outputs to the YFWMB website (YFWMB)

YFWMB Governance and Management

Governance

12. Confirm and communicate the YFWMB governance structure, including model of board and differentiated roles between board and management, and diligently implement this structure to demonstrate objective oversight by the Board (YFWMB)
13. Determine how to set and maintain consistent leadership from the Board (YFWMB)
 - a. Consider whether to extend the Chair and Vice-Chair terms to provide greater consistency to the organization
14. Develop a clear set of procedures that outline a range of practices (and diligently implement them) to strengthen transparency of YFWMB activities and its public accountability including (YFWMB):
 - a. Developing a procedure outlining which items will be publicly available and through which channels (e.g., YFWMB meeting minutes, working group proceedings, outputs from public engagement and rationale for recommendations) and make these public materials easily accessible to the public
 - b. Developing procedures on strategic and annual planning and communicate these plans to the public
 - c. Developing a procedure for the use of in camera sessions
 - d. Developing a procedure for formalizing documentation across the YFWMB to ensure that corporate memory is retained
 - e. Implementing the Strategic Goals Review procedure and communicate the results in the annual report
 - f. Implementing the Performance Reviews procedure, and supplement this procedure to address board member performance

Planning and Procedures

15. Implement good governance practices outlined in procedural documents (specifically Strategic Goals Review and Performance Reviews) (YFWMB)
16. Develop procedures for Board Member Orientation, Strategic and Annual Planning, and Performance reviews (for board members) and ensure these are followed (YFWMB)
17. Include administrative expertise in Board competency matrix (YFWMB), so that competency in this area can be addressed through the appointment process (**Parties to the Agreement**) – Relates to Recommendation 23 under YFWMB Representation and Appointments
18. Following the documentation of the YFWMB's public mandate, develop a strategic plan to guide the organization for a 3- to 5-year period (YFWMB)
 - a. Seek external support to develop the first strategic plan for the organization in order to implement best practices in strategic planning
19. Prioritize performance reviews (annual YFWMB progress; and YFWMB and management performance) to build a culture of continual improvement (YFWMB)
 - a. Make use of culturally-appropriate methods to undertake these performance reviews

Board Member Orientation

20. The YFWMB should develop and document formal Board onboarding materials that can be used to orient new board members in an efficient and consistent way (**YFWMB**):
 - a. The materials should cover familiarity with Chapter 16, the YFWMB's agreed public mandate, board member responsibilities, including the code of conduct and Board Procedures; and
 - b. The YFWMB should consider how to incorporate the wisdom of the Parties into orientation to foster a collaborative and respectful approach to supporting implementation of Chapter 16, (e.g. through a buddy or mentorship system)

Board Meetings

21. As YFWMB priorities are established in a strategic plan and in annual work plans, develop Board meeting agendas that align to those priorities (**YFMWB**)
22. Identify ways to preserve time on agendas for dialogue and decision-making (such as by delivering information sharing/presentation materials between meetings via webinar/conference call or in writing) (**YFMWB**)

Other

Representation and Appointments

23. Establish and maintain a matrix of skills / attributes of current board members so that gaps can be identified and communicated to the nominating Parties to strengthen YFWMB diversity through renewal (**YFMWB**)
 - a. Some key aspects of diversity that should be reflected include gender, age, geography, ethnicity, interests / types of uses, and areas of expertise
24. Increase board members' honoraria to be competitive with other similar boards in order to attract the desired diversity and competencies (**Parties to the Agreement**)
25. Execute nomination and appointments in line with formal organizational nomination processes to remove the actual or perceived political discretion in the appointment process (**Parties to the Agreement**)

Yukon Fish and Wildlife Enhancement Trust

26. Strengthen the approach to communications from / about the YFWET to build awareness of the YFWET to increase participation and to improve transparency and accountability of its funding decisions (**YFWET**)
27. Set priorities for allocating funds in line with the strategic priorities of the YFWMB and other actors in the fish and wildlife management structure to support projects that will address pertinent issues and/or have the greatest impact on restoring, enhancing, and protecting fish and wildlife and their habitats (**YFWET**)

Appendix A: Documents Reviewed

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Appendix B: List of Interviewees

Category	Organization	Interviewees
First Nations Lands Directors	Tr'ondëk Hwëch'in First Nation	Natasha Ayoub, Manager – Fish and Wildlife Branch
	Na-Cho Nyak Dun First Nation	Dawna Hope, Director – Lands and Resources
	Little Salmon Carmacks First Nation	Eric Fairclough, Director – Lands and Resources Fred Green, Manager – Lands and Resources
	Teslin Tlingit Council	Emmie Fairclough, Director – Lands and Resources
	Kluane First Nation	Grace Southwick, Geraldine Pope,
Inuvialuit Settlement Region (ISR)	Wildlife Management Advisory Council – North Slope (WMAAC-NS)	Lindsay Staples, WMAAC-NS Chair
Current or Former YFWMB Chairs	YFWMB (Current Chair at time of interview)	John Burdek
	YFWMB (Former Chair, current member at time of interview)	Frank Thomas
Former Yukon Fish and Wildlife Branch Directors		Harvey Jessup (also a former YFWMB Chair)
		Dan Lindsey
Current Government of Yukon employees	Environment Yukon	Christine Cleghorn, Director, Fish and Wildlife Branch Dennis Berry, Assistant Deputy Minister, Environment Gord Hitchcock, Director, Environmental Sustainability Ryan Hennings, Manager, Enforcement and Compliance Dianne Gunter, Acting Director for Policy Branch Roxy Stasyszyn, Director, Communications and Public Engagement
Council of Yukon First Nations (CYFN)	CYFN	James MacDonald, Senior Analyst, Natural Resources and Environment
Non-Governmental Organizations (NGOs)	Yukon Fish and Game Association (YFGA)	Chuck Shewen, President Gord Zealand, Executive Director
	Yukon Trappers Association	Brian Melanson, President
	Yukon Outfitters Association	Shawn Wasel, Executive Director
	WildWise Yukon	Heather Ashthorn, Executive Director

Category	Organization	Interviewees
	Backcountry Hunters and Anglers Yukon	A group of interested members provided written responses to interview questions, but did not include names of respondents
	Yukon Wild Sheep Foundation	Richard Christensen, Director
Renewable Resource Council (RRC) Chairs	Dawson District RRC	Mark Wierda, Co-Chair Ian Fraser, Co-Chair
	Alsek RRC	Mark Nassiopoulos, Co-Chair Charles Hume, Co-Chair Laura MacKinnon, Executive Director
	Dan Keyi RRC	Sandra Johnson, Co-Chair Peter Upton, Co-Chair Pauly Sias, Executive Director
	Selkirk RRC	Jerry Kruse, Co-Chair Brenda Alfred, Executive Secretariat
	Mayo District RRC	Franklin Patterson, Chair Blair Andrea, Co-Chair Barb Shannon, Executive Director

Invitations were also extended to the following organizations and individuals, who either declined to participate, did not provide a response or were unable to confirm a final interview date / time:

- Carcross/Tagish First Nation (*Frank James, Tami Grantham*)
- Champagne and Aishihik First Nation (*Roger Brown, Michael Jim, Monica Krieger*)
- Chief Richard Sydney (as former YFWMB Chair)
- Chief Bob Dixon (as former YFWMB Chair)
- North Yukon District RRC (*David Lord, Brandon Kyikavichik*)