

Co-management of the migratory caribou herds in northern Québec: The perspective of the Hunting, Fishing and Trapping Coordinating Committee

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Introduction

Aboriginal people have a long relationship with caribou, and caribou - especially the large migratory herds- cross aboriginal territories and jurisdictional boundaries. These two points are key to understanding the intricacies and complexities of managing caribou. Two of Canada's largest herds occur on the Ungava Peninsula. The peninsula stretches about a million square kilometres lying between James Bay, Hudson Bay, and the Labrador coast. Aboriginal people have been living and hunting caribou there for about 6000 years (Bergerud *et al.*, 2008).

Aside from small woodland caribou herds present in the southern portion of the territory (50th to 54th parallel), the Ungava Peninsula is the annual range of the Torngat Mountains herd, and two migratory tundra herds: the George River herd (GRH) and the Leaf River herd (LRH). Together the two herds once numbered one million animals (Couturier *et al.*, 2004). The annual ranges of the GRH and the LRH overlapped when the population was increasing and their ranges expanded in the late 1990's (Couturier *et al.*, 2009a; 2009b). The annual ranges of both herds are now separate -the range of the LRH has retracted from the southern limit of its winter range, and the

GRH has moved in an easterly direction, with a majority of the range now in Labrador (Fig. 1).

The James Bay and Northern Quebec Agreement (JBNQA) (Anon., 1997) was signed in November, 1975 to facilitate the Province of Québec's plans to develop the La Grande hydro-electric complex in the James Bay area. It was hailed at the time as the first modern-day treaty in Canada between a government and one or more native peoples, and was to serve as a blueprint for agreements signed in subsequent years. The signatories of the JBNQA are the Crees of James Bay, the Inuit of Northern Québec, and the Governments of Québec and Canada. The territory described in the JBNQA (Fig. 2.1) and the Northeastern Quebec Agreement (NEQA) (Anon., undated) (Fig. 2.2), otherwise known as "the Territory", covers the greater part of Northern Québec. The JBNQA and NEQA touch on a variety of domains, including land regimes; local and regional governance; health and social services; education; the administration of justice; policing; and hunting, fishing and trapping rights, etc.

Section 24 of the JBNQA establishes the Hunting, Fishing and Trapping Coordinating Committee (the HFTCC). The Naskapis from Schefferville negotiated

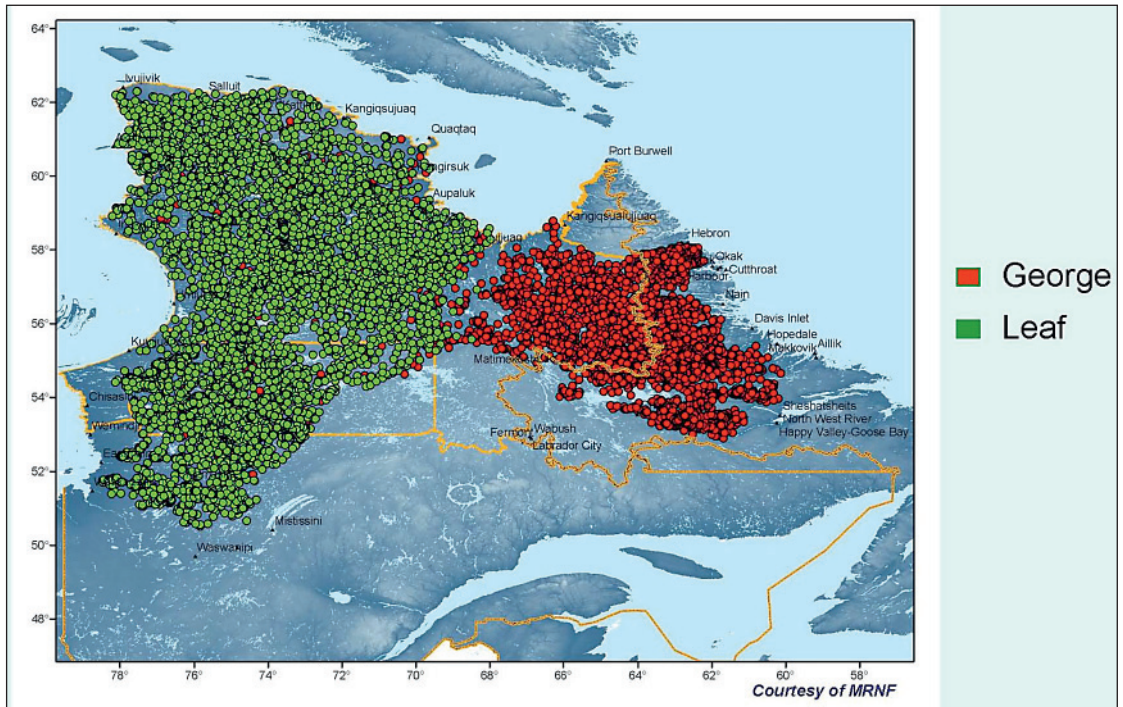


Fig. 1. Annual ranges of the George River and Leaf River herds in Quebec and Labrador between 2006 and 2009.

the NEQA, signed in 1978, and thereafter joined the HFTCC. As most explorations into the unknown, the HFTCC's make-up proved to present drawbacks that the design of later co-management boards attempted to correct. This paper's objective is to inform about this long-standing co-management committee, to summarize how it is involved in the current management of the GRH and LRH, and to reflect on the lessons drawn from its experience.

The hunting, fishing and trapping regime

The provisions of the JBNQA and NEQA establish three broad land categories in terms of tenure and governance, as well as hunting, fishing and trapping rights. Within Category I and II lands, the Native people have the exclusive right to hunt, fish, and trap; although they may authorise other people to hunt or fish within Category II lands. Within Category III lands - the greater part of the Territory - Québec residents are entitled to hunt and fish in accordance with provincial legislation and regulations concerning public lands. However, the beneficiaries of the Agreements enjoy the "Priority of Native Harvesting" (to be defined later in this paper) in Category III lands, as well as the exclusivity of trapping.

The JBNQA creates a Hunting, Fishing and Trapping Regime with specific rights for the beneficiaries of the Agreements. The Regime is subject to the principle of conservation, defined as "the pursuit of the optimum natural productivity of all living resources and the protection of the ecological systems of the Territory so as to protect endangered species and to ensure primarily the continuance of the traditional pursuits of the Native¹ people, and secondarily the satisfaction of the needs of non-Native people for sport hunting and fishing". This Regime applies fully in the "northern zone" (north of the 50th parallel) and it applies with certain exceptions in the "buffer zone". In the southern zone, the general rules concerning hunting and fishing apply, except that the Regime applies within Category I and II lands, trapping is exclusive to the beneficiaries, and only Cree tallymen, their families, and other beneficiaries of the Agreements authorised by them may harvest from the traplines located in this area.

The Hunting, Fishing and Trapping Regime applies to terrestrial mammals, freshwater and anadr-

¹ "Native" in this paper refers to the native parties to the JBNQA and NEQA (the Agreements), i.e., the Inuit, Crees, and Naskapis of Québec. "Non-Native" refers to all other groups, whether Aboriginal or non-Aboriginal, who are not signatories of the Agreements.



Fig. 2.1. The territory area as set out in the James Bay and Northern Quebec Agreement signed in 1975, i.e. “the entire area of land contemplated by the 1912 Québec boundaries extension acts (...) and by the 1898 acts...”.

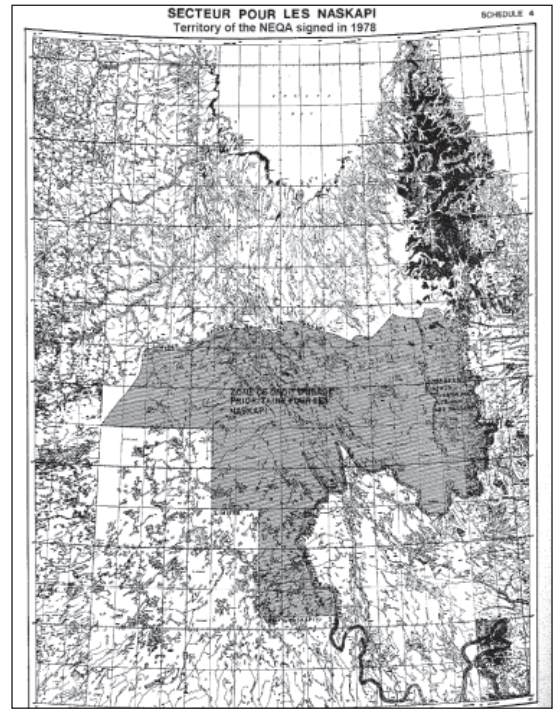


Fig. 2.2. The area of the Northeastern Quebec Agreement signed in 1978.

omous fish, migratory birds, and marine mammals². The Regime grants the Cree, Inuit, and Naskapi beneficiaries the right to harvest any species of wildlife at anytime and anywhere in the Territory to meet their subsistence needs. The beneficiaries have the exclusive use of certain species (e.g., beaver, polar bear, sturgeon). While caribou is not a species exclusively reserved to them, they alone have the right to hunt this species for commercial purposes (i.e., to procure and sell caribou meat to non-beneficiaries of the Agreements.)

The Priority of Native harvesting is expressed as Guaranteed Levels of Harvesting (GLHs) negotiated for each species through the HFTCC. The GLHs are based on the results of Native Harvest Research studies (conducted to establish the levels of harvests that were current when the Agreements were signed).

2 There exists an as yet undefined degree of overlap between the HFTCC's mandate and those of the Nunavik Marine Region Wildlife Board (created under the Nunavik Inuit Land Claims Agreement signed December 1, 2006) and the Eeyou Marine Region Wildlife Board (outlined in the Agreement between the Crees of Eeyou Itchee and her Majesty the Queen in right of Canada concerning the Eeyou Marine Region initiated by the Negotiators on June 29, 2009).

The concept of the Priority of Native harvesting is designed to ensure that no matter the quantities of wildlife available, a minimum number of animals of a given species (the number negotiated as a GLH) will be set aside for the beneficiaries before granting access to that species to non-beneficiaries. There are no provisions to monetarily, or otherwise, compensate the beneficiaries in times of scarcity of a given wildlife resource making it impossible for them to harvest the number of animals from that species corresponding to their GLH. The Inuit, Naskapis, and Crees have a total of 6200 caribou guaranteed to them as a minimum harvest of caribou (Inuit: 4547; Naskapis: 1030; Crees: 830).

The Hunting, Fishing and Trapping Coordinating Committee (HFTCC)

The HFTCC acts as an advisory body to the Governments and local and regional Native authorities on all hunting, fishing, and trapping matters. The responsible Québec or Federal government is obliged to consult the HFTCC and to strive to follow HFTCC advice. The governments, however, retain the ulti-

mate responsibility for the conservation and well-being of the Territory's wildlife. Seats on the HFTCC, and votes that each party can cast, are shared equally between the Native parties (Crees, Inuit, and Naskapi) and the governmental parties (Québec and Canada). The HFTCC has few binding legal powers. One such power is in establishing the Upper Limit of Kill for caribou (and moose, etc.) applicable to Natives and non-Natives across the Territory.

Harvesting the migratory caribou herds of the Québec–Labrador Peninsula

The annual range of the GRH straddles Québec and Labrador. In Labrador, the herd is hunted by the Innu, Inuit, and Métis of Labrador, by the residents of Newfoundland and Labrador, and by hunters from outside the province who retain the services of outfitters. No commercial hunts for the purposes of obtaining and selling caribou meat are currently authorised in Labrador.

In Québec, a sport-hunt by outfitters' clients targets the GRH in the fall in the easternmost part of Hunting Zone # 23. (Fig. 3). The province's sport-hunting regulations allow for a winter sport-hunt through outfitters but no outfitter is offering the service at present. In Hunting Zone # 24 there is a fall hunt reserved for the residents of Québec to hunt without guides. Although commercial caribou quotas were formerly allocated to the Naskapis to harvest animals from the GRH, the animals did not come close enough to Schefferville for it to ever be economically feasible for the Naskapis to carry out a commercial hunt.

The LRH is only harvested in Québec. In Zone 23, there is a fall sport-hunt for outfitters' clients. Commercial caribou quotas were formerly allocated to the Inuit, who succeeded in harvesting animals from the LRH. Due to concerns about that herd's numbers and condition, Québec has declined to renew the Inuit's commercial quota for the past few years. In Zone 22, there is a winter sport-hunt, for Québec-resident draw-winners in Zone 22 A and for outfitters' clients in Zone 22 B. No commercial hunt was ever held in the Cree area of interest as a result of a decision by the Grand Council of the Crees not to authorise the commercial harvesting of caribou in Eeyou Istchee.

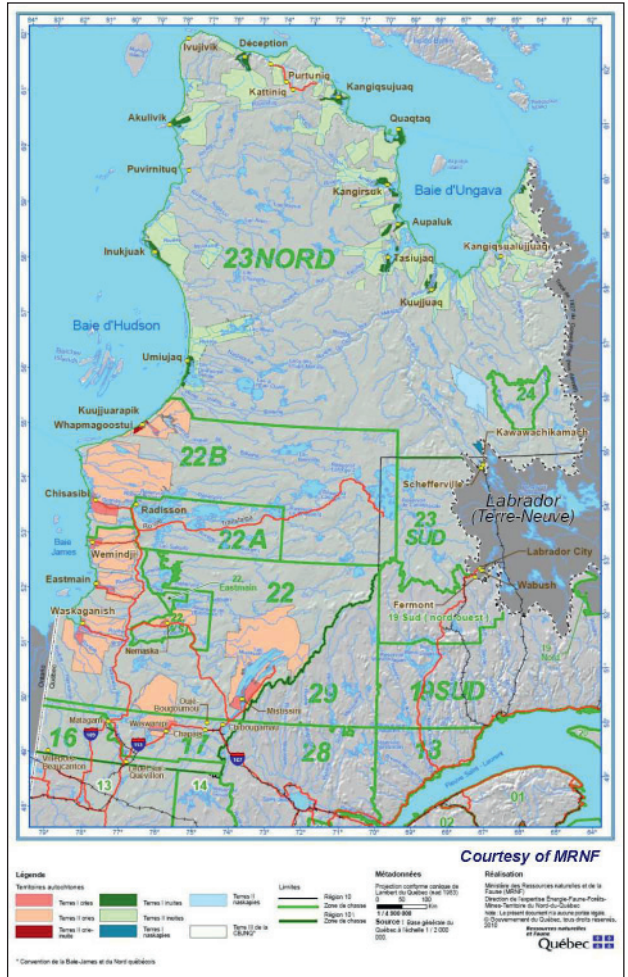


Fig. 3. Game Hunting Zones established by the Government of Québec. Zones 16, 17, 22, 23, and 24 are within the JBNQA & NEQA territory.

Obtaining information on herd numbers and body condition

It was planned to survey both herds in summer 2010. The survey of the GRH was carried out jointly by the governments of Québec and Newfoundland and Labrador, with contributions from the Makivik Corporation and the Environmental Monitoring and Research Institute in July 2010. The planned survey of the LRH unfortunately could not be done in July 2010 due to conditions (scarcity of insects) which did not favour the caribou aggregating, which is essential for the photographic method. The Québec Government intends to try again in July 2011.

Recently, there has been more focus on caribou health, including investigations into the prevalence of parasites such as *Besnoitia*. There is a reported increase in predators such as wolves and black bear in the Territory. In addition, the Inuit are concerned that the caribou, who encounter musk-oxen in certain parts of Nunavik (the area inhabited predominantly by Inuit), are at a disadvantage when compelled to share their range with musk-oxen.

Management tools and measures

The HFTCC can establish an Upper Limit of Kill (ULK) for caribou for Natives and non-Natives in the Territory. The Committee started exercising that power in 1980–1981, when it set the ULK for sport-hunting at 3300. The members of the Québec party to the HFTCC were not entirely comfortable with the move because the limit set applied to non-Native hunting only. The Committee nevertheless continued to set ULKs applicable to sport-hunting each year until 1986–1987, increasing the limit of kill to reflect reported increases in caribou numbers. Given the high caribou numbers of the late '80s and the '90s, the HFTCC thereafter stopped setting ULKs for caribou.

The Native parties to the HFTCC had been pressing Québec to adopt a management plan for caribou since 1980. In 1986, Québec submitted a draft management plan for the GRH which the HFTCC commented on. At the time, there were concerns that the caribou, because of their high numbers, were over-grazing their ranges. Québec wished to intensify the hunting effort directed at the migratory herds and proposed that the beneficiaries be granted the right to harvest caribou (and a few other species) for commercial purposes. This feature was included in Québec's draft management plan. As discussions on commercialisation between Québec and the Native parties dragged on until 1993³, Québec set aside its management plan and instead presented the HFTCC with a Tactical Plan (a document of lesser scope designed to be incorporated into the province's Big-Game Action Plan). The HFTCC reviewed the Tactical Plan and it was adopted in 1990. Work began again in 1998 to produce a joint Québec–HFTCC Management Plan for the GRH, LRH, and Torngat Mountains herd.

The joint management plan was adopted and implemented for the period 2004–2010, followed by a Monitoring Plan (Jean *et al.*, 2005) introduced in

2005. The joint Québec–HFTCC 2004–2010 management plan included a small section on Traditional Ecological Knowledge, and highlighted the desirability of co-ordination with Newfoundland and Labrador for the management of the GRH and the Torngat Mountains herd. Although no formal arrangement is in place between the governments of Québec and Newfoundland and Labrador, the HFTCC has been informed that the biologists and managers of the two provinces have developed an informal working relationship.

Under the scenario of declining caribou populations, the management measures set forth in the 2004–2010 Management Plan indicated the following actions:

1. Stop commercial harvesting;
2. Reduce bag limits for sport-hunting (including down to 0 if caribou numbers are insufficient to allow both a sport and a subsistence hunt at Guaranteed Levels of Harvesting);
3. Reduce the subsistence hunt to the Guaranteed Levels of Harvesting (GLH);
4. Reduce the subsistence hunt to lower than GLH levels if there is a need to invoke the principle of conservation.

Possible means of reducing the sport-hunt mentioned in the management plan included:

- adjusting the bag limit per hunter;
- reducing the total number of licences available for sale;
- varying the length of hunting seasons;
- limiting the hunt to male caribou only;
- closing some hunting zones.

In terms of controlling sport-hunting in general, the requirement for sport-hunters to use outfitting facilities where such facilities exist is another option mentioned in the JBNQA.

With reference to harvesting in the context of development projects, the JBNQA also contains provisions allowing the HFTCC to recommend the creation of special zones with more stringent rules applying to sport-hunting where temporary workers are present in significant numbers. One such zone is already in existence: the Weh-Sees Indohoun special sector. It was created as a framework to control the hunting and fishing activities of the workers at the Eastmain 1, Eastmain 1-A, and Rupert River Diversion hydroelectric project in the Cree area of interest. Other such special management zones will surely be created in the future in connection with the Québec

³ *Culminating in the signing of Complementary Agreement #12 to the JBNQA and Complementary Agreement #1 to the NEQA.*

Government's *Plan Nord*, a wide-ranging initiative placing renewed emphasis on natural resource-based industrial development projects.

The joint 2004–2010 management plan terminated on March 31, 2010. A new plan will need to be developed by Québec in collaboration with the HFTCC for 2010–2015 and will include the GRH, LRH, and Torngat Mountains herd. Work on the management plan will begin as soon as the results of the GRH census are available. Preliminary indications are that there is a marked decline in that herd's numbers.

Until a new management plan is developed and introduced, the following interim management measures apply:

- No allocation of commercial quotas (already the case in Québec for the past few years);
- No changes considered by Québec to its sport-hunting rules for 2010–2011;
- Opening of sport-hunt postponed in Labrador.

Knowledge used and knowledge gaps

The JBNQA calls for the parties to the Agreement to share all pertinent information. The HFTCC has no research capacities of its own as a committee and must therefore rely solely on the information it can gain access to. It makes use of all types of information, from western science (coming from governments and universities) to the field observations of non-Native hunters and outfitters, and the observations and traditional knowledge of the Committee's Inuit, Naskapi, and Cree members. In January 2010, the HFTCC organised a Caribou Workshop in Montreal that was designed to share knowledge and thereby assist the HFTCC in developing a joint management plan in coordination with Québec. The workshop was attended by well over 100 persons from Québec and Newfoundland and Labrador, including Native people, wildlife managers from Native and non-Native governments, and representatives of the tourism, research, and industry sectors.

The number of caribou harvested for subsistence in Québec and in Newfoundland and Labrador is, for all intents and purposes, unknown. There is no formal mechanism in place in Québec to obtain this information (the drawback for management in the absence of this information was pointed out during the January 2010 Caribou Workshop) (Guimond *et al.*, 2010). As the JBNQA does not require the beneficiaries to report their subsistence kills, the possibility of doing so has not to date been formally discussed between

Québec and the Native parties at the level of the HFTCC. It is not known whether or not the Native parties would be willing to provide this information.

Management objectives and challenges

Given the HFTCC's mandate under the JBNQA, its contribution to the joint management plan for caribou must be to ensure, aside from the conservation of the resource, firstly, the Inuit's, Naskapis' and Crees' priority access to caribou for subsistence and secondarily, that the needs of the other users (such as the outfitting and caribou-meat–procurement industries) are met to the extent possible. The HFTCC is intent on convincing the governments of Québec and Newfoundland and Labrador to harmonise their management measures for the transboundary herds, especially the GRH.

In the current context, the HFTCC can at best hope to diminish the severity of the anticipated population crash by working to identify appropriate management measures for the herds and to elicit all user groups' support for, and compliance with, these measures. Committee members will be pursuing this goal despite occasional doubts as to the feasibility of actually modifying the course of a population trend. There are questions, for some, about the cultural appropriateness of even trying to do so, in light of native elders warning that what is needed for the caribou to return is, first and foremost, for it to be shown respect by human beings (HFTCC 2010 Caribou Workshop).

Governance issues

Since the creation of the HFTCC as the “*preferential and exclusive forum for Native people and governments jointly to formulate regulations and supervise the administration and management of the Hunting, Fishing and Trapping Regime*”, many non-Native interest groups have sprung up in the Territory. It is now standard practice for governments to consult all stakeholders before arriving at decisions. While the legal status of the HFTCC and the constitutionally guaranteed rights of the beneficiaries are no doubt secure, the question arises of a potential dilution of the Committee's influence over responsible governments now that, as a forum, it has lost some of its exclusivity.

The HFTCC's power is limited by several features of its structure and funding. The provisions of the JBNQA only call for Québec to maintain and fund a secretariat whose mandate is to receive and distribute data and to report results of meetings and decisions of the Committee, without any funding for knowledge

acquisition. The HFTCC's decisional powers are limited to setting the upper limit of kill for caribou (and moose), given that under the Agreements, the responsible minister retains the ultimate responsibility for the wildlife's well-being. Such limited powers stand in stark contrast with those of co-management boards that have been more recently created. For instance, the Nunavik Marine Region Wildlife Board (created under the Nunavik Inuit Land Claims Agreement) (Anon. 2008) is established as an institution of public government with the responsibility to manage and regulate wildlife.

According to the member-parties' current policies, the members of the HFTCC are not free to act as independent experts but must promote the positions of the parties by whom they are appointed. The Chairperson is appointed from among the parties for a one-year term. The little independence and time afforded the members and Chairperson to discharge their duties to the HFTCC limit the scope and timeliness of what the Committee can hope to accomplish.

Committee strengths

The HFTCC can draw on a number of strengths to meet the challenges that the known or suspected status of the GRH and LRH will present. Many of its members and advisors have been on the committee for decades—a degree of understanding and respect exists among them and they have developed a good working relationship. They also maintain links with other scientists, managers, and Native and non-Native users. With the provisions of the JBNQA in mind, it is hoped that the members of the HFTCC will achieve a timely consensus on management measures that will benefit these herds.

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The responsibility for any inaccuracy or discrepancy in this paper rests solely with its author.

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