

Department of Environment
PO Box 2703, Whitehorse, Yukon Y1A 2C6

April 28, 2026

Jason Pedlar
Yukon Ombudsman, Information and Privacy Commissioner and Public Interest Disclosure
Commissioner
3162 Third Avenue
Whitehorse, YT Y1A 1G3
intake@yukonaccountability.ca

Dear Jason Pedlar:

RE: Department of Environment response to Investigation Report on OMB-INV-2025-07-142 Outfitter Quotas File

Thank you for sharing the final investigation report for complaint OMB-INV-2025-07-142. The Department of Environment appreciates the Office of the Ombudsman's work on this matter, including the careful consideration of our response to the preliminary report and the thorough integration of supplementary materials into the final report.

Overall, the department acknowledges and accepts recommendations 1-3. In reviewing the revised findings, we have identified several areas of concern and herein include additional commentary and contextual information to address them.

Department's response to recommendations

As per the request of the Yukon Ombudsman under section 24 of the *Ombudsman Act* in your letter dated April 2, 2026, the department is taking the actions described below in response to your recommendations.

Recommendation:

1. The Authority should ensure that it engages in a timely and meaningful manner with the outfitters, as a group or individually as required, when it implements its plan to revise the Guidelines to Establish Outfitter Quotas. To that end, it must provide outfitters with sufficient and reasonable notice of this engagement process.

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Department's response: Accept

The department is in the early stages of planning a review of the process to establish outfitter quotas, with much of the procedure yet to be determined. To ensure an effective process is undertaken, we have notified co-management partners, First Nations, and stakeholder groups such as the Yukon Outfitting Association (YOA) that the department is initiating work. Feedback from the YOA, among other stakeholders, will assist the department in designing a fair engagement plan and informed revisions to the process.

Recommendation:

2. The Authority, in continuing to work with the outfitters on quota allocations, should provide them with a reasonable opportunity to be heard in this engagement process before making any decisions that affect their business interests.

Department's response: Accept

The department continues to have discussions with all partners, including outfitters, about changes to quotas as needed and is initiating work on what the future of an outfitting quota establishment process may look like. The department remains committed to hearing the voices of outfitters through a variety of means including written correspondence, in-person engagements, and advocacy bodies such as the YOA and the Yukon Outfitter Liaison Committee.

Recommendation:

3. Any decisions made by the Authority about the Guidelines revision initiative should take into reasonable consideration the outfitters' needs and circumstances.

Department's response: Accept

As acknowledged in paragraph 199 of the report, the department's responsibilities to both First Nations and the general public must be included in its obligations to procedural fairness and fairness of the outcome. As such, some of the department's primary objectives in revising the process to establish outfitter quotas are to ensure the process is in compliance with the *Wildlife Act*, and ensure they meet the department's obligations under Chapter 16 of the Umbrella Final Agreement. We hope that this will both contribute to greater business stability and predictability for Yukon outfitters, and a more transparent and accessible process for all partners including First Nations and Renewable Resources Councils.

That said, the department recognizes outfitters as key stakeholders in wildlife management in the Yukon, and is committed to hearing, understanding, and considering outfitters' needs and circumstances when making decisions regarding revisions to the process to establish outfitter quotas.

Department's response to findings

Regarding the findings in the final report, the department feels it necessary to address the characterization of several of the Ombudsman's conclusions. In particular, we must stress that compliance with the law and respect of Aboriginal treaty rights are paramount in any action the department takes.

In addition to the First Nations' input referenced in finding 1, a significant factor that guided the department's actions in 2022 was the legal advice received regarding non-conformity with the *Wildlife Act*. In short, although the department and other partners were already heading towards changes to the quota allocation process over the course of many years, an interim shift was required to ensure the Minister and department remained in line with legislation.

Furthermore, the department considers finding 1 and finding 3 to be contradictory with regards to the feasibility of having notified and engaged with outfitters prior to implementing the interim process. As acknowledged in paragraph 134 of the final report, "neither the Minister nor the [department] over which they administer can act outside the law". The department endeavored to communicate with outfitters to the best of its abilities as demonstrated in material provided to your office throughout the course of your investigation.

In finding 4, more than one of the factors discussed in support of the assertion that "the transition unfairly affected the Complainant and, to a similar degree, the outfitters as a group" are beyond both the control and mandate of the department. For example, the "varying levels of harvest success or the degree of interest shown by clients" referred to in paragraph 146 is irrelevant to the question of a government process treating individual concession holders or industry fairly. Additionally, in paragraph 149 the Complainant asserted that they lost business because of their higher caribou harvest in 2022. However, a non-fixed quota inherently changes from year to year based on previous harvest.

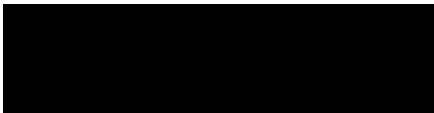
Although not directly related to the questions at hand in your investigation, we appreciate you acknowledging the importance of providing the public with more quota information, as well as the need for a consistent First Nations consultation process in finding 5. The department strives for transparency and to uphold the government's duty to consult.

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Closing

Thank you for your recommendations on considerations for the department's work to review the process of establishing outfitter quotas. As described in our response, this work is being initiated. We look forward to working with outfitters, co-management partners and other stakeholders to develop a future process.

Sincerely,



Dennis Berry
Deputy Minister of Environment

cc: Wade Istchenko, Minister of Environment
Marc Cattet, Assistant Deputy Minister of Environmental Sustainability