Mr. George Barnaby, Interim Chair
Sahtú Renewable Resources Board
PO BOX 134
TULÍT'A NT X0E 0K0

JAN 17 2020

Dear Mr. Barnaby

Environment and Natural Resources Submissions to the Sahtú Renewable Resources Board – Colville 2020 Public Listening Session – Sahtú Ragǫ́ǫa (Hunting Laws) and Approaches to Wildlife Harvesting

The Department of Environment and Natural Resources (ENR), Government of the Northwest Territories (GNWT) is pleased to provide the Sahtú Renewable Resources Board (SRRB) with its written submission for the Colville 2020 Public Listening Session. Please find ENR's written submission for the SRRB's consideration during the Public Listening Session in the attached.

ENR looks forward to attending the Public Listening Session and having the opportunity to present before the SRRB to expand on its written submission and respond to any questions that may arise.

Sincerely,

Erin Kelly

Erin Kelly, Ph.D.
A/Deputy Minister
Environment and Natural Resources

Attachment

c. The Honourable Shane Thompson, Minister
Environment and Natural Resources

Mr. Brett Elkin, A/Assistant Deputy Minister, Operations
Environment and Natural Resources

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Mr. Jeffery Walker, Superintendent, Sahtú Region
Environment and Natural Resources

Ms. Karin Clark, A/Director, Wildlife
Environment and Natural Resources

Ms. Deborah Simmons, Executive Director
Sahtú Renewable Resources Board

ENR Submission

Sahtú Ragóɔa and Approaches to Wildlife Harvesting

Colville Lake Public Listening

January 21-23, 2020

Government of
Northwest Territories

Executive Summary

Within the Sahtú region and, where applicable, the Department of Environment and Natural Resources (ENR), the Sahtú Renewable Resources Board (SRRB) and Sahtú communities work collaboratively on the management of wildlife. ENR's submission covers the overarching management structure in the Northwest Territories, including the co-management regime that provides direct involvement for Indigenous governments and organizations in wildlife management. Based on the purpose of the public listening, which focuses on the central question "what is the most effect way to regulate the harvest of caribou?" ENR's submission addresses the three main caribou ecotypes (Mountain, Boreal and Barren-ground caribou) which are found within the Sahtú Settlement Area (SSA) and recommends the continuation of current management actions for each ecotype.

Wildlife Management in the Northwest Territories

Role of the GNWT in Wildlife Management

The Government of the Northwest Territories (GNWT) derives its authority for wildlife management from the *Northwest Territories Act* as implemented under the *Northwest Territories Devolution Act*. This federal legislation established the Northwest Territories Legislative Assembly and gives it its law-making powers. Among the laws the Legislative Assembly can make are laws with respect to the conservation of wildlife and its habitat.

ENR has responsibility for the stewardship and management of wildlife and wildlife habitat. This responsibility is exercised through a co-management regime that provides direct involvement for Indigenous governments and organizations in wildlife management. Wildlife management or renewable resources boards (co-management boards) have been established as the main instruments of wildlife management in areas where land claims are settled. Current co-management boards set up under land claim and self-government agreements in the Northwest Territories (NWT) are:

- Wildlife Management Advisory Council (NWT) (WMAC(NWT)), established under the Inuvialuit Final Agreement
- Gwich'in Renewable Resources Board (GRRB), established under the Gwich'in Comprehensive Land Claim Agreement
- SRRB, established under the Sahtú Dene and Métis Comprehensive Land Claim Agreement (SDMCLCA)
- Wek'èezhìı Renewable Resources Board (WRRB), established under the Tłı̨chǫ Land Claims and Self-Government Agreement

Each land claim agreement lays out the process for the GNWT and boards to work together to introduce, modify or remove regulations under the *Wildlife Act*, including regulations that govern harvesting. In non-settlement regions, the co-management system provides for input and involvement by Indigenous organizations in wildlife management. Consultation obligations for wildlife management in the NWT are based on land claim and self-government agreements, Aboriginal and Treaty rights and case law.

The GNWT has two pieces of legislation that provide tools to help conserve wildlife and its habitat: the *Wildlife Act* and the *Species at Risk (NWT) Act* (SARA (NWT)). Both pieces of legislation were co-drafted

over a number of years using a collaborative working group process that included full participation by Indigenous governments with settled land claims and the co-management boards established by the land claim agreements. The working group for the *Wildlife Act* also included Indigenous governments and organizations that were still in the process of negotiating land, resources or self-government agreements. This approach was taken at the request of Indigenous governments with settled land claim agreements, who wanted full participation in the development of legislation to ensure the spirit and intent of the land claim agreements were reflected in the legislation, and that the rights and responsibilities established under the land claim agreements were appropriately integrated. The Sahtú Secretariat Incorporated (SSI) and their legal counsel, and the SRRB were fully involved in developing both pieces of legislation.

Both pieces of legislation explicitly recognize and affirm the Aboriginal and Treaty rights of the Aboriginal peoples of Canada under section 35 of the *Constitution Act, 1982* and the paramountcy of land claim agreements. They have been developed to work with the land claim agreements and to implement the co-management approach to wildlife management in the NWT.

Both the *Wildlife Act* and SARA (NWT) provide tools to manage hunting. But these are only one part of ENR's approach to wildlife and harvest management. ENR develops, supports and helps implement comprehensive management plans for many species. The Taking Care of Caribou Plan for the Cape Bathurst, Bluenose-West and Bluenose-East Barren-ground caribou herds prepared by the Advisory Committee for Cooperation on Wildlife Management in 2014 is a good example of a comprehensive approach to wildlife management endorsed and supported by ENR. It is important to note that unless a measure is included in the *Wildlife Act* or SARA (NWT) regulations, ENR officers do not have the power to enforce it.

Wildlife Act

The purpose of the *Wildlife Act* is to provide the tools needed to conserve and manage wildlife and habitat for the benefit of current and future generations. The GNWT, and anyone exercising powers and performing duties and other functions under the *Wildlife Act*, must adhere to the following principles:

- wildlife is to be conserved for its intrinsic value and for the benefit of present and future generations;
- the conservation and management of wildlife and habitat is to be carried out on an ecosystem basis, recognizing the interconnection of wildlife with the environment;
- the conservation and management of wildlife and habitat is to be conducted in an integrated and collaborative manner;
- traditional Indigenous values and practices in relation to the harvesting and conservation of wildlife are to be recognized and valued;
- the best available information, including traditional, scientific and local knowledge, is to be used in the conservation and management of wildlife and habitat;
- where there are threats of serious or irreparable harm to wildlife or habitat, lack of complete certainty is not to be a reason for postponing reasonable conservation measures

The *Wildlife Act* explicitly recognizes the following roles and responsibilities for wildlife management:

9. (1) Renewable resources boards are the main instruments of wildlife management in areas of the Northwest Territories with land claims agreements.

   (2) The authority of each renewable resources board is set out in the land claims agreement by or under which it was established.

10. Local harvesting committees that are established by or under land claims agreements have roles and responsibilities, in accordance with the applicable agreements, in respect of the conservation and management of wildlife.

11. (1) The Minister is responsible for the administration of this Act and the regulations.

    (2) The Minister has responsibilities for the conservation and management of wildlife in the Northwest Territories.

    (3) The Minister shall exercise his or her powers and perform his or her duties in a manner that is not inconsistent with land claims agreements.

    (4) The Minister shall develop and implement policies and programs in a manner that promotes a coordinated, collaborative and integrated approach to the conservation and management of wildlife and habitat in the Northwest Territories.

14. (1) The Minister may enter into agreements with local harvesting committees with respect to their involvement in the conservation and management of wildlife.

The *Wildlife Act* applies throughout the NWT, subject to the provisions of land claim agreements, and must be interpreted in a manner consistent with the recognition and affirmation of existing Aboriginal and Treaty rights in section 35 of the *Constitution Act*, 1982, including the duty to consult.

A major goal of the *Wildlife Act* is to manage wildlife populations such that they remain healthy and sustainable for the benefit of current and future generations. ENR believes that the collaborative approach laid out in the *Wildlife Act* creates a solid foundation for cooperative management of wildlife and provides the tools needed to implement appropriate hunting laws.

Regulation of Harvest under the Wildlife Act

The *Wildlife Act* and its associated regulations provide a comprehensive set of rules to manage wildlife harvesting to ensure sustainable wildlife populations, support the exercise of Aboriginal and Treaty harvesting rights and offer opportunities for wildlife harvesting to those without Aboriginal harvesting rights. These goals are very similar to the objectives in Wildlife Harvesting and Management chapter of the SDMCLCA.

The harvesting rights of Sahtú participants are laid out in the SDMCLCA. Under the *Wildlife Act*, a person who has an Aboriginal or Treaty right to harvest wildlife in an area of the NWT, including a land claim beneficiary, does not require a licence or permit to exercise that right and is not required to pay a fee to do so. However, to facilitate effective wildlife management, a person claiming to exercise an Aboriginal or Treaty right to harvest must carry proper identification that evidences that right while harvesting, and show that identification when asked by an officer.

For an Aboriginal or Treaty rights holder to harvest in the NWT outside areas where they have Aboriginal or Treaty rights, they require a General Hunting Licence (GHL). GHLs are only available to those who have an Aboriginal or Treaty right to harvest wildlife in the NWT and are eligible to be a member of a prescribed Indigenous government or organization located in the NWT. There is no cost for a GHL. The GHL is intended to be an interim licence to enable people with harvesting rights to continue harvesting in the NWT as they have in the past. GHLs will be phased out once land claims are all settled and Indigenous governments make their own agreements with other Indigenous governments about who can harvest in their land claim areas.

Those who do not have Aboriginal or Treaty rights in the NWT require a hunting licence to hunt wildlife. Hunting licences authorize the holder to hunt big game and to harvest small game subject to land claim agreements, the provisions of the *Wildlife Act* and its regulations, and any terms and conditions on the licence.

There are four kinds of hunting licences:

- resident hunting licences for Canadian citizens or permanent residents who have been NWT residents for the previous 12 months;
- non-resident licences for Canadian citizens and permanent residents who have not been resident in the NWT for the previous 12 months;
- non-resident alien licences for people who are not Canadian citizens or permanent residents;
- special harvester licences to allow local harvesting committees (including Renewable Resource Councils) to permit a person to harvest in their area, according to the terms and conditions they recommend. Terms and conditions can include the type of wildlife that can be harvested, how many, when, where and how. The special harvester licence provides a mechanism for ENR to support implementation of 13.4.6 of the SDMCLCA which allows a Renewable Resource Council (RRC) to give permission for a non-participant to harvest in their area.

The *Wildlife Act* sets out terms for who can and cannot obtain a hunting licence, including minimum age and requirements for young hunters. New hunters, unless exempted by regulation, are required to pass an approved harvester training course. This requirement was put in place to address concerns from communities related to ensuring harvest occurs safely and respectfully in their areas.

Anyone who requires a licence to hunt must carry it with them when they are hunting and show it to an officer when requested.

Hunting licence holders require a tag to hunt big game and a small game authorization to harvest small game. All non-resident and non-resident alien hunters must use the services of a licenced outfitter and guide to hunt big game and their harvest must be reported. Resident hunters are requested to report harvests each year through a resident hunter survey. This provides good, long term information on resident hunter harvests throughout the NWT.

Where there is an exclusive right to harvest by beneficiaries provided for under a land claim agreement, the *Wildlife Act* prohibits hunting by others unless permission is granted. In the Sahtú, subject to Aboriginal and Treaty rights of others, there is an exclusive right for participants of the SDMCLCA to harvest any wildlife on Sahtú lands, and an exclusive right to harvest furbearers throughout the settlement area.

The *Wildlife Act* also limits the type of equipment that licenced hunters can use to harvest wildlife, sets out equipment and harvesting techniques that cannot be used by any person to ensure public safety and humane harvesting, prohibits harassment and wastage by any person, and requires every possible effort be made to kill wounded animals.

Wildlife regulations can be put in place to establish wildlife management zones, open and closed harvesting seasons, bag limits, quotas, and limits on the harvest of wildlife based on species, size, age, sex or other characteristics to regulate where, when, what kind and how many animals different classes of hunters can harvest each year. In the absence of a conservation concern, there are no limits on the number of animals harvested by land claim beneficiaries within their land claim area.

Where there is a conservation concern, harvest limits may be put in place according to the processes laid out in the land claim agreements. In most cases, a limited harvest is managed through the use of quotas and tags or authorizations, and/or mandatory reporting. Authorizations or tags are allocated within the community by the local harvesting committee or renewable resource council. This is the case for grizzly bears and polar bears in the Inuvialuit region, wood bison in most areas, barren-ground and Peary caribou in most areas, and muskox in some areas.

The land claim agreements lay out the process that must be followed to put a harvesting regulation in place. In the Sahtú, the general process is as follows and involves close collaboration between the co-management board and the GNWT.

1. A conservation concern or wildlife related opportunity is identified. This may be the result of a population survey that indicates a population is increasing or decreasing, local observations that provide information about a population, a desire to change harvest levels or start a commercial activity, or any other information or request for a regulation change that comes forward.
2. In the SSA, the SRRB has the power to propose regulations in respect of the harvesting of wildlife by any person, including any class of person. Similarly, the Minister can propose regulations to the Board.
3. Working with co-management partners, the available information with respect to the wildlife population under consideration is collected and a biological assessment is made on whether the proposed regulation is warranted or would be sustainable.
4. If a proposed regulation seems reasonable from a biological point of view, ENR consults with all affected parties with harvesting rights to identify potential impacts of the proposed regulation on Aboriginal or Treaty rights.
5. In the SSA, the SRRB would consult with any affected RRCs. Any regulation that would limit the quantity of harvest by participants requires the setting of a total allowable harvest and a public hearing unless there has been a quota set for that species or population within the past two years.
6. After consultation review and revisions, a proposed regulation is sent to the co-management board for review and advice. In the SSA, the proposed regulation would be sent to the SRRB for review and advice.
7. The SRRB then sends its recommendation, and if applicable any proposed regulations or concept for a regulation if the board is proposing a regulation, to the Minister of ENR, who has 60 days to accept, vary or set aside and replace the board's decision. The Minister must consider all the

factors the SRRB considered and may also consider other information not before the Board and matters of public interest not considered by the Board.

8. Any proposed variation or replacement must be sent back to the Board with written reasons for the Board's consideration.
9. The SRRB then sends its final recommendation to the Minister who can accept or vary it, or set it aside and replace it, with written reasons. Again, the Minister can consider information not before the Board and matters of public interest not considered by the Board.
10. The Minister then implements any recommendation of the Board the Minister has accepted, or any decisions made by the Minister, where the Minister has varied or replaced the proposed regulation.
11. Once regulations are enacted, ENR officers can enforce them.

In the case of emergency circumstances, where the failure to take immediate action is likely to cause serious or irreparable harm to wildlife or habitat, or to jeopardize public health or public safety, the Minister may take action to respond without going through this process. There is a process for responding to emergency circumstances within the *Wildlife Act*. An emergency response can only be an interim measure and the Minister must go to the appropriate renewable resource board as soon as practicable to have the board review the measure, and must also carry out appropriate consultation with affected Indigenous government or organizations.

Wildlife regulations, developed within the co-management process, are an effective way to manage wildlife harvesting in the NWT. The process is well established and ensures input from affected users through the renewable resources board. Regulations can also be used to support and help implement community conservation plans; however, ENR officers can ONLY enforce measures that are in GNWT legislation. They cannot enforce measures in community conservation plans if they are not also reflected in legislation.

In many cases, wildlife populations cross between more than one land claim area or traditional harvesting area. In that case, the approach to conservation and harvest management is more complex and it is most effective when related affected co-management boards work together to come up with a harvest management regime that is acceptable and fair to all. Each board follows their own process, at the same time coordinating with others and working towards boarder agreement. Under section 13.6 of the SDMCLC the management of migratory species, including Bluenose caribou, with the Sahtú, NWT and Yukon Territory. There are coordinated approaches in place, such as the Taking Care of Caribou Management Plan for the Cape Bathurst, Bluenose-West and Bluenose-East Caribou Herds developed by the Advisory Committee for Cooperation on Wildlife Management (ACCWM). The ACCWM was established to exchange information, help develop cooperation and consensus, and make recommendations regarding wildlife and wildlife habitat issues that cross land claim and Treaty boundaries. The ACCWM includes members from the WMAC (NWT), GRRB, SRRB, WRRB, Kitikmeot Regional Wildlife Board, and Tuktut Nogait National Park Management Board. The recommendations from this plan have been endorsed by the GNWT/ENR and the management plan and associated action plans guide the management of those three herds in the NWT. The *Wildlife Act* can be used to support the recommended actions.

Approaches to Wildlife Harvesting and the *Wildlife Act*

Throughout the process of developing the *Wildlife Act* and its associated regulations, the importance of safe and respectful conduct on the land and respectful hunting was paramount. Both the Wildlife Act Working Group, with representation from Indigenous governments and organizations and renewable resource boards, and the Stakeholders Working Group, with representatives from resident hunters and other user groups, emphasized the importance of always acting properly towards wildlife and the land. As a result, the *Wildlife Act* was built around, and codifies, concepts of respectful and ethical practices that can apply to all harvesters.

Part 4 of the *Wildlife Act* is dedicated to provisions for proper conduct on the land. This includes:

1. **Harvester training** – respectful hunting means knowing how to be a safe and humane hunter, and how to conserve wildlife by reducing wastage and wounding.

To help people become safe and respectful hunters, the Act obligates the Minister to ensure the development and delivery of harvester training courses that promote wildlife conservation and the safe and humane harvest of game and other prescribed wildlife.

ENR has worked with local harvesting committees, renewable resource boards, Indigenous Governments and organizations and resident hunters to develop a hunter training course. This course is now complete and, as of January 1, is available free on-line or in person by request. It is intended to teach hunters of all backgrounds and experience levels how to be respectful of wildlife, people, the environment and themselves while hunting.

All Resident and Non-Resident hunters are required to take government-issued Hunter Education training prior to being issued a hunting licence in the NWT, under the *Wildlife Act*. A person may also be required to complete Hunter Education if they are convicted of any of the following hunting offences:

- Hunting out of season or in an unauthorized zone
- Hunting without the required licence or permit, or exceeding harvest limits
- Disturbing or harassing wildlife
- Wastage or failing to retrieve wounded wildlife
- Baiting wildlife without required permit
- Using dangerous or improper harvesting methods
- Trafficking meat or other parts of wildlife

While Hunter Education is recommended for all harvesters, regardless of experience level, a person is exempt from having to take Hunter Education if they:

- Are exercising an established or asserted Aboriginal right to harvest in the NWT in areas where they have harvesting rights
- Hold a General Hunting Licence
- Are a resident that has held a NWT resident hunting licence in the previous 5 years
- Are an NWT resident and can prove they held a hunting licence in another Canadian jurisdiction in the previous five years or that they passed a hunter training course in another Canadian jurisdiction
- Are using a licensed guide or outfitter

The course has seven modules:

1. The Responsible Hunter
2. Ecology and Wildlife Management
3. NWT Hunting Laws, Acts and Regulations
4. Hunting Skills
5. Planning and Preparation
6. The Hunt
7. Survival Skills

The course has been designed to meet the needs of licenced hunters, but is available to everyone. It has been designed in such a way that it can be tailored to the needs of local communities and can be adjusted to also include traditional hunting values and practices.

2. Restrictions on harvesting in settlement areas and on private lands.

Under the *Wildlife Act*, ENR officers can enforce exclusive harvesting provided rights for participants/beneficiaries, subject to the Aboriginal and Treaty rights of others, within land claim agreements.

3. Interference with Harvesting

Lawful harvesting is a respected activity. The *Wildlife Act* prohibits anyone from interfering with a person who is lawfully hunting or trapping.

4. Respect for Wildlife

To ensure respectful behaviour towards wildlife by hunters and other people, subject to Aboriginal and Treaty rights and the regulations, the *Wildlife Act*:

- Prohibits anyone from disturbing or destroying bird eggs, occupied bird nests, or nests of prescribed birds, without a licence or permit.
- Prohibits anyone from breaking into, destroying or damaging a den, beaver dam or lodge, muskrat push-up or hibernaculum without a licence or permit.
- Prohibits anyone from engaging in any activity that is likely to result in a significant disturbance to big game or other prescribed wildlife without a licence or permit.
- Prohibits anyone from unnecessarily chasing, fatiguing, disturbing, tormenting, or otherwise harassing game or other prescribed wildlife.
- Requires any person who wounds or kills game or other prescribed wildlife to make every reasonable effort to retrieve it, and if it is alive, kill it.
- Prohibits any person from wasting, destroying, abandoning or allowing to spoil, the edible parts of prescribed wildlife, raw pelts or hides of prescribed fur-bearers or other prescribed parts of prescribed wildlife.
- Requires a person to report any wildlife killed in an emergency, in self-defence or in an accidental collision with a motor vehicle to an officer who will notify the appropriate renewable resource board and local harvesting committee.
- Limits harvesting methods for big game to firearms, bows and arrows and crossbows
- Limits harvesting methods for small game to firearms, bows and arrows, crossbows, slingshots, nets, snares, deadfalls, traps or similar devices.
- Requires every person to harvest according to humane harvesting agreements.
- Prohibits anyone from using bait to harvest big game unless they have a licence or permit.

- Sets limits on harvesting certain wildlife after being in an aircraft, other than a commercial flight.
- Prohibits the illegal possession of wildlife.
- Prohibits feeding big game, fur-bearers and other prescribed wildlife.
- Prohibits any person from leaving wildlife attractants (food, food waste or other substances) that could attract big game or other prescribed wildlife and endanger a person, domestic animal or wildlife.
- Lays out the proper manner to cache and identify cached meat.
- Prohibits capturing or keeping big game, fur-bearers or other prescribed wildlife in captivity.
- Prohibits allowing domestic animals to run at large and harass or endanger big game or other prescribed wildlife.
- Prohibits the release of a prescribed species into habitat where it does not belong.

In addition, to ensure public safety, the *Wildlife Act* prohibits any person from using or having while harvesting game:

- Poison
- Explosives
- Tracer ammunition
- A projectile containing any explosive material
- A set gun, spring gun, set bow, swivel set or any other mechanism designed to discharge projectiles by mechanical means
- An automatic firearm capable of firing more than one projectile during one pressure of the trigger
- Or other prescribed substance or prescribed equipment.

And prohibits:

- harvesting wildlife with a device such as a firearm, bow and arrow, crossbow, deadfall or trap that is in an unsafe condition
- discharging a firearm, bow and arrow, crossbow or other device from, or cause the projectile from it to pass along or across the travelled portion of a highway as defined in section 1 of the *Motor Vehicles Act*
- discharging a firearm, bow and arrow, crossbow or other device within a prescribed no shooting area or other area described in the regulations or
- otherwise harvesting wildlife without due regard for the safety or property of other persons, or in a manner that endangers the harvester or other persons

Where prohibitions are put in place for public safety reasons, they apply to everyone, including harvesters with Aboriginal or Treaty rights, and were appropriately consulted on before being included in the *Wildlife Act*.

Hunting Ethics

ENR recognizes that responsible hunting has an honourable history, traditions and a code of ethical conduct that extends beyond hunting laws. This is true for both Indigenous and non-Indigenous hunters.

As part of its responsibility to encourage respectful hunting among non-Indigenous hunters, ENR publishes an annual summary of hunting regulations and includes the following reminder to encourage hunters to behave appropriately on the land.

'If you plan to hunt on private lands, including lands owned pursuant to a land claim agreement, you may require permission to access the land first. Please refer to the following pages for more information. If in doubt, please contact the appropriate authority. Please refer to the following pages for more information.

The privilege to hunt carries with it responsibility to other people, wildlife and the environment. Do not chase or harass wildlife while hunting. Only shoot what you will use and do not waste meat from animals you harvest. Please leave the area you hunt in looking the same way it did before you arrived. Pack out your trash and equipment and do not damage the land with your vehicles. If you are hunting on Indigenous owned or settlement lands within an area with a settled land claim, you must ask permission first.

Please dispose of any parts you leave behind on land and not on the winter roads or frozen lakes. This ensures that once the ice melts, the remains do not fall into the water, possibly polluting the area. Gut piles can also pose a safety concern for people travelling on the ice or winter roads. As well, it is considered a sign of respect in some cultures to leave the remains of land animals on the land and not in the water.

Be a safe hunter and respect other hunters in the field. Know the hunting regulations and report any and all violations to the nearest Renewable Resource Officer or the Report a Poacher line at 1-866-762-2437.'

Harvest Law and the Species at Risk Act

Like the *Wildlife Act,* the SARA (NWT) was developed using a collaborative working group process that included full participation of Indigenous governments, including SSI and the SRRB.

The purpose of SARA (NWT) is to prevent species from becoming extirpated or extinct in the NWT. It applies throughout the NWT to species, subspecies and distinct populations of animals, plants or other organisms that are wild by nature and are either indigenous to the NWT or have spread to the NWT without human intervention. It does not apply to bacteria, viruses or single celled organisms, nor to fish or marine plants as defined in the *Fisheries Act* (Canada) or migratory birds as defined in the *Migratory Birds Convention Act, 1994* (Canada).

SARA (NWT) establishes an integrated and cooperative system for recovery and conservation of species at risk built on the principles of co-management included in land claim agreements. Key to this system is the Conference of Management Authorities (CMA), specifically established to build consensus among Management Authorities on the conservation of species at risk and to provide direction, coordination and leadership with respect to the assessment, listing, conservation and recovery of species at risk, while respecting the roles and responsibilities of Management Authorities (co-management boards) under land claim agreements. The Management Authorities are those agencies that have a legally mandated responsibility for the management of wildlife: the co-management boards established under land claim agreements, the Tłı̨chǫ Government, the GNWT and the Government of Canada.

There are three major steps in the conservation of species at risk under SARA (NWT): Assessment, Listing and Recovery/Management.

The first step is an assessment by the Species at Risk Committee (SARC). SARC is an independent committee that consists of members appointed by each of the co-management boards, the GNWT and the Government of Canada. Members must have significant expertise of species, habitat, northern ecosystems or conservation, drawn from Indigenous traditional knowledge, community knowledge or

scientific knowledge. Before appointing a member, the appointing body must discuss the proposed appointment with the CMA to ensure that SARC has, to the extent possible, expertise in respect of all species and all areas of the NWT.

Before assessing a species, SARC has a status report on the species prepared. The status report includes the best available information, including Indigenous traditional knowledge, community knowledge and scientific knowledge, on the biological status of a species and the existing and potential threats to and positive influences on the species and its habitat. Before being accepted by SARC, the draft status report is made widely available for review and comment with respect to completeness and accuracy of the information.

Once SARC is satisfied that a status report is complete and accurate, SARC approves it and uses the information in the report to assess the status of the species, using objective biological criteria. During their assessment, SARC cannot consider any socio-economic effects or any possible consequences of the assessment if it is implemented.

SARC's assessment places the species into a category of risk of extirpation or extinction from the NWT. Categories of risk are:

- A data deficient species – a species for which SARC does not have enough information to categorize
- A species not at risk – a species that currently is not at risk of extinction or extirpation
- A species of special concern – a species that may become threatened or endangered in the NWT because of a combination of biological characteristics and identified threats
- A threatened species – a species that is likely to become endangered in the NWT if nothing is done to reverse the factors leading to its extirpation or extinction
- An endangered species – a species that is facing imminent extirpation or extinction
- An extirpated species – a species that no long exists in the wild in the NWT but does exist in the wild elsewhere
- An extinct species – a species that no longer exists anywhere in the world

The assessment will also identify existing or potential threats to and positive influences on the species and its habitat and may include measures to conserve the species and its habitat.

SARC sends its assessment, along with the reasons for the assessment and the approved status report to the Management Authorities and the documents are made public.

Listing a Species

The decision to add a species to the NWT List of Species at Risk is made by the CMA. The makeup of the CMA differs for each species and only includes those Management Authorities with authority for the species under consideration. Once the CMA receives an assessment from SARC, members have three months to discuss the assessment and, if the assessment is anything other than data deficient or not at risk, identify and co-ordinate the actions each Management Authority needs to take in preparation for the development of a consensus agreement on listing and establish a timeframe to complete the actions. These actions must include any actions required to fulfil requirements under a land claim agreement.

Each co-management board has a process they must follow to prepare for a consensus agreement on listing, including a process for consulting with affected communities. In the SSA, this would include consultation by the SRRB with affected RRCs. For the GNWT, preparatory actions must include providing an opportunity for the public to provide comments on the assessment and consultation with any Indigenous government or organizations that may be affected by a listing.

As soon as practical after completing their consultations, the CMA meets to develop a consensus agreement on listing the species, considering the information provided to them by SARC and the results of their consultations. They attempt to reach consensus on whether the species should be added to the list of species at risk in the NWT, and if so, under which category it should be listed. Their decision does not need to be consistent with the SARC assessment.

If the CMA comes to consensus, the decision and reasons for it is sent to the Minister and the Management Authorities and the Minister adds the species to the list. The Minister is bound by the consensus and agreement and cannot vary or reject it.

If the CMA cannot reach consensus within a year after receiving the SARC report, they must notify the Minister and the Management Authorities, provide reasons why they cannot reach consensus, and make that information public. In this case, the Minister of ENR must make a decision on whether to list the species and if so, in what category, within three months. The Minister must provide his or her decision, with reasons, to the Management Authorities and make them available to the public.

If listed, a species remains on the list of species at risk for 10 years. Typically, the species is scheduled for re-assessment prior to the completion of this time period, but the CMA may also develop a consensus agreement to add another 10-year term to the current term in the same category without a re-assessment. Reassessment uses the same process used to assess, including all the consultation processes needed to reach a consensus agreement. If the CMA cannot reach a consensus agreement on listing after a reassessment, they again must notify the Minister and Management Authorities and make that information public. The Minister of ENR must then make a decision on whether to relist the species and if so, in what category, within three months. The Minister must provide his or her decision, with reasons, to the Management Authorities and make them available to the public.

Recovery and Management of a Listed Species

Unlike the federal *Species at Risk Act*, there are no automatic prohibitions or protections that come into effect when a species is added to the NWT List of Species at risk. Conservation, management and recovery actions are chosen to specifically address the listed species and its needs.

If a species is listed as a species of special concern, a management plan for the species must be completed within two years. If a species is listed as threatened or endangered, a recovery strategy must be completed for the species within two years for a threatened species and within one year if a species is listed as endangered.

A management plan or recovery strategy must include a description of the existing and potential threats to, and positive influences on the survival and recovery of the species and its habitat, and provide objectives for the management, conservation or recovery of the species, and approaches to achieve those objectives.

The management plan or recovery strategy is prepared by the Species at Risk Secretariat for the CMA. The CMA must meet to discuss the plan/strategy and identify and coordinate the actions each Management Authority needs to undertake to be able to develop a consensus agreement on accepting a management plan or recovery strategy. Similar to the process for reaching a consensus agreement on listing, each Management Authority must follow the processes they need to be able to reach an agreement on the proposed plan/strategy. As part of its process, the GNWT must provide an opportunity for the public to comment and must consult with any affected Indigenous governments or organizations.

Once each Management Authority has completed their consultation and/or engagement processes, the CMA meets again to develop a consensus agreement on accepting the management plan or recovery strategy. If a consensus agreement is reached, the plan is accepted and submitted to the Minister. The Minister then has three months to make the final plan/strategy publically available. If consensus cannot be reached, the CMA must notify the Minister. The Minister, after taking into account the results of CMA consultations and engagements, may make any changes to the plan the Minister considers appropriate and will provide the plan to the Management Authorities and the public within three months.

Once a management plan or recovery strategy is accepted, the CMA may develop a consensus agreement with respect to implementation, including provisions respecting the actions each Management Authority agrees to undertake to implement the plan/strategy. If no consensus agreement on implementing the plan is developed within 9 months of the plan being complete, the Minister of ENR must provide to the CMA, and make public, a statement that summarizes the actions the Minister intends to undertake to implement the management plan or recovery strategy.

The process of assessing, listing and taking action to manage or recover a species ensures the full participation of all Management Authorities in the decision-making processes, both for listing and developing actions to manage or recover a species.

Once a species has been assessed as anything other than data deficient or not at risk, and even before listing, the CMA has the ability to enter into a consensus agreement respecting conservation actions, if they feel that immediate conservation action are necessary. The Minister can also make regulations with respect to the conservation of the species and its habitat, including regulations for harvesting. Before a regulation is enacted or a management or recovery action is taken, appropriate consultation must be carried out where any Aboriginal or Treaty rights may potentially be affected.

Community Conservation Plans and the *Wildlife Act*

ENR is supportive of community conservation plans, as they can be a valuable part of overall wildlife and harvest management. However, while ENR officers could encourage compliance with a community conservation plan, they can only enforce management or conservation measures if they are reflected in GNWT legislation.

The *Wildlife Act* requires that everyone exercising powers under the Act must do so in accordance with the principle that traditional Indigenous values and practices in relation to the harvesting and conservation of wildlife are to be recognized and valued. This is explicitly stated in section 2 of the Act.

The Act must also be interpreted in a manner that is consistent with the recognition and affirmation of Aboriginal and Treaty rights, and any action carried out under the Act must be done in accordance with any applicable land claims agreement.

This is important when considering how ENR can help enforce community conservation plans. For example, Délı̨nę Belare wíle Gots'ę́ ʔekwę́ Plan states that no wastage is permitted. This aligns with the provisions of the *Wildlife Act* and the SDMCLCA and officers can enforce the prohibition on wastage set out in the *Wildlife Act*.

However, the proposed draft Colville Lake law limits hunters to hunting big game with a firearm. It would not allow bows and arrows or crossbows. The draft plan also states that within the "Colville Area", permission must be gained by other SDMCLCA participants prior to harvesting. Under the SDMCLCA, participants have the right to employ any methods of harvesting subject to legislation in respect of conservation, public health or public safety and legislation respecting the humane harvesting of wildlife within their traditional territory. ENR officers would not be able to enforce community laws that contravene these rights.

ENR is willing to assist communities in helping to develop and, where appropriate, implementing community conservation plans. ENR supports traditional Dene values and practices and will continue to work with communities.

Harvest Monitoring

Harvest has a direct impact on caribou numbers and harvest numbers from all user groups is very important for making decisions and justifying management actions. Estimating how many animals are being taken from the herd through harvest and predation is as critical as understanding how many animals are coming into the herd through recruitment.

In addition to knowing how many animals are harvested, the proportions of animals harvested – how many cows, calves or bulls are taken, where they are taken and what condition they are in is also important. There needs to be continuous, reliable, long-term information on harvesting to better understand how harvesting can influence herds. An effective overall monitoring program requires good communication and sharing of information between regions and wildlife managers.

Harvest by non-resident hunters is collected through mandatory reporting by outfitters. Each year, under the *Wildlife Act* and related provisions in the Wildlife Business Regulations, ENR requires outfitters to submit an "outfitter return on a client hunter success" form for each person that purchased a NWT non-resident big game hunting licence. These must be submitted whether or not a client actually hunted, and whether or not any game was harvested. The outfitter return forms allow ENR to quantify harvest by non-resident hunters to help biologists with the GRRB, SRRB, and ENR ensure that the harvest of each species is within sustainable limits.

Starting in 1995, ENR has also requested all non-resident hunters fill out an additional voluntary questionnaire. The questionnaire has evolved through the years but a key component of the questionnaire is reporting the different types and numbers of wildlife species seen during their hunts. These data have been recorded and provide a valuable time series of observations that are used in assessing mountain caribou herd status.

Each year, a summary report of the data collected by ENR on non-resident hunters in the Mackenzie Mountains is prepared that compiles the harvest data collected during the previous hunting season and compares it with available data collected since 1995, and earlier when available. This provides valuable time series data on the species harvested in the Mackenzie Mountains, including mountain caribou.

Harvest by NWT resident hunters is monitored through the annual resident hunter survey. This survey has taken place every year since the 1982/83 hunting season. A survey package is mailed to all resident hunters with a valid permit for that particular hunting season. The package includes a covering letter, a map of hunting areas, a survey questionnaire on hunting activities, locations, effort and success, a chart of hunting trends from previous questionnaire results, and a pre-paid return envelope. Hunters are asked to complete a questionnaire whether or not they hunted, and whether or not they were successful hunting. A three-wave system is followed, where the package is re-sent as a reminder in two additional mailing waves to hunters who have not responded to the previous mail-out(s). All completed questionnaires and information from individual hunters are kept confidential and are never seen or used for compliance purposes.

Resident harvest is estimated per species and integrated by region. Results include harvesting rates per species, per season, and per region, hunting success, sex ratio of harvested caribou, and seasonality of harvesting. These are made public annually. The NWT Resident Hunter Survey has been in continuous use for almost 40 years, providing long-term harvesting trends for species throughout the NWT.

For Indigenous harvesters, long-term harvest monitoring programs like those required under land claim agreements are important for establishing harvesting levels and patterns, but more immediate information is also needed to effectively manage caribou, especially when populations are declining. The tag/authorization system regulates the harvest, and harvest monitoring is essential to know when harvesting should change.

Tłı̨chǫ harvesters of Bluenose-East caribou in recent years have used authorization cards, reporting harvest to a community director.

In the Inuvialuit and Gwich'in settlement areas, tags or authorizations in combination with kits to assess the health and condition of harvested caribou have proven effective.

Hunters from Délı̨nę use kits to assess health and condition and report to the local Renewable Resource Council on Bluenose-East harvest as part of the Délı̨nę community-based caribou conservation plan for the Bluenose-East herd.

In smaller communities, particularly where the RRCs are involved in authorizing harvests and know who is harvesting what, reporting harvest the RRCs and RRCs regularly reporting to the Board and ENR on harvest levels would be effective.

Key to effective harvest monitoring is involvement and acceptance by communities and harvesters of an approach to harvest reporting, an understanding on the part of the harvester of the importance of harvesting information for conserving caribou, and trust that their information will not be misused. To build trust, individual harvest information must remain confidential. ENR ensures that all personal information collected, including personal information and harvest data specifics, are kept confidential. Only summaries or overviews of harvest numbers are shared publicly. The participation of local community members to collect information can help develop trust in the system.

All approaches used for harvest reporting need to be accurate, consistent, reliable and complete.

ENR has funds available to support community monitoring of wildlife harvesting, harvest data collection and activities that support communities' wise use of wildlife. ENR is currently supporting Indigenous governments and organizations in their efforts to record their members harvest information.

Caribou Status

GNWT wildlife biologists recognize several different types of caribou in the NWT – barren-ground, boreal woodland, mountain, Peary, and Dolphin-Union (Figure 1). Three of these, barren-ground, boreal woodland and mountain caribou occur in the SSA. There are physical, behavioural, geographical and ecological differences between the different types of caribou. Each type of caribou is also subject to different stresses and threats. There is little evidence of current mixing or exchange of animals between the different types making it unlikely that animals from one type of caribou will help another type recover if populations decline. For these reasons, ENR biologists monitor and manage each type of caribou separately.

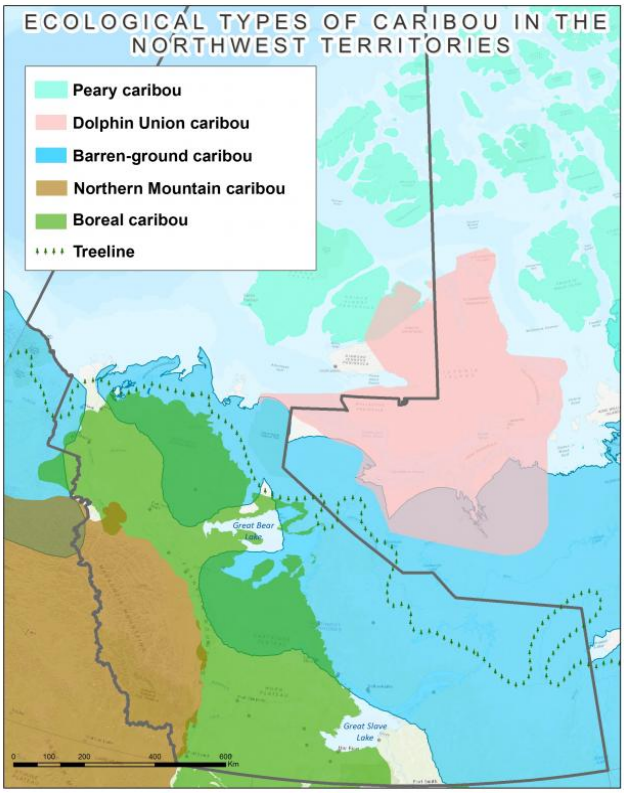

Figure 1 – The ecological types of caribou found in the NWT.

The following sections summarize ENR's current understanding of the status of mountain, boreal and barren-ground caribou in the SSA.

Caribou Ecotypes

Mountain Caribou[1]

Mountain caribou are similar, but larger than other caribou types found in the SSA. Several herds of mountain caribou are found within the mountainous regions of the NWT and eastern Yukon. Overlapping ranges result in a continuous range for northern mountain caribou that stretches from the Arctic Red River in the north to Fort Liard in the south (Figure 2).

[1] Information presented in this section is summarized from:

1. Andrews, T., G. MacKay, L. Andrew, W. Stephenson, A. Barker, C. Alix, and the Shúhtagot'ine Elders of Tulít'a. 2012. Alpine Ice Patches and Shúhtagot'ine Land Use in the Mackenzie and Selwyn Mountains, Northwest Territories, Canada. Arctic 65 (1): 22-42.
2. Committee on the Status of Endangered Wildlife in Canada [COSEWIC]. 2014. COSEWIC assessment and status report on the Caribou *Rangifer tarandus*, Northern Mountain population, Central Mountain population and Southern Mountain population in Canada. Committee on the Status of Endangered Wildlife in Canada, Ottawa, ON. xxii+113pp.
3. Environment Canada. 2012 Management Plan for the Northern Mountain Population of Woodland Caribou (*Rangifer tarandus caribou*) in Canada. *Species at Risk Act* Management Plan Series. Environment Canada, Ottawa. Vii + 79 pp.
4. Sahtú Renewable Resources Board (ʔehdzo Got'ı̨nę Gots'ę́ Nákedı). 2018. 2016-2018 Shúhta ʔepę́ (Northern Mountain Caribou) Stewardship Initiative Newsletter and posters. Website: http://www.srrb.nt.ca/index.php?option=com_docman&view=download&alias=1641-joint-mountain-caribou-workshop-newsletter-feb-02-2018&category_slug=reports&Itemid=1818 [accessed September 2018].
5. Winbourne, J. 2017a. Summary Report: Joint Caribou Meeting – Ross River Dena and Sahtú Region, July 23-24, 2014, Tu Łidlini (Ross River), Yukon Territory. Consultant's report by Janet Winbourne for the ʔehdzo Got'ı̨nę Gots'ę́ Nákedı (Sahtú Renewable Resources Board), Tulít'a, NT. 47 pp.
6. Winbourne, J. 2017b. Summary Report: Second Joint Caribou Meeting – Ross River Dena and Sahtú Region, Aug. 31-Sep. 2, 2016, Tulít'a, NT. Consultant's report by Janet Winbourne for the ʔehdzo Got'ı̨nę Gots'ę́ Nákedı (Sahtú Renewable Resources Board), Tulít'a, NT. 45 pp.
7. Wilson, J.M. and C.A. Haas. 2012. Important Wildlife Areas in the Western Northwest Territories. Manuscript Report No. 221. Department of Environment and Natural Resources, Government of the Northwest Territories, Yellowknife, NT.

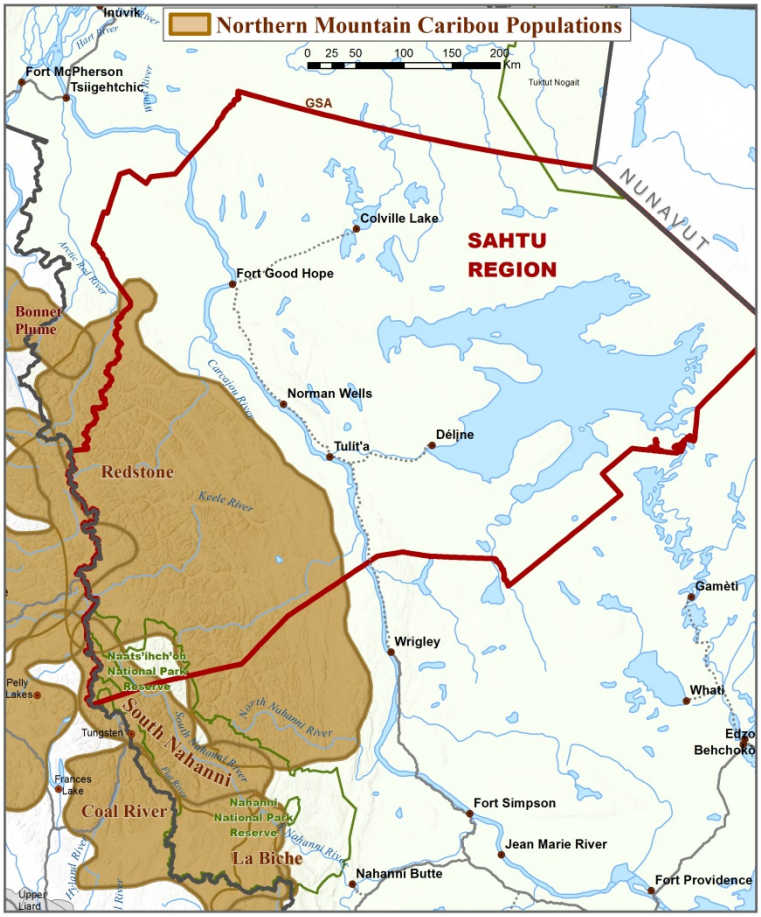

Figure 2 - Northern mountain caribou populations in the NWT.

Traditional Shúhta Dene knowledge indicates that there are at least five herds of mountain caribou that use the K'á Tǝ́ area (willow flats), an important harvesting area. They also note that some of the herds are more sedentary while others are more migratory.

The biggest mountain caribou herd in the SSA is the Redstone with a range that extends throughout the Mackenzie mountain area of the SSA. There is some evidence, based on 10 radio collars deployed in the early 2000s, to suggest the Redstone herd may be made up of three smaller sub-populations – two migratory groups in the western portion of the range with one centered around the Mountain River in the north and the other centered around the Redstone River in the south, and one relatively sedentary group in the Carcajou River area. The Redstone herd will be considered a single herd until more information is obtained.

A small portion of the Tay River herd range extends into the NWT from the Yukon, near Mile 222, and the northernmost part of the South Nahanni herd range extends into the SSA.

The ranges of all mountain caribou herds in the Sahtú cross into the Yukon and extend across the traditional harvesting areas of other Indigenous governments and organizations.

Although the distribution of northern mountain caribou as displayed in Figure 2 is likely reasonably representative of the overall range, further refinement of subpopulation range boundaries and subpopulation structure is needed. The knowledge gap related to whether the herds consist of subpopulations is especially important when considering sedentary groups which are more vulnerable to localized threats. This could be addressed by fitting more collars on animals. There is no information available on immigration or emigration rates between herds or sub populations: however, with overlapping ranges, movement among individuals from neighbouring herds could occur.

Population trends

The current population estimate for mountain caribou in the NWT is about 21,800, although most herd estimates are outdated. Current and long-term population trends for most mountain caribou herds in the NWT are unknown. Northern mountain caribou ranges are remote and the areas occupied are vast, making it difficult to carry out population surveys and estimate population size. Indigenous traditional knowledge referenced in the Committee on Status of Endangered Wildlife in Canada (COSEWIC) 2014 assessment report suggests that mountain caribou subpopulations have seen a steady decrease since the early 1900s, but it is not known whether this was a true decline, or the result of migration northwards.

In 1997, the Redstone herd population was estimated at 5 – 10,000 animals, though confidence in that estimate is low and no information was available about population trend. In the fall of 2012, a ground survey of the Redstone herd resulted in a minimum population estimate of over 10,000 animals with a calculated estimate of over 7,300 adults. The population trend at that time was thought to be stable but there was no information on long-term population trend.

The percent calves in the Redstone herd seen by non-resident hunters during fall hunts has been used to assess current population trends. A calf recruitment of 15% annually has been suggested as needed for a stable population. From 1991 to 2016, percent calves averaged 26% for the Redstone herd, well above the recruitment level needed for a stable population. The calves/100 cows ratio for 1991 to 2016 averaged 46 for the Redstone subpopulation, also well above the 20-25/100 suggested as necessary for a stable herd. However, there is some evidence that both calves/100 cows ratio and % calves have declined slightly since 1991, with the greatest decline occurring between 2009 and 2016. A decline in calf:cow ratio and percent calves could suggest a population decline.

Shúhta Dene indicate that some caribou herds/sub-populations in the Macmillan Pass/K'á Te area of the Mackenzie Mountains have declined or vacated some preferred habitats over the last several decades. The decline or displacement has been especially dramatic over the last 10 – 12 years, particularly for the Redstone herd. There has been a decline in the number seen and the group size and Shúta Dene elders and harvesters say that today there are fewer large bulls and animals with large antlers than in the past.

The last population survey of the South Nahanni population was done in 2009 using a mark/resight survey, resulting in a population estimate of 2105 animals and 1,886 adults. The population was thought to be stable at that time but the long-term population trend was unknown. Fall calf survival rates in the South Nahanni range were highly variable between 1995 and 2011, ranging from 10 to 30 calves/100 cows. Fall calf survival rates for surveys conducted between 2000 and 2009 indicated a declining trend, but the 2010, 2011 and 2014 rates were the highest recorded.

The Tay River herd was last surveyed in 1991 resulting in a population estimate of 3,758 animals and 2,907 adults. There is no information on current or long-term trend available.

Harvest

Mountain caribou have traditionally been harvested by the Shúhtaot'ıne (Mountain) Dene and Métis of Tulít'a and Norman Wells, who travelled to areas in the Mackenzie mountains to hunt mountain caribou and other animals. K'á Tə (Willow Flats) is an especially important area for mountain caribou as well as moose, migratory birds, fish and beaver. Shúhta Dene from both the NWT and Yukon continue to travel to this site on an annual basis to harvest. Macmillan Pass/K'á Tə is another important area intersected by the CANOL road and trail, and regularly frequented by Shúhtaot'ıne and Tu Łidlini and Kaska Dena. Because this area is accessible by road, many Shúhtaot'ıne Dene continue to use this area year after year and have traditional campsites here.

Gwich'in also harvest from the Redstone herd as do the Ross River Dena. There are no limits on the harvest of mountain caribou by Sahtú participants or other Indigenous people with rights to harvest in the SSA.

Mountain caribou are also harvested by resident and non-resident hunters. Resident hunters require a big game licence and tag to hunt mountain caribou and are limited to one tag a year, which can be used anywhere in the Mackenzie Mountains. Resident hunting season is limited to July 15 until January 31. An annual resident hunter survey collects information on the number and location of mountain caribou harvested each year. Total resident harvest of mountain caribou in the NWT was estimated to be between 20 – 25 animals annually between 2001 and 2010 and about 45 animals annually between 2011 and 2015. There is no restriction on the sex of the animal taken, but most resident hunters shoot bulls.

Mountain caribou are one of the more desired species sought after by non-resident hunters. Non-resident hunters can only hunt mountain caribou using the services of a licenced outfitter and guide within an outfitting concession in the NWT. There are five outfitting concessions in the Mackenzie Mountain region of the SSA, and each outfitter has the exclusive right to provide guided mountain caribou hunts within their area. Outfitters manage the harvesting in their area to ensure ongoing success of their hunts. Outfitters access the mountain caribou herds using fixed-wing aircraft, helicopters, ATVs, boats, and horses. Non-residents require a licence and tag and are limited to one tag a year. The non-resident hunting season is limited to July 25 until October 31. There are no quotas set on the total number of outfitted hunts an outfitter can provide each year. There is no restriction on the sex of the animal taken, but non-resident hunters shoot almost exclusively bulls.

There has been strict monitoring of the northern mountain caribou harvest by non-resident hunters since 1991, and an annual report is produced providing the harvest results for all outfitted species since that time. Non-resident harvest of mountain caribou throughout the entire Mackenzie Mountains averaged 165 bulls per year from 1991 to 2017. The highest harvest during that period was 195 bulls in 2017, and three of the four highest harvests occurred during the three most recent years of data collection: 2015, 2016 and 2017.

There is little information available on the Indigenous harvest of northern mountain caribou in technical reports.

The Management Plan for the Northern Mountain Population of Woodland Caribou (Rangifer tarandus caribou) in Canada estimates that a total of about 300 caribou per year are harvested from the Redstone population in the NWT and about 100 – 200 are harvested from that herd each year in the Yukon. Of these, 30% are estimated to be cows. The plan suggests that this may be too much hunting pressure given that population size and trends are unknown. Local knowledge suggests hunting pressure may be increasing due to decreasing barren-ground caribou populations.

Potential Threats and Limiting Factors

Although current harvest rates across the distribution of northern mountain caribou in the NWT is relatively low, both non-resident and resident harvests have increased in recent years. Local hunters have recently reported that the number of hunters has increased the hunting pressure in the MacMillan Pass and Mile 222 area and on the Keele River and Caribou Flats. One person expressed a concern that local hunters don't know who the people hunting are and don't know what or how many animals they harvest. There were also concerns about disrespectful hunting practices, concerns about safety and concerns about habitat destruction, particularly as a result of ATV use.

There is also concern about potential new road development and subsequent off-road trails that often accompany industrial activity and facilitate hunting access. There is particular concern about the Howard's Pass access road which will likely increase use of the Macmillan Pass/K'á Tǝ́ area. If access to a given herd increases, management initiatives must meet the challenge of a potential increase in hunting pressure. Access management is therefore integral to harvest management.

A lack of research and information about mountain caribou is challenging. This includes uncertainty about the delineation of the herds, herd sizes, vital rates, population trends, habitat use, and total harvest levels, as well as a lack of adequate documented traditional knowledge. Lack of knowledge affects the ability to appropriately manage harvest and determine threats and respond appropriately. ENR is willing to meet with communities to discuss a research plan for northern mountain caribou in the Sahtu.

Management Plans

Northern mountain caribou in Canada (NWT, Yukon and northwestern BC) were assessed by COSEWIC as a species of special concern in 2002 and were listed as such under the federal *Species at Risk Act* in 2005. The status of northern mountain caribou in the NWT will be assessed by the NWT SARC at their next meeting in April 2020. A draft status report, which contains the best available information from traditional, community, and scientific knowledge, is currently being finalized. If mountain caribou are assessed and subsequently listed under SARA (NWT) as being of special concern, threatened or endangered, a territorial management plan or recovery strategy would be developed.

The reason cited for the federal designation in 2015 was forestry, roads and other development in the range of this population are beginning to affect some herds, through habitat modification and increased human access. Most of the species habitat is currently remote and has changed little. Most of the population of over 35,000 adults appears stable but is particularly dependent on conservation actions, such as management plans. Two of the 39 herds within this population are declining and may be at risk from changing predator-prey relationships and greater motor vehicle access. Previously, in 2000, COSEWIC had assessed northern mountain caribou in Canada as "not at risk".

A national management plan for northern mountain caribou was produced in 2012. The management plan lays out management principles, goals, objectives and recovery measures to manage northern mountain caribou and guide the local development of regional and herd specific plans. Among the Management Principles underlying the management plan are in recognition of:

- The importance of northern mountain caribou to Indigenous communities
- The government to government relationships that exist between First Nations' peoples and federal, territorial, provincial and state governments and the responsibilities of wildlife management boards as provided for in the land claim agreements
- Harvest management priorities set out in land claim agreements, treaties and the inherent rights of non-Treaty Indigenous communities and individuals
- The importance of using the best available traditional knowledge, local knowledge and science and respect for First Nation systems of wildlife management and traditional laws
- The importance of intact, healthy ecosystems and
- The need for collaboration

The goal of the management plan is to prevent northern mountain caribou from becoming threatened or endangered, by ensuring responsible agencies cooperatively work together on caribou and their habitat.

One of the objectives of the management plan is to manage harvest for sustainable use. Specific measures include tracking harvest data to provide information on age and composition of the herd, using population modelling to develop sustainable harvest rates and thresholds below which harvesting restrictions should be considered, and developing harvest strategies within and among jurisdictions, especially for transboundary herds.

The plan also encourages fostering opportunities to share knowledge, information and develop education and stewardship programs. Specific measures include developing products (print/web-based) to disseminate information about the northern mountain caribou and implementation of the Management Plan for the Northern Mountain Population of Woodland Caribou (Rangifer tarandus caribou) in Canada, developing educational programs about caribou and supporting and developing stewardship programs and projects.

The Management Plan recommends that when herd numbers are lower than what would be expected within the range of natural variation or declining, responsible agencies should discuss, coordinate and monitor the entire harvest and if needed, jointly allocate a sustainable number of permits through government-to-government agreements or a memorandum of understanding.

The Management Plan recognizes that different Indigenous governments place different priorities on the management of caribou herds that range within their traditional territories, which complicates management significantly, but indicates that all agencies, jurisdictions and Indigenous governments have agreed to establish baseline monitoring for herd size, population trend and seasonal range use, paying particular attention to herds that are road-accessible. In addition, increased cooperation, data sharing, standardization of survey and other monitoring methods, and coordination across borders will ensure that herds can be easily compared to one another.

Boreal Caribou[2]

Herds/Distribution

Boreal caribou live in the forests east of the Mackenzie Mountains, prefer to stay within the forest year-round, and they tend to be smaller in size than mountain caribou and larger than barren-ground caribou. Boreal caribou also have distinctive behaviours and abilities. They are described as smart and fast animals that are always on the move. They startle easily, are quick to run away and can jump large distances. Elders and hunters in the SSA often refer to boreal caribou as the "secret" animals because of their elusive nature and behaviour. They can be harder to approach than barren-ground caribou because they are wary and tend to be more afraid of hunters. They do not form the large herds that barren-ground caribou do, nor do they undertake long range migrations. Their different lifestyles mean that boreal caribou are subject to different stresses and require different management approaches.

In the NWT, boreal caribou are found in small numbers throughout their historic range in the boreal forest, from as far north as Tuktoyaktuk to northern British Columbia and Alberta in the south. The western edge of their range roughly follows the foothills of the Mackenzie Mountains and the eastern edge is defined by Great Bear Lake, Great Slave Lake and the Little Buffalo River (Figure 3). Boreal caribou in NWT do not form cohesive herds but occur as a continuous but sparse distribution of individuals within their range.

[2] Information on boreal caribou is summarized from:

1. Environment Canada. 2012. Recovery Strategy for the Woodland Caribou (*Rangifer tarandus caribou*), Boreal population, in Canada. *Species at Risk Act Recovery Strategy Series*, Environment Canada, Ottawa. Xi+138 pp.
2. Species at Risk Committee. 2012. Species Status Report for Boreal Caribou (*Rangifer tarandus caribou*) in the Northwest Territories. Species at Risk Committee, Yellowknife, NT.
3. Conference of Management Authorities. 2017. Recovery Strategy for the Boreal Caribou (*Rangifer tarandus caribou*), in the Northwest Territories. Species at Risk (NWT) Act Management Plan and Recovery Strategy Series. Environment and Natural Resources, Government of the Northwest Territories, Yellowknife, NT. 57+x pp.
4. Species at Risk Act Conservation Agreement for the Conservation of the Boreal Caribou between Canada and the GNWT and appended Schedules. 2019.
5. Government of the Northwest Territories. 2019. *A Framework of Boreal Caribou Range Planning.* Environment and Natural Resources, Government of the Northwest Territories, Yellowknife, NT. 87 pp.

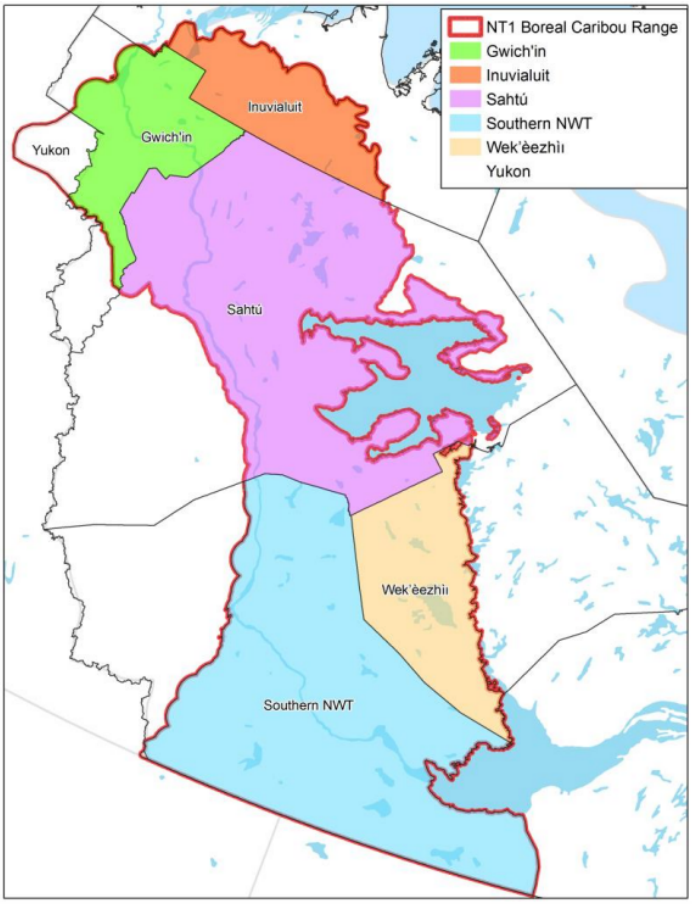

Figure 3 - Boreal caribou range and range planning regions of the NWT.

There is patchy information on the distribution of boreal caribou in the SSA. In the K'asho Got'ine District, they occur mostly in small groups and along the Mackenzie River on the west side from the Ramparts south of Fort Good Hope, down river to McBride Lake, and then east towards Muskeg Lake past Colville Lake. This area seems to be the prime habitat for boreal caribou in the SSA and an area where the majority of the boreal caribou harvest occur. People from Fort Good Hope report boreal caribou along the Mackenzie River and a traditional knowledge study conducted in Fort Good Hope and Colville Lake showed that boreal caribou occur in small numbers in the forested habitat on both sides of the Mackenzie River. Small groups of boreal caribou have been observed around the community of Délı̨nę on occasion, and several groups have also been seen along the North Shore of Great Bear Lake.

Boreal caribou in the NWT are currently managed as a single population unit, however there are ongoing studies looking at whether there is evidence of sub-population structures based on genetic analysis, traditional knowledge and movements of collared individuals.

Population trends

It is estimated that there are a total of 6000 - 7000 boreal caribou in the NWT, based on local and scientific knowledge, and estimated boreal caribou densities applied to known occupied boreal caribou areas.

Boreal caribou are difficult to census based on their low population density and low detectability in areas with dense canopy cover. This limits the feasibility of measuring population trend based on repeated estimates of population size or density over time. Population trend is instead monitored based on a sample of collared adult females in different study areas. Estimates of population growth are based on annual survival rates of collared adult females and spring composition surveys which are used to determine calf recruitment rates. The rate of population change is estimated from annual recruitment of females and annual adult female survival. These values can vary from year to year but an average over time provides an indication of whether caribou populations are increasing, stable or decreasing.

Determining an overall population trend for the NT1 range is difficult as trends vary among regions. Population monitoring programs have been carried out in nine study areas to date in the NWT, and programs are ongoing in six study areas (Figure 4). There are currently no collars on boreal caribou in the Sahtú region.

When the status of boreal caribou was assessed by SARC in 2012, Traditional and community knowledge on boreal caribou abundance in the Inuvialuit Settlement Region was inconclusive; in the majority of areas numbers were thought to be stationary or increasing but there was little information available. In the Gwich'in Settlement Area (GSA), boreal caribou were seen to be increasing in some areas and decreasing in others. In the SSA, the most recent information (2010) indicated that numbers were stationary to increasing. In the Dehcho region, observations were mixed. Numbers were increasing in some areas, stationary in most areas, and slowly decreasing in others. In the Tlicho and North Slave regions, most observations indicated a general trend of decline for boreal caribou populations. No information on trends or fluctuations was available for the South Slave region. These trends should be interpreted with caution however, because many of the observations relate to specific, small geographic areas. As well, it is difficult to discern whether some observations represent declines in abundance or changes in habitat use.

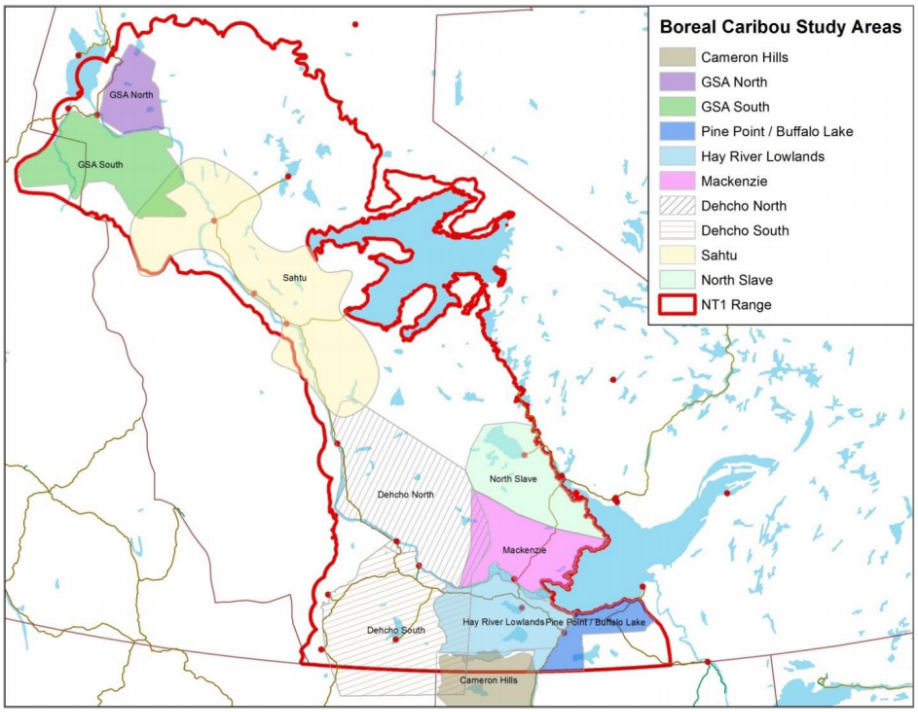

Figure 4 - NWT study areas for boreal caribou population monitoring.

Based on estimated population size, population growth rates and amount of undisturbed habitat, the NWT boreal caribou population is characterized by Environment and Climate Change Canada as likely self-sustaining. More reliable methods are needed to estimate the number of boreal caribou in the NWT as their long-term sustainability depends, in part, on population size.

Boreal caribou were formally listed as Threatened under the federal SARA in 2003 because populations have decreased throughout most of the range in Canada, and they are threatened by habitat loss and increased predation.

Boreal caribou were listed as Threatened under SARA (NWT) in 2009 because there is evidence that the population size is small and there is a decline in population size such that it could disappear from the Northwest Territories in our children's lifetime. Listing was approved by the CMA for boreal caribou, which includes the WMAC (NWT), GRRB, SRRB, WRRB, Tłı̨cho Government, Government of Canada and the GNWT.

Hunting and Hunting Laws

Harvesting of boreal caribou is very important in the NWT. Boreal caribou are highly respected and valued by Indigenous harvesters, and some resident hunters also harvest boreal caribou for subsistence use. The GNWT's vision is for boreal caribou harvesting to be able to continue, now and in the future, by managing boreal caribou popultationsat a level that can sustain harvesting.

The available evidence suggests that the current harvest of boreal caribou is relatively low.

There is no outfitted harvest of boreal caribou by non-resident hunters.

ENR monitors resident harvest using the NWT Resident Hunter Harvest Survey. Between 2001 and 2015 the average resident harvest of boreal caribou in the NWT was estimated to be 22 animals a year. During this time period the resident harvest was predominantly bulls with an average of about 35% of the harvest being cows. A resident harvest of 22 animals per year represents about 0.3% of the estimated population. Although concerns were raised in the NWT Recovery Strategy that estimated harvest of woodland caribou by resident hunters was increasing, analysis of the 2001 – 2015 data by ENR in 2017 indicated that the increase is due to increased harvest of northern mountain caribou. The data indicate no increase in boreal caribou harvest by resident hunters.

Indigenous people throughout the range tend to only harvest this type of caribou opportunistically. Most communities rely more on barren-ground caribou or moose for sustenance.

Boreal caribou are only hunted opportunistically by members of the Sahtú communities. For the most part, boreal caribou are harvested if seen while travelling along trails and roads, or taken while hunting or trapping other species. Results of the SRRB Harvest Study conducted between 1998 and 2005 indicated an average of 72 woodland caribou were harvested annually, of which approximately 36 per year were likely boreal caribou and the rest were mountain woodland caribou.

There is some evidence that boreal caribou used to be hunted more actively by Sahtú communities in the past. For example, before contact there were people in the Sahtú region called Bedzikatįnœ that harvested boreal caribou and lived in strategic locations to hunt them. Hunters would kill up to 30 animals and then move the whole camp to another location.

Accurate Indigenous harvest information for boreal caribou is not available for all areas of the NWT, but based on regional harvest studies and Traditional Knowledge reports, the average number of boreal caribou harvested by Indigenous people in the NWT could be as low as 65 (1% of the estimated population) and as high as 190 (2.9% of the population). The GNWT has been working with Indigenous Governments and organizations to promote opportunities for enhanced Indigenous harvest monitoring.

The estimated total annual harvest of boreal caribou in the NWT likely represents 3% or less of the estimated NWT population.

Several concerns have been raised with respect to potential future impacts of hunting on the boreal caribou population. Gwich'in hunters fear that as barren-ground caribou populations decline in other areas, and new rules about hunting are introduced to deal with these population declines, more people may harvest boreal caribou. Already, the Inuvialuit Settlement Region has identified that reduced numbers of barren-ground caribou have caused more people to travel from the Inuvialuit coastal communities to the boreal caribou areas to hunt.

In the Dehcho region, there has been a slow increase in non-Dehcho and non-Dene hunters in several areas, resulting in 'moderate concern' about overharvesting. Restrictions on barren-ground caribou harvesting north of Yellowknife, increased access to river systems using jet boats, and more public knowledge of key habitat for boreal caribou have added to concerns about overharvesting.

Hunting pressure can increase when there is increased access to hunting areas as a result of seismic lines, road construction and other industrial development. Local knowledge indicates a concern that

resident populations of boreal caribou near some Sahtú communities are declining because of the ease of year-round access.

Traditional practices of Indigenous cultures in the NWT often include rules and guidance for a respectful relationship with caribou. When followed, these traditional practices can be a positive influence on boreal caribou populations. For example, in the SSA, when groups of boreal caribou are encountered, only a few caribou from each group are harvested and more bulls are harvested than cows and calves. Non-traditional harvest practices are considered a threat to boreal caribou. These include reckless shooting; over-use of motorized vehicles; wasting meat and leaving carcasses on the ground; not sharing meat; and not using the entire carcass. Sahtú harvesters have indicated caribou may move out of an area if traditional and respectful hunting practices are not followed.

Because boreal caribou groups are typically small and fragmented, some people fear that any increase in harvesting could have a negative impact. To conserve boreal caribou, some community members in the NWT have voluntarily limited their harvest. People in Whatì have reduced their harvest of boreal caribou because they feel boreal caribou population is not as healthy as it once was. Some Dehcho hunters, aware of declining populations in southern Canada, have changed their hunting habits to hunt fewer boreal caribou. K'atl'odeeche elders indicate that they knew how to balance use of boreal caribou with conservation, and would rotate the areas they hunted every year or so to not deplete one place. Gwich'in hunters have changed the way they hunt boreal caribou in response to new information about population decreases.

One of the conservation objectives in the NWT Recovery Strategy for Boreal Caribou is to ensure the harvest of boreal caribou is sustainable. This objective focuses on measuring harvest levels and then managing the harvest of boreal caribou to ensure its sustainability. Reliable harvest data is needed but currently is lacking. Steps to accomplish this objective include educating people about the importance of reporting harvest, and working with local harvesting committees, Indigenous governments and organizations and others to develop systems for reporting harvest and measuring harvest levels. Other actions that will help in achieving a sustainable harvest include encouraging harvest practices that minimize negative impacts on the population, promoting compliance with hunting regulations, reviewing *Big Game Hunting Regulations* for boreal caribou, making harvest management recommendations if necessary (e.g. temporary harvest limitations), and investigating and defining sustainable harvest levels.

As a first step in meeting this objective, and to make it easier to effectively manage boreal caribou populations, the hunting regulations for boreal caribou under the *Wildlife Act* were recently reviewed and changed. Previous regulations only recognized woodland caribou, which included both boreal and northern mountain caribou types. After extensive consultation and public engagement, and review and approval by the renewable resources boards, ENR has changed the regulations to include two separate sets of regulations, one for boreal caribou and one for mountain caribou. This enables management actions (bag limits, quotas, seasons, etc.) to be taken specific to each type of caribou.

The new boreal caribou regulations:

- limit the boreal caribou hunting season for resident hunting licence holders to July 15 – December 15 (previously July 15 – Jan 15),

- limit the boreal caribou hunting season for GHL holders to July 15 – Dec 15 (previously July 1 – June 30),
- limit the boreal caribou harvest by both resident hunters and GHLs to bulls only, and
- require resident hunters and GHL holders to have a tag.

There is no limit on the number of boreal caribou tags available to GHL holders, but resident hunters are limited to one boreal caribou tag a year. There are no changes and no limits on boreal caribou harvest for Aboriginal or Treaty rights holders hunting in the area where they hold harvesting rights.

Potential Threats and Limiting Factors

The biggest threat to boreal caribou is the loss or fragmentation of habitat. Forest fires and anthropogenic disturbances (seismic lines, pipelines, roads, and logging) are the two most significant factors that have affected the availability of boreal caribou habitat in the NWT. Most current habitat disturbance in the NWT has been caused by fire. Approximately 31% of the habitat in the NWT is currently affected by fires and anthropogenic disturbances. The degree of habitat fragmentation in the NWT increases from north to south. In the northern NWT, most undisturbed habitat is in large tracts of land; in the southern NWT, most of the undisturbed habitat is in smaller patches.

As a result of the slow pace of development, existing and planned conservation efforts, and the currently low level of human disturbance, the risk of boreal caribou critical habitat in the NWT being destroyed by human activities over the next 5 years is likely low, but there may be concerns in specific areas.

Climate change may also have significant future effects for boreal caribou habitat in the NWT. These could include loss of forest habitats due to permafrost thaws and increasing frequencies of fires, shorter and warmer winters with weather events that make travel, foraging, and predator avoidance more difficult for boreal caribou, and longer, warmer summers resulting in longer periods of insect harassment.

In the SSA, residents have indicated that boreal caribou populations are currently healthy, but cautioned that climate change, industrial activities and predation may negatively impact them in the future. The biggest impact on boreal caribou in the SSA may be from habitat change, and it was stressed that habitat changes need to be addressed first. Both hunting and predation tend to increase as habitats become fragmented and access increases.

Management Plans

Boreal caribou were formally listed as Threatened under the federal SARA in 2003 and a national recovery strategy for boreal caribou was completed in 2012 (Environment Canada 2012). The recovery objective for the NWT population under the national recovery strategy is to maintain its self-sustaining status and ensure that at least 65% of boreal caribou range remains undisturbed. This is primarily to be achieved through the development and implementation of range plans.

Boreal caribou were listed as threatened under the SARA (NWT) in 2009 and the Recovery Strategy for the Boreal Caribou in the NWT was completed in 2017. The conservation and recovery goal stated in

the NWT Recovery Strategy is to ensure a healthy and sustainable boreal caribou population across their NWT range that offers harvesting opportunities for present and future generations.

Conservation and recovery objectives under the NWT Recovery Strategy include:

1. Ensure there is adequate habitat across the NWT range to maintain a healthy and sustainable population of boreal caribou
2. Ensure that harvest of boreal caribou is sustainable
3. Obtain information to inform sound management decisions, including boreal caribou ecology, key habitat and population indicators, and cumulative effects
4. Manage boreal caribou collaboratively, using adaptive management practices and the best available information
5. Exchange information with NWT people about boreal caribou in all regions
6. Further to the national recovery strategy, ensure recovery obligations for protecting critical habitat and maintaining a self-sustaining population are met or exceeded in the NWT

The CMA established under the SARA (NWT), completed a Consensus Agreement Respecting Implementation of the Recovery Strategy for Boreal Caribou in the Northwest Territories in 2017, and agreed to work together to implement actions.

As well, a Species at Risk Conservation Agreement for the Conservation of Boreal Caribou was entered into in March 2019 by the GNWT and the Government of Canada. It sets out and coordinates the measures that will be taken by each level of government to support conservation and recovery of the boreal caribou in the NWT. Measures that will be led by the GNWT through the consensus agreement include:

- Develop region-specific range plans and an overall NWT-Yukon range plan for habitat management. Agencies responsible for managing boreal caribou and their habitat in the NWT will develop and implement range management plans to ensure this objective is met.
- Manage the harvest to ensure it is sustainable – this includes investigating and defining sustainable harvest levels based on available harvest data and demographic data. No restrictions on harvesting of boreal caribou by Indigenous people are proposed in the agreement.

There is current and proposed habitat protection in place for boreal caribou in the NWT through protected areas, land use plan conservation zones and community conservation plans.

In 2013, the GNWT began working on a framework for range planning in the NWT and engaged with renewable resources boards in 2014. A draft range planning framework was released for public engagement and consultation in 2018. Based on input from affected parties throughout the NWT and from Indigenous governments and organizations, renewable resources boards, land use planning and regulatory boards, federal government departments, industry and environmental interest groups and the general public, the GNWT completed and released a Framework for Boreal Caribou Range Planning in August 2019.

The Framework lays out the structure for what regional range plans will consider, but the process of developing the range plans themselves will require extensive input from renewable resources boards,

key stakeholders, and affected Indigenous governments and organizations. Traditional and local knowledge will be a key source of information for developing these plans, as they will rely on local context and local information to a large degree. Regional plans will be developed in a staggered approach starting with the regions that currently have the highest levels of habitat disturbance to address where caribou are at greatest risk of decline first. Each regional plan is expected to take 2 years to complete. Work on the range plan for the Sahtú region is scheduled to begin in mid-2020 and continue into mid-2023.

Barren-ground Caribou [3]

Herds/Distribution

From the 1960s to the 1990s, biologists considered all the barren-ground caribou in the Sahtú region to belong to a single herd and referred to them as the 'Bluenose caribou herd', based on a known calving ground near Bluenose Lake in the Kitikmeot Region of Nunavut, near the NWT border. Since the mid-1990s, new scientific information and analyses have identified three distinct subpopulations now known as the Cape Bathurst, Bluenose-west (BNW) and Bluenose-east (BNE) herds within the range of the historical 'Bluenose' herd (Figure 5).

[3] Information in this section has been largely summarized from:

1. Advisory Committee for Cooperation on Wildlife Management. 2014. Taking Care of Caribou: the Cape Bathurst, Bluenose-West, and Bluenose-East barren-ground caribou herds management plan. Yellowknife, NT.
2. Advisory Committee for Cooperation on Wildlife Management. 2019. Action Plan for the Bluenose-West Caribou Herd 2019/2020 – Orange Status. Yellowknife, NT.
3. Advisory Committee for Cooperation on Wildlife Management. 2019. Action Plan for the Bluenose-East Caribou Herd 2019/2020 – Red Status. Yellowknife, NT.
4. NWT Conference of Management Authorities Consensus Agreement on Listing Barren-ground Caribou (*Rangifer tarandus Greenlandic*). 2018.
5. Conference of Management Authorities. 2019. Recovery Strategy for Barren-ground Caribou (*Rangifer tarandus groenlandicus*) in the Northwest Territories [Proposed Draft]. Conference of Management Authorities, Yellowknife, NT.
6. Sahtu Renewable Resources Board. 2016. Sustaining Relationships, Final Report of the Sahtu Renewable Resources Board Bluenose-Ease caribou hearing 2016.
7. Wek'èezhìi Renewable Resources Board. 2019. Report on a Public Hearing Held by the Wek'èezhìi Renewable Resources Board 9 – 11 April 2019, Behchoko, NT & Reasons for Decisions Related to a Joint Proposal for the Management of the Sahtì Ekwo (Bluenose-East Caribou) Herd.

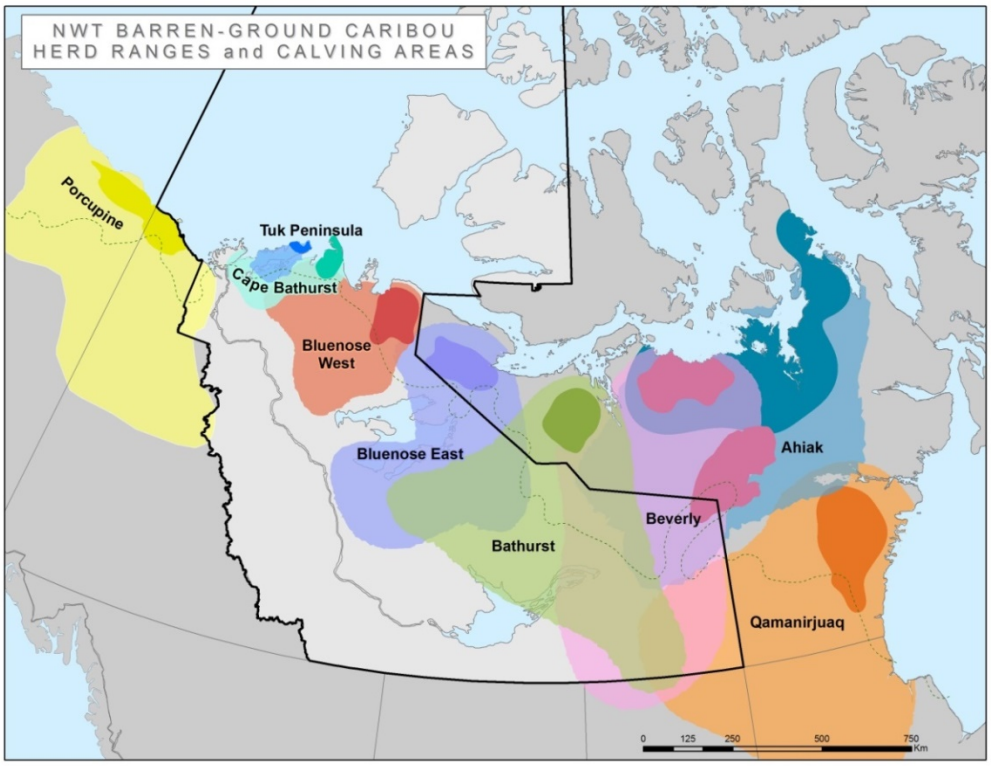

Figure 5 - Barren-ground caribou herd ranges and calving grounds for herds in the NWT. Calving grounds are shown as darker areas at the north end of each range.

The three herds are named after the traditional calving areas they use each June.

The BNW herd calves west of Bluenose Lake in Tuktut Nogait National Park and adjacent areas to the west. Collaring studies have shown that they migrate towards the treeline for the rut in October, and winter in the Anderson River and Colville Lake area. The range of the BNW herd includes part of the SSA as well the Inuvialuit Settlement Region and a small corner of the Gwich'in Settlement Area.

The BNE herd calves east of Bluenose Lake in the headwaters of the Rae and Richardson rivers. Collaring studies have shown that, like the BNW herd, these caribou also migrate towards the treeline for the rut in October, however they rut northeast of Great Bear Lake, and winter north, east, and south of Great Bear Lake. The BNE herd ranges through the SSA, Inuvialuit Settlement Region, Wek'èezhìı Resource Management Area, the Dehcho and Nunavut.

The Cape Bathurst herd occurs in the Inuvialuit Settlement region and Gwich'in settlement area and does not range into the SSA.

Although the herds each have distinct calving grounds, their ranges during other times of the year may partially overlap. Caribou of different herds may use the same land at the same time, or may use the same land at different times. There is some evidence of a small degree of inter-herd movement. The degree of fidelity to calving grounds and the low level of exchange between herds indicate that, to support conservation, herds should be managed separately. The SRRB, in their decisions from the 2016 public hearing on the BNE herd supported this approach.

In some areas, herd ranges also overlap with boreal caribou.

Population Trends

In its 2017 status assessment of barren-ground caribou in the NWT, the NWT SARC noted that overall, numbers of barren-ground caribou in the NWT have declined by more than 85% for all herds where there is trend information, except the Qamanirjuaq herd, during the past three caribou generations (about 25 years). Overall trend demonstrates a continued population decline, even though two herds, the Cape Bathurst and BNW, appear to have stabilized at very low numbers.

Bluenose-West Herd

Aerial surveys of the BNW herd between 1992 and 2006 indicated a long-term decline in the herd, from an estimated high of over 110,000 adult caribou in 1992 to about 26,228 (+/- 5,878) in 2005 and 28,461 (+/- 7,431) in 2006. The 2009 survey showed the herd had been fairly stable since 2006 (21,773 +/- 4,884) but was still low in relation to historic high numbers. In 2012, survey data for the BNW herd indicated an estimated population size of 32,326 +/- 15,482 animals, which was not significantly different from the 2009 estimate.

By 2015, the herd had declined further to 21,535 (+/- 5,136) animals. The herd stabilized at about 21,011 (+/- 4,602) adult caribou (at least 1.5 years old) in 2018. Overall, the herd has remained relatively stable between 2005 and 2018, with no significant decrease from year to year.

After reviewing all the community-based and scientific information available in 2018 (i.e. population size, population trend and rate of change, productivity and recruitment, adult composition, body condition and health, harvest levels, predator populations, range and movement patterns, environment and habitat, and human disturbance) the ACCWM assessed the 2019/20 status of the BNW herd as being in the Orange zone: intermediate and decreasing. A summary of the information considered by ACCWM is provided in their BNW Caribou Action Plan for 2019/20.

The next population survey is scheduled for July 2021.

Bluenose-East Herd

The BNE herd declined from about 120,000 adult caribou in 2000 to about 67,000 in 2006. By 2010 the herd had increased to an estimated 120, 880 +/- 13,398 animals. The 2013 survey showed the herd to be declining again, with an estimated population of 68,295 caribou+/-18,040.

In 2015 the herd had declined to 38,592 +/- 4,733 animals and by 2018 it had declined by half again to 19, 294 +/- 4,729 adult caribou (at least 1.5 years old). This represents an estimated 19 – 20% annual rate of decrease between 2015 and 2018. The same rate of decline was seen between 2010-2013 and between 2013 – 15.

After reviewing all the community-based and scientific information available in 2018, including information about population size, population trend and rate of change, productivity and recruitment, adult composition, body condition and health, harvest levels, predator populations, range and movement patterns, environment and habitat, and human disturbance, the ACCWM assessed the 2018/19 status of the BNE herd as being in the Red zone: low. A summary of the information considered is provided in the ACCWM's BNE caribou Action Plan for 2019/20.

The next population survey is scheduled for June 2020.

Harvest and Hunting Laws

The BNW herd usually migrates through three settlement areas/regions in the NWT and is typically harvested by 13 communities: Aklavik, Fort McPherson, Tsiigehtchic, Inuvik, Tuktoyaktuk, Paulatuk, Colville Lake, Fort Good Hope, Norman Wells, Tulít'a, Déljne, Sachs Harbour, and Ulukhaktok.

The BNE herd usually migrates through four settlement areas/regions in the Northwest Territories and into the western portion of the Kitikmeot Region, Nunavut. The herd is typically harvested by nine communities: Wrigley, Norman Wells, Tulít'a, Délı̨nę, Whatì, Gamèti, Behchokǫ, Paulatuk and Kugluktuk.

These herds may also be accessed by people from other communities with rights or privileges to harvest the herds. For example, residents of Yellowknife historically harvested BNE caribou and hunters may travel north from Fort Simpson, Łutselk'e and other communities in the South Slave to harvest from these herds.

In the past, outfitters also provided outfitted hunts on these herds. There has been no resident, non-resident, non-resident alien or commercial hunting of barren-ground caribou in the Sahtú region, on either the BNE or BNW herds, since 2006.

As the overlap between herds can change from year to year, several communities harvest from more than one herd, and several communities, from different land claims or unsettled areas, harvest from each herd. Because of this, and because different wildlife management regimes have responsibilities for these herd ranges, a coordinated approach to management and in particular, harvest management, is needed. To address this, the ACCWM was established to exchange information, help develop cooperation and consensus, and make recommendations regarding wildlife and wildlife habitat issues that cross land claim and Treaty boundaries.

Hunting limits for the BNE and BNW herds are recommended by the ACCWM. The ACCWM meets each year to review any new information on caribou populations and make recommendations on the TAH and sex ratio for the harvest on each herd. The ACCWM recognizes that it is important to work collaboratively when discussing a TAH for a shared herd – this is one of the underlying reasons behind the creation of the ACCWM.

If the ACCWM proposes a TAH, it advises each of the affected member boards. Each member board consults with its communities on the TAH as required by their respective land claim agreements, including holding public hearings as required. A recommendation with respect to harvest limits is then sent by each board to the GNWT, who, if in agreement, implements the recommendations.

Bluenose-West Caribou Hunting Laws

Responsibility for management of the BNW herd is shared between WMAC (NWT), the SRRB, the GRRB, and the GNWT.

A TAH for the BNW herd was established after the 2006 population survey showed that, in spite of previous actions and recommendation made by the affected co-management boards and the efforts by

the Behdzi Ahda' First Nation and Fort Good Hope harvesters to limit caribou harvesting by way of self-regulation, the population of the BNW herd had continued to decline significantly. The declining trend was determined based on several caribou surveys and on other available information including traditional knowledge, adult and calf caribou survival, pregnancy rates, body condition, herd sex ratios and winter distribution information.

In response, the SRRB convened a public hearing, consistent with the requirements of the SDMCLCA, to review options for limited harvest. The result of the hearing was a series of recommendations respecting the BNW herd, including a recommendation to implement a TAH to limit Sahtú participants' harvesting of the BNW herd. The SRRB recommendations included:

1. A TAH of four percent (4%) be set for the BNW herd.

   In recognition that this herd is harvested by users in other areas, it was agreed among the SRRB, GRRB and WMAC (NWT) that the TAH be divided according to historical use such that the Gwich'in would receive 3% of the TAH and the Inuvialuit and Sahtú would each receive 48%, with the remaining one percent being available to any of the three regions in cases of over harvest. This would give the Sahtú a regional TAH of 350 caribou to fulfill the Sahtú Needs Level. The TAH was to be reconsidered after the 2009 population survey.

2. The harvest of BNW caribou herd should be biased toward bulls, to achieve a harvest ratio of 80:20 (ratio of bulls to cows). This meant a harvest of 280 bulls and 70 cows in the Sahtú.

3. The Sahtú Needs level should be enforced and monitored on the basis of BNW caribou tags provided by ENR to RRCs in each of the communities with a share of the Sahtú needs level.

   The SRRB further recommended, after input from the RRCs, an allocation of 200 caribou to Colville Lake, 130 caribou to Fort Good Hope and 20 caribou to Norman Wells to fulfill the Sahtú Needs Level, based on average harvest estimates for the 2004 and 2005 harvesting season. The SRRB recommended that RRCs develop a process for allocating the tags among participants in their communities and for ensuring that BNW caribou harvesters are advised when the community's limit is reached. Harvesting should cease once the limit is reached.

Both the Inuvialuit and Gwich'in agreed to this approach. The Inuvialuit had already implemented a limit on the Inuvialuit share of the harvest and the GRRB indicated that the limited Gwich'in harvest of BNW caribou would be suspended to allow the herd to recover.

ENR accepted these recommendations and management zones were adjusted to separate the range of the BNW herd from the BNE herd so they could be managed separately. The requirement for a tag was implemented in regulation in 2010 to enable ENR officers to enforce the harvest limits and ensure the TAH was not exceeded.

After the 2018 population survey results were released, and it appeared that the BNW herd population was stable, the ACCWM recommended that the TAH be updated to reflect 4% of the 2018 population estimate with a focus on a bull harvest, but a request was sent to the Minister by the GRRB, supported by WMAC(NWT) and the SRRB, to update the TAH to reflect the 2018 population survey results, and to increase the share going to the Gwich'in from 3% to 4%. As a result, the TAH has been increased from

717 animals to 840 animals, with 403 allocated to the Inuvialuit, 403 to the Sahtú, and 34 to the Gwich'in. ENR believes that the TAH should remain in effect until it is no longer needed for conservation purposes.

This approach has been successfully implemented in the Gwich'in Settlement Area and Inuvialuit Settlement Region. However, the Sahtú communities have expressed opposition to TAH and the requirement for the use of tags, preferring to use a community conservation plan approach based on traditional Dene laws and practices to regulate the harvest of caribou in their area. ENR is in discussions with the community of Colville Lake with respect to a proposed plan for their area.

ENR is supportive of community-based approaches to caribou conservation and is willing to look at alternative approaches to harvest management that are locally supported, effectively manage harvest, meet the needs of all harvesters that harvest in an area from a shared herd, and are consistent with land claim agreements and the direction and guidance provided by the ACCWM.

Bluenose-East Caribou Hunting Laws

Responsibility for managing the BNE caribou herd is shared between the WRRB, SRRB, Nunavut Wildlife Management Board, and the GNWT.

In 2015, a calving ground photographic survey resulted in a population estimate of 38,000 animals for the BNE herd, representing a decline of almost 50% over two years. To help reduce the rapid decline and conserve the herd, the GNWT proposed to the WRRB and SRRB that a TAH be set for the herd. Both boards held public hearings in 2016 to consider the proposal. The two boards held separate hearings, as required by their land claim agreements, but coordinated their efforts.

After their public hearing, and in accordance with the Tłı̨chǫ land claim agreement, the WRRB made a determination to implement a TAH of 750 animals, bulls only, for all users of the BNE herd within Wek'èezhìı for the 2016 – 2019 harvesting seasons. This was the first TAH made for this herd. The determination was accepted by ENR in accordance with the Tłı̨chǫ land claim agreement.

In recognition of the multiple users of the herd and the approach to management recommended by the ACCWM Management Plan, the WRRB made a proportional allocation of the TAH such that 39.2% went to Tłı̨chǫ citizens and 60.71% of the harvest went to members of an Indigenous people who traditionally harvest the BNE herd. The Tłı̨chǫ government was tasked with distributing the allocation amongst Tłı̨chǫ communities and the GNWT was tasked with distributing the allocation among other Indigenous harvesters. Based on past harvesting patterns, the 2016 TAH was allocated as follows:

- Tłı̨chǫ 295 (39.29%)
- Sahtú 129 (17.14%)
- Dehcho 12 (1.61%)
- Inuvialuit 6 (0.89%)
- NWT Metis Nation 11 (1.43%)
- Akaitcho 16 (2.14%)
- North Slave Metis Alliance 13 (1.79%)
- Nunavut 268 (35.71%)

In 2016, the Government of Nunavut submitted a management proposal to consider a TAH for the BNE herd to the Nunavut Wildlife Management Board. This proposal required the Board to hold a public hearing. Based on the results of this hearing, a TAH of 340 Bluenose-East caribou in the Nunavut Settlement Area was implemented.

In 2018, a calving ground survey revealed that the BNE herd had continued to decline at a rapid rate. Based on those survey results, the herd has declined annually by about 20% from an estimated 103,000 animals in 2010 to 19,200 in 2018. This represents a total decline of 81% over 8 years. The BNE herd is now classified as what the ACCWM considers the red zone: low population. In response, the WRRB held a public hearing in 2019 to consider further conservation actions for the herd.

Based on the continued decline of the herd, in June 2019 the WRRB determined that a TAH of 193 BNE caribou, bulls only, needed to be implemented without delay. Based on the previous allocation for the BNE herd, this TAH was allocated as follows:

- Tłı̨chǫ 76 (39.29%)
- Sahtú 33 (17.14%)
- Dehcho 3 (1.61%)
- Inuvialuit 2 (0.89%)
- NWT Metis Nation 3 (1.43%)
- Akaitcho 4 (2.14%)
- North Slave Metis Alliance 3 (1.79%)
- Nunavut 69 (35.71%)

In 2019, the Government of Nunavut submitted a management proposal to the Nunavut Wildlife Management Board to reduce the TAH from 340 to 107 bulls. The board will hold a public hearing in Kugluktuk on March 2 and 3, 2020 to consider the proposal.

The SRRB has taken a different approach to conservation of the BNE herd. During the SRRB 2016 public hearing on the BNE herd there was recognition of the serious decline in the BNE herd, and agreement that conservation measures were needed. However, the SRRB heard opposition from community members to the TAH and tag requirement from outside authorities. Instead, there was support for community conservation plans as a means to address caribou conservation issues.

Délı̨nę submitted a community conservation plan that set a harvest target similar to the allocation proposed for the Sahtú in the ENR proposal for a TAH, as well as other specific tools, based on traditional Dene practices, to address conservation concerns.

The result of the hearing was that the SRRB accepted the principle that community-based monitoring and decisions are the most effective mechanism for caribou management and conservation in the Sahtú region. The SRRB accepted the alternative conservation mechanism proposed in the Délı̨nę plan, including a ceremonial harvest target that was consistent with the suggested BNE harvesting levels proposed by ENR and other wildlife management boards. They found the Délı̨nę plan to be consistent with the intent of the ACCWM's Taking Care of Caribou Plan and committed to undertaking an annual review and assessment of the Délı̨nę plan to determine whether the plan was addressing conservation concerns for BNE caribou. The SRRB also committed to assessing the need for a TAH limit if the annual

review and assessment of the community conservation plans in the Sahtú region demonstrated that conservation concerns for BNE caribou are not being adequately addressed.

ENR's response was to support the Délįnę plan and approach taken to caribou management, recognizing that management of a caribou herd, including the very sensitive management of Indigenous harvest, is most likely to succeed if it is rooted in ways of managing that are community-based, consistent with traditional laws, and broadly supported. ENR requested that an 80:20 bull to cow harvest ratio be included in the Délįnę plan.

ENR recognizes the value and importance of Sahtú community conservation plans for the BNE herd. However, ENR is willing to work with the SRRB and Sahtú communities to demonstrate that community conservation plans are effective at keeping BNE caribou harvest within agreed-on limits. It is important to ensure that overall harvest of this herd is managed consistently across the entire herd's range. The ultimate goal is promoting conservation of the herd across the entire range.

While ENR supports many of the approaches and concepts underlying community conservations plans, ENR officers are not able to enforce measures in a community conservation plan unless they are also reflected in GNWT legislation. ENR has successfully worked with communities in other areas to implement TAHs through an authorization card or letters and is open to discussing other approaches of harvest monitoring and management.

Management Plans

The members of the ACCWM completed the Taking Care of Caribou management plan in 2014 in response to reported declines in these barren-ground caribou herds, the intent is for the plan to address caribou management and stewardship over the long term. The plan was developed in consultation with most of the communities that harvest from the three herds.

The ultimate goal of the ACCWM plan is to ensure that there are caribou today and for future generations. The management goals are to maintain herds within the known natural range of variation, conserve and manage caribou habitat and ensure that harvesting is respectful and sustainable. The management plan is accompanied by Action Plans for each of the herds. Action plans provide details on the types of actions that are recommended based on a herd's status, as well as who is responsible for the actions and when they should be done. Management actions include actions related to education, habitat, land use activities, predation, and harvest management and monitoring.

The Taking Care of Caribou Management Plan and associated Action Plans guide the actions taken by the GNWT to manage these herds.

Under the federal SARA process, COSEWIC assessed barren-ground caribou in Canada as a threatened species in 2016. A decision on federal listing is pending the completion of Indigenous consultation and public engagement. If barren-ground caribou are listed as Threatened under the federal *Species at Risk Act*, a recovery strategy will need to be prepared within two years.

Under the territorial SARA process, SARC assessed barren-ground caribou in the NWT as a threatened species in 2017. They determined that there is evidence that the population is declining in such a way that it could disappear from the NWT in our children's lifetime.

The Management Authorities involved in the CMA for barren-ground caribou (WMAC (NWT), GRRB, SRRB, WRRB, Tłı̨chǫ Government, and the GNWT) consulted widely on the SARC assessment and, after reviewing the assessment and the results of consultation and engagement, determined that listing barren-ground caribou as a Threatened species was appropriate based on the population declines observed across the range and the cumulative threats the species faces. The species was added to the list of species at risk as a threatened species in 2018.

A draft NWT recovery strategy for barren-ground caribou was released for consultation and engagement in 2019. The long-term vision of the draft strategy is to conserve barren-ground caribou and to ensure that barren-ground caribou remain a cultural and ecological keystone species. This vision includes ensuring that barren-ground caribou are able to move freely on the land within their historic ranges to facilitate natural habitat use and migration. The specific goals of the strategy are to:

1. Maintain or restore self-sustaining, resilient populations of each barren-ground caribou herd, such that no herd is lost
2. Support and maintain the caribou-people relationship
3. Promote conditions that allow caribou to move and migrate across their historic ranges without barriers
4. Promote the conditions necessary for recovery

Short-term milestones towards reaching the recovery strategy goals include increasing the trend for the Bluenose West herd and stopping the decline of the BNE herd.

The plan identifies five conservation or recovery objectives to reach the strategy goals:

1. Partners collaborate on the development and implementation of management, monitoring, guardianship, and conservation plans for barren-ground caribou in the NWT
2. Monitor barren-ground caribou, their habitat, and key factors and threats that may be affecting the status and health of herds in the NWT
3. Fill knowledge gaps, using traditional, community, and scientific knowledge, to enhance responsible and respectful barren-ground caribou conservation
4. Conserve and protect barren-ground caribou populations and their habitat
5. Provide education and promote respect for barren-ground caribou, their habitat, and conservation initiatives

One of the key approaches to achieving these objectives is implementation of the ACCWM caribou management plan and the herd specific action plans for the BNE and BNW herds. ENR will also look to the recovery strategy to guide barren-ground caribou management and recovery actions.

Dehlá Got'ı̨ne Tseduweh ʔəde Ah'ah and the Dehlá Got'ı̨ne ʔədə Plan

Behdzi Ahda" First Nation, Ayoni Keh Land Corporation and the Colville Lake Renewable Resources Council and the GNWT have worked collaboratively on the development of the ʔəde 2019-2021 Interim Management Agreement (IMA). From ENR's perspective, this IMA is a positive collaborative step with respect to conservation and management of ʔəde.

ENR has reviewed the October 21, 2019 draft of the Dehlá Got'ıne Tseduweh ʔəde Ah'ah and the Dehlá Got'ıneꞌ ʔədə Plan. ENR appreciates the work that the Behdzi Ahda" First Nation, the Ayoni Keh Land Corporation and Colville Lake Renewable Resources Council have put into these documents and all of the work that has been done towards the objective of protecting and maintaining ʔəde for present and future generations.

Sections 13.6.3 and 13.6.4 of the SDMCLCA references a management agreement with respect to the Bluenose caribou herd. These sections do not speak to a process for the creation of a law but rather to all users of the herd coming to an agreement for management of the herd. The ACCWM Taking Care of Caribou: the Cape Bathurst, Bluenose-West and Bluenose-East barren-ground caribou herds management plan was finalized in 2014 and approved by all members of the ACCWM including the SRRB and serves as the management agreement for the Cape Bathurst, Bluenose-West and Bluenose-East herds. ENR has accepted the document as guidance for these three herds which were once collectively referred to as the 'Bluenose' herd.

Section 13.9.4 sets out the powers of an RRC. In particular Section 13.9.4 (b) states that an RRC has the power to manage the local exercise of participants' harvesting rights in a manner consistent with legislation and the policies of the Board. This section provides the RRC with power to manage harvesting rights within the confines of rules set out in existing legislation as well as the policies of the Board. Within the overall structure of the Land Claim Agreement, the power to enact legislation rests with the GNWT and the power to form policy is assigned to the Board. The LCA provides at 13.8.5 that the intention is for there to be no duplication in the functions required for the public management of wildlife. ENR is happy to work with the Colville Lake RRC on the management of harvest in a manner consistent with all legislation.

In the NWT, *Wildlife Act* related restrictions or requirements can only be enforced on the public through the *Wildlife Act*, and by ENR Officers. Any action or aspect of enforcement with regards to compliance with the *Wildlife Act* must be conducted by ENR Officers.

Among the challenges that ENR has identified with the Dehlá Got'ıne Tseduweh ʔəde Ah'ah is that it creates obligations which are legally unenforceable, such as sections 28 - 38. There are also several sections (sections 20 - 27) that require further discussions between Colville Lake and ENR to ensure a process is in place to make sure any potential infractions of the *Wildlife Act* are referred to ENR in a timely way that supports appropriate follow-up.

ENR is willing to work with Colville Lake to promote education, outreach and monitoring related to respectful harvesting practices. ENR looks forward to discussing these issues as well as other concerns with the Dehlá Got'ıne Tseduweh ʔəde Ah'ah and the Dehlá Got'ıne ʔədə Plan further at the Public Listening and/or in final written arguments following the hearing.