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Responses to NWT Environment and Natural Resources Information Requests - Belarewílé Gots'ę ʔekwé – Caribou for All Time Proposal

General Comments

Thank you for your interest and questions regarding *Belarewílé Gots'ę ʔekwé – Caribou for All Time: A Délı̨nę Got'ı̨nę Plan of Action for Caribou Conservation* (2015). The Délı̨nę plan is the first of its kind in the Sahtú region, and as such, we welcome opportunities to further explore and explain how we see the actions and ideas unfolding in the coming years. It is important to stress that the plan is designed to be iterative, and we are fully committed to a continuation of the working group process that shaped the plan as a means of improving it further.

At this stage of local ʔekwé conservation planning, we recognize there are gaps that still need to be addressed; ENR's questions will help to identify and possibly address some of those gaps. While we have attempted to answer each question here, we acknowledge that there is still more work to be done on resolving challenges that may arise, and further discussion is likely to be needed. Délı̨nę has prepared this plan as a first iteration for review by Sahtú communities, co-management partners, and other regional wildlife management authorities. We welcome feedback, including through the hearing process, and will address inputs in the upcoming phase of plan review and revision.

Délı̨nę also acknowledges that it was not possible to fully implement all aspects of the plan given the compressed timeline between plan development and implementation during the 2015/16 harvest season. We recognize that a lot of advance planning is required to address not only feedback from other parties, but also lessons learned this year that can be applied during the next harvest season.

Specific responses to ENR Information Requests

Information Request 1

The Deline plan is based on following Dene law, community self-regulation and the use of traditional restorative means of supporting respect for the community caribou hunting rules. However, the plan also indicates that, if necessary, referral to ENR will be used as a last resort.

1a) Can you please explain the relationship between the Deline Gotine Plan of Action and territorial laws, including the Wildlife Act and Regulations.

The Délı̄nɛ plan is not expected to address topics related to any territorial legislation other than the Wildlife Act, and does not aim to contradict or conflict with any laws under the Act in any way. The Wildlife Act and Regulations do not impinge upon Aboriginal harvesting rights – these remain operational as defined by the various land claims. The plan is by Délı̄nɛ Got'ı̄nɛ and specifically for Délı̄nɛ Got'ı̄nɛ, working within the larger legal framework of the NWT. Both the plan and the Act are founded upon the same principles of behaving respectfully towards wildlife as a means of conservation. Further, because the plan is based in Dene hunting traditions of respect, it is hoped that with successful education and communication campaigns about the plan, non-compliance will be rare.

It is expected that the Délı̄nɛ plan and the NWT Wildlife Act will work in active cooperation on issues of enforcement. If there are cases in which the enforcement process laid out in *Belarewı̄lé Gots'ę Ɂekwé* is exhausted and compliance is still not achieved, then enforcement under the Wildlife Act will be another important tool.

As there has not yet been a detailed analysis of the Délı̄nɛ plan of action and territorial laws or the Wildlife Act, it is possible that more work will be required on this topic in the future work and resources to attain legal counsel may be required.

1b) How will the Deline plan work with the Wildlife Act to regulate caribou harvesting?

Both the Délı̄nɛ plan and the Wildlife Act rely on regulations based on harvest restrictions, and specific hunting areas or zones. ENR will continue to set the regulations for Ɂekwé harvesting in the territory; as outlined in the preceding section, the plan will follow the Wildlife Act and adhere to harvest restrictions established by the GNWT.

1c) What will be the role of ENR enforcement officers be under the plan?

Enforcement by ENR officers will be a stage in the restorative justice approach to enforcing the harvesting policy laid out in the plan. At the first stage, instances of non-compliance will be handled at the level of the individual family – for example, requesting that no more harvesting occurs in a particular area. The second stage of the process will be a sentencing circle, relying on elders and other figures of authority in the community to request compliance. A third stage or instance of non-compliance would involve the ENR officer and territorial legislation.

1d) The Caribou Code proposes a Sentencing Circle for any Participant under the Sahtu Dene and Metis Land Claims Agreement who does not comply with the code. Please explain who would decide to move a matter into the Sentencing Circle. How would this be conducted? Have there been discussions with other Sahtu communities about how this would work? Has there been agreement from other Sahtu communities? From the SRRB?

The president of the Déljñę ʔehdzo Got'jñę, in consultation with the chief of the Déljñę First Nation and the president of the Déljñę Land Corporation, will be responsible for matters related to the sentencing circle until such time as a new Déljñę Got'jñę government is in place.

To date, discussions in Déljñę with respect to *Belarewilé Gots'ę ʔekwé* plan have been focused on its applications to Déljñę harvesters. While there has been initial support for the plan from other communities in the Sahtú, the ʔehdzo Got'jñę is looking forward to learning more about how other Sahtú communities view the plan, and clarifying this relationship.

In regards to enforcement, it is possible that the Déljñę ʔehdzo Got'jñę could offer a choice to harvesters in contravention of the plan if the person is not from Déljñę – for example, the harvester could perhaps choose between the sentencing circle or a referral to ENR. However, this topic requires further exploration and is expected to arise and be discussed during the ʔekwé hearing.

1e) What is meant by referral to ENR as a last resort? What is envisioned and how would it work?

As outlined above (see 1b and 1c), ENR enforcement will be a final step in the restorative justice approach laid out in the plan. We foresee requesting that ENR invoke their legislation to enforce a regulation in cases of persistent non-compliance, or in cases where the community approach is not expected to work for some reason.

Information Request 2

Under the Deline plan, it appears that Deline harvesters do not require tags or authorizations to harvest caribou. They are required to provide sample kits for every animal that they harvest. If they do not provide a sample kit they still need to report their harvest.

2a) When harvesters are on the land harvesting, how will they be able to prove to an officer that they are authorized to harvest?

For the most part, it is expected that within the Déljñę District, the local ENR officer will be familiar with most of the local harvesters. This is currently the case. Nonetheless, this question will be worked on more in the future by the Déljñę ʔekwé Working Group and by the Sahtú Secretariat Incorporated (SSI). It is possible that either a list of authorized community harvesters may be provided to officers, and/or that authorization cards will be issued for non-community members. We are also looking to examples of Aboriginal authorization systems used in other areas, such as that of the Yellowknives Dene and the Haida Nation.

2b) How will officers be able to identify harvesters that are not authorized to harvest?

Again, it is expected that the ENR officer in the Délı̄nę District will be able to identify and communicate with harvesters to establish harvesting authority, and work is being done to learn about other methods for formalizing this process. In addition, Délı̄nę will aim to include harvest information by other beneficiaries/other communities within the Délı̄nę District so that those harvests are accounted for in the tally for the Sahtú Region. In times of conservation concern, it is not expected that there will be high numbers of harvesters arriving from other communities/other areas.

Information Request 3

The Deline plan indicates that only young bulls will be harvested. The most recent harvest included a fairly large proportion of cows. How will Deline ensure that the harvest will be 100% bulls?

Dene people believe that ɬekwé give themselves to people. However, people can plan their harvest in a certain way and manage it in a certain way to help ɬekwé. Traditionally, Délı̄nę harvesters did most of their ɬekwé hunting during the fall season. This meant that the majority of the harvest was yárégo (young males). It has only been in recent times that a spring hunt has become more important, and that a higher proportion of tsída has been taken.

There is a lot of interest in re-establishing the traditional fall hunt; there will be a strong emphasis on an awareness-building campaign that focuses on harvest timing to achieve this. If this campaign is successful, it is expected that in times where conservation is necessary, most of the quota will be used during the fall hunt, leaving little to no quota for other times of the year when yárégo and tsída are mixed (winter months) or when tsída are more prevalent (spring).

Education and mentorship are two main components of the Délı̄nę plan, and both are based strongly on Dene harvesting traditions. There will be efforts to encourage, coordinate and support programs to ensure that younger or inexperienced hunters are not shooting cows. There will also need to be work done to better understand changing herd behaviour in order to plan harvests appropriately.

Information Request 4

The monitoring efforts under the Deline plan rely largely on self-reporting by harvesters. Would Deline consider adopting some of the harvest reporting methods used by other Aboriginal groups such as the Tlicho Government? Would Deline consider using community monitors to collect harvest information, including information on harvest location?

Traditionally, community members in Délı̄nę enjoy sharing information about their harvests, and little harvesting goes on without others knowing about it. Délı̄nę is very much open to learning from other Aboriginal groups and to developing practices that really work through an iterative process of plan implementation and revision. The community monitoring program will

require good program design and support. We support the idea that we all need the information to make good decisions for ʔekwé conservation.

Information Request 5

The Bluenose-east herd is shared by many communities across jurisdictions. How will Deline work with other communities in the Sahtu and communities in other regions, including Nunavut, to ensure that overall harvest management for the herd and other actions taken to conserve this herd are accomplished and coordinated at a herd-wide scale?

To date, Délı̨nę has been a strong advocate for user group discussions, both among Sahtú communities and across regions. We believe there should be annual harvester gatherings to review the status of the herd from both traditional knowledge and scientific perspectives, and to discuss conservation planning. There was support for such gatherings in resolution about regional meetings passed by consensus at the Sahtú leadership meeting held in Colville Lake in April, as follows:

1.3 That the Sahtú communities assemble together regularly to share knowledge and plans related to caribou in the Sahtú region, including celebrating our culture through traditional stories, music, dancing and cultural exchange. Alvin Orlias/Grand Chief Frank Andrew

The Délı̨nę ʔehdzo Got'ı̨nę works closely with the SRRB, and the SRRB in turn draws upon community inputs in contributions to the cross-regional Advisory Committee for Cooperation on Wildlife Management (ACCWM) action-planning process for the Bluenose-East herd.

There is important work that also takes place at the community level. Délı̨nę has a long-standing, reciprocal hunting relationship with Kugluktuk for example, maintained through meetings and shared events. We recognize that this is the start of how cooperation with other communities begins – it is important to have a good relationship with them and to do things together to build and maintain respect.

Information Request 6

The Sahtu Renewable Resource Board (SRRB) is the main instrument of wildlife management under the Sahtu land claim agreement. Harvest limits set in wildlife legislation are informed by recommendations made by the SRRB. Once a harvest limit is set, it is allocated among Sahtu communities by the SRRB. How does the Deline plan fit within the co-management process in place in the Sahtu region under the land claim agreement? How will differences between SRRB direction and the Deline plan be resolved?

Délı̨nę has worked cooperatively with its co-management partners (the SRRB and ENR) to develop *Belarewı̨lé Gots'ę ʔekwé*. The Délı̨nę ʔehdzo Got'ı̨nę is playing a lead part – exercising its powers as mandated by the Sahtú Dene and Métis Comprehensive Land Claim Agreement¹ –

¹ A Renewable Resources Council shall have the following powers: (a) to allocate any Sahtu Needs Level for that community among the participants; (b) to manage, in a manner consistent with legislation and the policies of the Board, the local exercise of participants' harvesting rights including the methods, seasons and location of harvest; (c) to establish or amend group trapping areas in the settlement area, subject to the approval of the Board, provided that

and has submitted the plan for review during the Bluenose-East Ɂekwé hearings. Again, we view the current plan as an early iteration in a long-term process of a living document, and are willing to work cooperatively with our partners to revise the plan so it's acceptable to all parties.

It is our understanding that the *Taking Care of Caribou* Management Plan provides a framework agreed-to by all of the co-management boards with an interest in the Bluenose East, Bluenose West and Cape Bathurst Ɂekwé. Under that plan, monitoring and thresholds inform status decisions, then appropriate management actions are suggested according to status. Délı̨nę accepts this broader framework and commits to staying within the recommended guidelines, and harvest limits under a particular status.

The Délı̨nę plan does not contradict what is laid out in *Taking Care of Caribou*, but is presented in a way that is more fitting for the Dene culture, and should be more understandable and empowering for Délı̨nę harvesters and leaders. In this way we ultimately anticipate greater compliance and support for both plans.

the portion of the Fort Good Hope - Colville Lake Group Trapping Area which is in the settlement area may not be reduced in size without the consent of the designated Sahtu organizations in Fort Good Hope and Colville Lake; (d) to exercise powers given to Renewable Resources Councils under this agreement; and (e) to advise the Board with respect to harvesting by the participants and other matters of local concern within the jurisdiction of the Board.