

Board Meeting Minutes



Board-only meeting, October 18 and 20, 2016
Délıne Got'ine Government Boardroom

Joint meeting with Délıne ʔehdzo Got'ine and Délıne ʔekwé Working Group October 19, 2016 –
Dene Náowerá Kó (Cultural Centre)

Minutes by Deborah Simmons based on notes by Ceilidh Stubbs

List of Acronyms/Terms Used

ʔehdzo Got'ine	Renewable Resources Councils
ʔekwé	Barren-ground Caribou
ʔekwé gha náotı	ʔekwé are not available.
ʔekw'ahtıdó	Chief (high honest leader)
BNE	Bluenose East ʔekwé
Délıne ʔohda K'áowə Kə	Délıne Elders Council
Dene ts'ıli	Dene ways of life, identity
ENR	NWT Environment and Natural Resources
máhsı	Thank you
SRRB/Board	ʔehdzo Got'ine Gots'ę Nákedı (Sahtú Renewable Resources Board)
TK	Traditional Knowledge
tsıda	Female ʔekwé
WRRB	Wek'èezhı Renewable Resources Board
yáregó	Young (smaller) male ʔekwé

Agenda

Note: These were the agendas originally provided to the Board and Délıne ʔehdzo Got'ine and Délıne ʔekwé Working Group – they have not been revised to reflect the actual proceedings.

Day 1 - October 18 (Board-Only)

8:30 am	Coffee and refreshments
9:00 am	Prayer
	Welcome, introductions, review of agenda
9:15 am	Review of ENR Minister's response to SRRB ʔekwé hé Dene Ts'ıli - Sustaining Relationships Bluenose East ʔekwé Hearing Report (Lorraine Land) – Board-only session
12:00 pm	CATERED LUNCH

1:00 pm	<ul style="list-style-type: none"> Review of ENR Minister's response to SRRB <i>ʔekwé hé Dene Ts'íłı - Sustaining Relationships</i> Bluenose East ʔekwé Hearing Report (continued) Consultation Guidelines workshop - Lessons from the Bluenose East ʔekwé Hearing (Ceilidh Stubbs)
4:45 pm	Agendas for Joint meeting with Délıne ʔehdzo Got'ıne and ʔekwé Working Group and Public Meeting.

Day 2 – October 19 (Joint Meeting with Délıne ʔehdzo Got'ıne and Délıne ʔekwé Working Group)

8:30 am	Coffee and refreshments
9:00 am	<ul style="list-style-type: none"> Prayer Welcoming remarks (Raymond Tutcho, Walter Bezha, Michael Neyelle) Introductions, review of agenda
9:15 am	<ul style="list-style-type: none"> Summary of SRRB <i>ʔekwé hé Dene Ts'íłı - Sustaining Relationships</i> Bluenose East ʔekwé Hearing Report Review of ENR Minister's response (Michael Neyelle) Discussion of possible joint response to Minister
12:00 pm	CATERED LUNCH
1:00 pm	<ul style="list-style-type: none"> Review of action items from <i>Belare wıle Gots'é ʔekwé</i> plan
3:00 pm	PUBLIC PRESENTATION
4:45 pm	Closing remarks and prayer

Day 3 - October 20 (Board-Only)

8:30 am	Coffee and refreshments
9:00 am	<ul style="list-style-type: none"> Check-in and agenda for Day 2 Review of Joint meeting with Délıne ʔehdzo Got'ıne and ʔekwé Working Group, and Public meeting Follow-up actions
9:30 am	<ul style="list-style-type: none"> Strategic planning session (Lorraine Land)
12:00 pm	CATERED LUNCH
1:00 pm	<ul style="list-style-type: none"> Other business <ul style="list-style-type: none"> Special Harvesting Areas review (Ceilidh Stubbs) Imperial Oil closure briefing (Colin Macdonald) Policy and Procedures Manual Update (Lorraine Land and Daniel T'seleie) SRRB projects for 2016-2017 (Deb) SRRB proposals in the works (Deb) Training initiatives (Deb) Financial variance (Deb)
4:45 pm	Closing remarks and prayer.

Participants

Board Members

Michael Neyelle (Chair and interpreter)

Arrived at 10:20 am on October 18: George Barnaby, Paul Latour (appointment ended October 19), Camilla Rabisca

By teleconference on October 20 at 9:45 am: Patrick Bobinski

Special Advisors

Fredrick Andrew, Leon Andrew, Jimmy Dillon, Paul Latour (appointment began October 20)

Staff

Lori Ann Lennie, Deborah Simmons, Ceilidh Stubbs, Angela Bernarde

Invited Guests

Lorraine Land and Daniel Ts'eleie, Olthuis, Kleer, Townshend LLP

Délįnę ʔehdzo Got'įnę and Délįnę ʔekwé Working Group

See lists provided for October 19 and 20 meetings.

Observers

Jonas Modeste, Leon Modeste

Regrets

Leonard Kenny, Patrick Bobinski

Day 1 – October 18

Meeting called to order at 9:45 am. No quorum until 10:20 am.

Opening Prayer and Introductions

Prayer by Michael Neyelle

- Congratulations and welcome to our new Special Advisor, Jimmy Dillon
- Discussion of role of Special Advisors

Welcome by Délįnę ʔekw'ahįdą Raymond Tutcho, and introductions to Board and Special Advisors.

Camilla Rabisca, George Barnaby and Jeff Walker and Angela arrive (10:20 am).

Minister's Response to Bluenose East ʔekwé Hearing Report

Presentation by Lorraine Land

Discussion

- Comparison of SRRB decisions and Minister's response, with a focus on harvest management.
- Comparison of SRRB "decisions" and WRRB "determinations." The SRRB has the ability to respond to the Minister's decision but the WRRB does not have the power to respond.

- WRRB jurisdiction is within the Wek'èezhìi region, though the language of their determinations refers to the whole herd.
- Note that the SRRB concluded that the 2016 photo reconnaissance survey does not provide new information as a basis for changing course in management. However, the WRRB saw this information as an indication of a larger decline.
- The context for the WRRB decision is that they have had a large decline in the Bathurst ʔekwé herd. There is a harvest limit of 15 for ceremonial purpose only. They have to apply to the Minister to harvest.
- Importance of listening to the elders and their teachings in making management decisions.
- Minister's recommendation for zero tsída harvest with five allowed for ceremonial purposes; challenges implementing reduced tsída harvest in Déljné during previous harvest season, and ENR challenges with enforcement.
- Comparison of Tłıchq planning approach relying on ENR enforcement with community conservation planning approach where the community is responsible for enforcement; note that Tłıchq face special challenges with the number of communities that have access to the Bathurst herd, and the need for consistency in management/enforcement approach for both Bathurst and BNE ʔekwé.

12:00 PM – LUNCH BREAK

Elder Leon Modeste (from Déljné) observing.

- Discussion of options for Board Final Decisions following from Minister's response to the Hearing Report.
- Lorraine Land provided an overview of interest-based negotiating approach, and an analysis of the interests of ENR/the Minister, WRRB, Déljné and SRRB.
- We need to hear from Déljné, and better understand the basis for the WRRB's determinations.
- Angela Bernarde: I know our elders teach us to live off of the land. We need more information about the numbers. I worry about our future generations. I wanted to say thank you for being here.

Leon Modeste left the meeting.

- Need to find ways to explain the decision of the SRRB.
- Analysis of potential consequences of different decisions for our relationships within the Sahtú region and with other parties; Dene law and values in working together, as opposed to conflict.
- Challenges in making decisions within land claim agreement timelines.
- Potential legal implications of different options.
- ENR's "rule of thumb" and precautionary approach taken by WRRB.
- Evidence provided at the SRRB hearing was related to a 950 harvest target herdwide in the NWT; neither science or TK evidence related to the reduced harvest of 750 recommended in the WRRB decision and the Minister's response was not considered by the Board.
- Importance of keeping people informed of Board decisions.

- Implications of Délıne self-government agreement, which does not cover wildlife, but it does cover health, culture and Dene law; the agreement creates a government-to-government relationship.
- Need for a Memorandum of Understanding between the Délıne government and the Crown with respect to the basis for Délıne enforcement of their *Belare wıle Gots'ę ęekwé* plan.

Agenda for Joint Meeting with Délıne Parties

- The purpose of the joint meeting with Délıne tomorrow is to have discussions with the community about the Minister's response, and receive their input.
- Need for quality interpreting.

Adjourned for the day – 5:20 pm.

Day 2 – October 19 (Joint Meeting with Délıne ęehdzo Got'ıne and Délıne ęekwé Working Group)

Délıne Participants

Raymond Tutcho (ęekw'ahtıdá), Walter Bezha, Charlie Neyelle, Morris Neyelle, Alfred Tanıton, Russell Kenny.

Invited Guest

Heather Sayine Crawford (ENR – Sahtú Region)

Meeting called to order at 9:15 am.

Opening Prayer and Introductions

Opening prayer by Alfred Tanıton.

Overview of *Belare wıle Gots'ę ęekwé Plan*

Presentation by Walter Bezha

- Máhsı to all the people who worked on the plan, and to the elders whose knowledge informed the plan.
- The plan is an important instrument for reconciliation.
- Like the new Délıne Got'ıne Government, the plan is based on the principles of Dene ts'ııı.
- We have to relearn how our grandfathers think; for example, we are told not to talk about ęekwé.

Overview of Minister's Response to SRRB Bluenose East ęekwé Hearing Report

Presentations by Michael Neyelle and ęekw'ahtıdá Raymond Tutcho

Discussion

- The importance of meaningful consultation, involving not only Délıne but the community's neighbours.

- When ʔekwé come back, everyone is happy.
- We don't say that ʔekwé have declined, we say ʔekwé gha náotí, they are not available.
- Problems with the concept of Total Allowable Harvest.

Possible Joint Response to the Minister

Presentation by Lorraine Land

Discussion

- The caribou made its own laws for its own protection.
- The role of SRRB and ʔehdzo Got'Iné in ʔekwé management decision-making.
- Dene law and the importance of respectful behaviour – for example, not putting caribou bones at the dump, and not selling caribou meat.
- The role of Dél'Iné Got'Iné Government, and the Dél'Iné ʔohda K'áowə Kə (Charlie Neyelle is Chair of the latter).
- We have to make a law as a whole community: the youth, the elders and even the people who live in the community who are not from Dél'Iné.
- The role of ENR in assisting harvesters, trappers.
- The importance of maintaining Dene culture, including the principles of sharing.
- How can Dél'Iné enforce Dél'Iné law? Review of three-step process in Dél'Iné ʔekwé code, and the opportunity to have this recognized under the new Wildlife Act.
- Dene approach to decision-making by consensus.
- Letters to be prepared from Dél'Iné to the Minister, and from the SRRB to the Minister.
- Alfred Taniton: We are talking about our future. We are doing this for our future generations. We have been working on this plan for over two years and we have support. When we talk about wildlife and wildlife habitat we need to make sure we protect it. All animals, not just caribou. We were raised on this land, with the animals that are on there. And now the government is telling us to change our way of life. I don't want to accept that. In the past, when caribou come close they are really happy and they start singing songs because they know they are going to eat fresh meat and not only fresh meat but fresh blood. The land out there it is like your mom, it will give you some food to eat. The land is a very wonderful, wonderful mother. Consensus is very important consultation is very important. No more hidden agendas. We don't want the minister to make decisions without letting us know. This land was not made by the government. This land was made by the creator for us. So not only us, but the whole world depends on the land. That is why the creator created this world for us. We here we are all one.
- The harvest target in Dél'Iné's ʔekwé plan is ceremonial only, and is not enough for people's survival.
- Charlie Neyelle: In the old days, when something goes wrong with ʔekwé, people would jump in and discuss what is wrong and why they are not coming back. The people would keep a close watch on the weather and a close watch on the caribou, a close watch on ptarmigans. Some people had special ties to the weather, and others had special ties to caribou. For example, one time in Colville Lake there were no caribou and the elder made a drum and went to sing for the caribou. We've been taught to follow Dene laws and protocols.
- Suggestion that there be a celebration following the Minister's decision.
- Challenge that this meeting does not involve the community as a whole.
- The importance of making decisions in a timely way before the winter/spring harvest season.

Gift and recognition of Paul Latour's retirement after service to the Board since 1996.

Joint Meeting adjourned at 4:45 pm. Agreed that the Joint Meeting will reconvene tomorrow at 1:00 pm, after Board-only session.

Day 3 – October 20 (Board Only)

Meeting called to order at 9:30 am.

Opening Prayer and Quorum Check

Prayer by Michael Neyelle

- Note that Paul Latour is now participating in the meeting as a Special Advisor to the Board, since his appointment ended at midnight on October 19.
- Jeffery Walker and George Barnaby are thus the only voting members present, since alternates are only allowed to vote in replacement of absent Board members nominated by the same body.

Patrick Bobinski joined the meeting by teleconference.

- Reminder that members vote on behalf of the Board's mandate, not the bodies that nominated them.

Motion 2017-019

M2017-019	The Operations Manual is amended to allow Alternates to vote in replacement of any absent Board Member. Jeffery Walker/George Barnaby.	Consensus
-----------	--	-----------

Motion 2017-020

M2017-020	George Barnaby is appointed as Vice-Chair of the ?ehdzo Got'ıne Gots'ę Nákedi (Sahtú Renewable Resources Board). Jeffery Walker/Camilla Rabisca.	Consensus
-----------	--	-----------

Patrick Bobinski left the meeting.

SRRB Final Bluenose East ?ekwé Decisions

Presentation by Lorraine Land

- The Minister's response was framed as requesting changes
- Key themes
 - Conservation approach
 - Status of herd
 - Research needs
 - Policy reform
 - Youth and education
 - Funding
 - Cross regional coordination

- Two important areas of focus: conservation approach and cross regional coordination.

Discussion

- The Board came up with a different decision than the WRRB based on the exact same evidence from ENR that both Boards heard; however, the SRRB was also considering a community conservation plan.
- Regarding the implications of the ENR reconnaissance survey results released after the Public Registry was closed: When information arises between a hearing and a decision of an administrative tribunal, that is a judgment call of the tribunal. The Board determined that the information was not truly different and chose not to do a formal re-hearing. The Board gave notice to the parties involved and that gave the parties the option to respond to that hearing.
- The threshold for evidence is whether the decision was reasonable. Two boards can both come to different conclusions that are reasonable. And then it is up to the Minister to weigh the options.
- It is important to stress that we are giving TK the same weight as science in our report, and we are using a precautionary approach.
- Reiteration of the importance of striving for consensus.
- There needs to be clear understanding of the enforcement framework, and capacity for enforcement. Without formal agreement between NWT Department of Justice and Déłıne, ENR must continue to enact current laws.
- Frederick Andrew: We have to listen to the people and the elders. Whatever they are saying and whatever they ask for it is based on their traditional knowledge and what they know for their survival. And now Deline is a government and they are going to become stronger. We need Dene knowledge, Dene TK for our decision.
- Jimmy: You know the bulls are the boss, just like the elders. They learn from their elders until they get old. And that carries on. And you see what happened to us aboriginal people. Before the white man came we were so powerful and we survived through a hard life because we listened to our elders. But today it seems like no one listens to the elders. When the residential school came and took over the elders were left to the side. The young need the elders to be strong in the future. This is why the elders say that the bulls are the ones that teach all what is coming behind them. What's the young one going to do without advice? The elders are the ones that advise the young ones what to do. We have to listen to those in the NWT who live with the caribou. We learned how to survive from these ones. We were so poor. We follow the animals, and whatever the animals do we do the same thing. We learn from one another. This is why our people respect the animals so much. When we speak about bulls they are very important to history. When the government took over, they said we do everything for you. You see how weak our young people are. That's how our young people are. You see how important it is to keep our people together. Everyone is looking at money. Not to help animals not to disappear. Let's think right from the heart. Right into our memories and speak it.

Joint Meeting with Déłıne ʔehdzo Got'ıne and ʔekwé Working Group

Joint Meeting reconvened at 1:15 pm.

- Michael will speak about the letter to the Minister on CBQO community radio tomorrow.

- General consensus about respective Board and Délı̄ne ʔehdzo Got'ı̄ne/ʔekwé Working Group approaches.

Joint Meeting adjourned; Board-only meeting reconvened at 2:20 pm.

- Concerns about impacts of wildfires and predators.

Consultation Guidelines workshop - Lessons from the Bluenose East ʔekwé Hearing Presentation by Ceilidh Stubbs

Discussion

- The 2016 Hearing was reasonably successful with respect to consultation in comparison to the 2007 Bluenose West Hearing. Less preparation work was done in 2007, and the atmosphere was more like a courtroom.
- We spent part of three different board meetings talking about how the board may look at things differently for the 2016 hearings.
- There may also be an opportunity to review our hearing guidelines to incorporate lessons learned from the 2016 Hearing.
- There was a need to ensure that the process was flexible, while meeting the threshold for fair process, being intentional about making the hearing as accessible and culturally appropriate as possible.
- We wrestled a lot with the conflict of interest issue.
- Lorraine: To my mind, this is best hearing I have ever been in for facilitating and encouraging community participation.
- Recommendation to continue to discuss this issue of consultation at subsequent board meetings.
- George: In thinking about consultation we need to think about the Dene way of thinking about things. When you go into a new area you need to respect their way of doing things. You show respect and you listen. If people get angry then they stop talking. They usually don't get angry unless they're not being heard. Usually people have their own meetings and they talk about whatever they want. But when you're too formal then it restricts people.
- Discussion of the importance of high quality interpreting.
- We need to take special measures to respectfully accommodate both elders and youth. We need a consistent process to follow. Our willingness to do this may be what sets us apart from other boards.
- Agreed that making the audio recordings available on the web and for broadcast on community radio was beneficial.
- Concern that we need to do a better job of informing people of their roles and to help them prepare. This is a learning experience for me. We need to educate people about the process.
- There was funding available for communities to prepare; the challenge is that potentially is what we needed was more input from Board members to ensure that we were using the most appropriate approach for the community. Note that Colville was well prepared, having learned from the experience of the 2007 hearing.
- Timing was also an issue, in that many people were travelling on the winter road during the time of the hearing.

- We will always have difficulties in supporting strong relationships when ʔehdzo Got'ine are lacking capacity.
- Note that another hearing will be required if the Board determines that there's reason to consider another harvest limit.

Colville Data Sharing Agreement

Overview by Lorraine Land

- Jimmy Dillon: Colville's advantage is that they still have elders. Maybe we should focus on the elders and communicate with them to come to an agreement and understanding. They have already done a lot of work on traditional knowledge. They have taught their youth for the future. We're trying to do the same thing. We are trying to teach our young kids for the future so they can learn traditional knowledge. We are all thinking like CL. We should work together, we are all working in the same boat. We just have to face one another and see who is in the boat. It is about getting each other together to move forward.
- We expect that we'll learn from this work with Colville toward a broad general approach for data sharing for other communities.
- Frederick: But misunderstanding is what blocks everything. My grandfathers tell me if you are having a hard time agreeing with one another, speak from the heart, put it into all your memories. Speak right from the heart and it will come out: truth.

Next Meeting

September 25, 5:00 pm Board teleconference

Agenda Items

- Colville Data Sharing Agreement – DECISION NEEDED
- Imperial Oil closure briefing (Colin Macdonald)
- K'áhsho Got'ine Group Trapping Area and Special Harvesting Areas (Ceilidh Stubbs)

Meeting adjourned at 5:05 pm; closing prayer in lieu of motion to adjourn.

Approval of Minutes

Approved by Board decision, March 17, 2017.



Michael Neyelle, Chair

Summary of Motions

Number	Description	Result
M2017-019	The Operations Manual is amended to allow Alternates to vote in replacement of any absent Board Member. Jeffery Walker/George Barnaby.	Consensus
M2017-020	George Barnaby is appointed as Vice-Chair of the ?ehdzo Got'ine Gots'ę Nákedı (Sahtú Renewable Resources Board). Jeffery Walker/Camilla Rabisca.	Consensus