



Environment and Natural Resources Undertakings

Sahtú Ragóᓂa and Approaches to Wildlife Harvesting
Colville Lake Public Listening

January 29, 2020

Please find attached the responses to ENR two undertakings from the Sahtú Ragóᑦa and Approaches to Wildlife Harvesting Colville Lake Public Listening from January 21 -23, 2020.

(1) Question asked by David Codzi of Colville Lake

“Colville Lake is now issuing authorizations for Dehla Got’ine, Ayoni Keh members and non-participants to hunt in accordance with our local RRC rules. We want to be able to issue authorizations to participants from other communities. Assuming that there is a decision from the SRRB that Sahtú participants should follow community conservation plan(s), and the local harvesting rules in each area under an approved management plan, is there anything else the GNWT needs to recognize the authority of Renewable Resource Councils to grant authorizations to visiting hunters?”

For the reasons outlined below, the Colville Lake Renewable Resources Council (CLRRC) cannot legally be authorized to issue authorizations to participants from other Sahtú communities to harvest Bluenose-West caribou.

13.4.1 of the Sahtú Dene and Metis Comprehensive Land Claim Agreement (SDMCLCA) states:

Participants have the right to harvest all species of wildlife within the settlement area at all seasons of the year subject to limitations which may be prescribed in accordance with this agreement.

This gives all participants the right to harvest Bluenose-West caribou throughout their range in the Sahtú Settlement Area subject to limitations which may be prescribed in accordance with the SDMCLCA.

13.5 of the SDMCLCA sets out how the quantity of harvest by participants may be limited: through a total allowable harvest and an allocation to the applicable renewable resource council(s) (RRC).

13.8.23(a)(i) of the SDMCLCA gives the Sahtú Renewable Resources Board (SRRB) the ability, subject to the Minister of Environment and Natural Resources’ (ENR) acceptance, to restrict harvest by participants in other ways, provided that the restriction is not regarding quantity to be harvested. The SRRB’s authority under 13.8.23(a)(i) of the SDMCLCA could only be delegated to an RRC under 13.9.5 of the SDMCLCA jointly by the SRRB and ENR. For any delegation of the SRRB’s authority to an RRC to occur, ENR must be satisfied that there are no legal issues with the proposed delegation.

To meet the intended objective of the harvesting restriction, for example conservation, public safety or public health, the restriction must limit harvesting to the minimum extent necessary (as per section 13.4.1 for the SDMCLCA). This requirement applies to the proposed delegation of the SRRB’s authority under 13.8.23(a)(i) of the SDMCLCA to CLRRC to manage/regulate the harvest of bluenose west caribou by participants from other Sahtú communities. There is no certainty in the Dehlá Got’ine ᑦᑦᑦ Plan regarding what, if any, quantity of Bluenose-West caribou participants from other communities would be able to harvest within the area in which the Dehlá Got’ine ᑦᑦᑦ Plan applies.

Consequently, the proposed management/regulation by CLRRC of harvest of Bluenose-West caribou by participants from other Sahtú communities would not necessarily be the minimum required to achieve the conservation objective. For this legal reason, ENR cannot agree to or accept the proposed delegation of authority to CLRRC.

13.9.4(b) of the SDMCLCA also does not give the CLRRC the ability to issue authorizations to participants from other Sahtú communities to harvest Bluenose-West caribou. As the SDMCLCA does not specify an area for which each RRC is responsible, the reference to “local” in 13.9.4(b) of the SDMCLCA cannot mean a specific area. The term “local” instead refers to the participants of that Sahtú community. Further support for this interpretation is evident from the reference to “local” in 13.9.1 of the SDMCLCA, which clearly refers to the participants of that Sahtú community rather than a specific area. This means that 13.9.4(b) of the SDMCLCA only allows for management, in a manner consistent with legislation and policies of the Board, by an RRC of the exercise of harvesting rights by participants of that Sahtú community. CLRRC’s management of harvesting rights under 13.9.4(b) of the SDMCLCA is therefore limited to those of the Dehlá Got’iñe.

(2) A question was asked by Gordon Yakelaya of the Tulít'a Renewable Resource Council about ENR’s support for guardianship programs.

ENR acknowledges and supports the important role that Guardians or guardian-type programs play in monitoring the land. Guardianship programs can also include education and outreach that promote respectful practices and conservation, the passing on of traditional knowledge and values, and the creation of economic opportunities. ENR’s position is that such programs are best championed and led by Indigenous communities, and that ENR can provide support in value-added ways.

With respect to the development of a community-based guardianship program, ENR strongly supports Indigenous-led, community driven guardianship monitoring programs, and has committed to working with communities to identify different ways we can be a value-added support.

Guardians do not have authority for enforcement or compliance, including with respect to the Wildlife Act. Authority to enforce the Wildlife Act remains with ENR and its Renewable Resource Officers. As such, Guardians cannot replace the role and function of Renewable Resource Officers. That being said, Guardians and ENR can work together to promote education, outreach and monitoring related to respectful practices and prevention.