

Norman Wells Renewable Resources Council

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April 9, 2021

Shane Thompson, Minister
Environment and Natural Resources
Government of the Northwest Territories
VIA EMAIL: Shane_thompson@gov.nt.ca

Dear Minister Thompson:

Re: Support for Dehla Got'ine Community Conservation Plan

I write on behalf of the Norman Wells Renewable Resources Council (NWRRC) in response to your letter dated March 16, 2021, regarding the matter above, as referenced in your letter.

Your letter communicates your concern that the SRRB recommendation 4.1 (the Recommendation) set out in the SRRB October 31, 2020 report (the Report) is contrary to the Sahtú Dene and Metis Comprehensive Land Claim Agreement (SDMCLCA) and has the potential to limit the harvesting rights of Norman Wells community participants under the SDMCLCA.

We appreciate the opportunity to seek legal advice on this matter; however, your letter put the NWRRC in a difficult position by seeking our views on the Recommendation in isolation, and in advance of the completion of the Second Report of the SRRB. Moreover, we question why your letter was directed only to the Norman Wells and Fort Good Hope RRCs when all RRCs in the Sahtú settlement area are affected by the Report and the Recommendation.

The Recommendation and your January 29, 2021 response raises fundamental issues about the roles and authorities of RRCs under the SDMCLCA. In general, we adopt the interpretation of the SRRB and of the Colville Lake RRC that the jurisdiction of the RRCs is not limited to the geographic boundaries of its appointing community, nor is it tied to the residence of a participant. Rather, RRCs have jurisdiction over the "local exercise" of all participants' harvesting rights within the relevant local area of the RRC. This interpretation is consistent with the SDMCLCA overall, and with the specific objectives set out in Chapter 13 addressing respect for Sahtú Dene and Métis harvest management customs and practices, and direct and meaningful involvement in wildlife planning and management through the SRRB and the RRCs.

We applaud and continue to support the efforts of Colville Lake RRC to develop and implement their community conservation plan in accordance with our culture and way of life. We acknowledge the SRRB's observation and agree that more discussion would be useful regarding the extent of the local areas of RRC jurisdiction and authority, and related matters such as enforcement and dispute resolution. We are also of the view that discussion should first and foremost occur among the RRCs, guided by our enduring Dene laws and time-proven conservation principles of stewardship, respect and reciprocity. We object to your limiting interpretation of the RRCs' jurisdiction, and to what we perceive to be a divisive approach in your seeking our views on the matter.

As stated in our March 1, 2021 letter to the SRRB, the NWRRC supports community conservation plans, as reflected in SRRB policy, as viable conservation approaches that can be more effective, more rights-compliant and more community-led, and which should be considered before and in place of total allowable harvest limits which are only to be used when required and to the extent necessary. This is an approach your Ministry has previously accepted, and should not now back away from, as you appear to in your January 29, 2021 response.

As noted above, your letter unfairly asks us to respond to the concerns you raised regarding the Recommendation without its proper context, which is a comprehensive approach to implementing community conservation planning led by RRCs as set out in the Report as a whole, and in previous SRRB reports. For example, we cannot view the Recommendation that the Colville Lake RRC be granted the power to issue authorizations to all participants in Area 01, in isolation from the closely related SRRB decision that the TAH be removed for Area 01, and the recommendation that tagging requirements for Sahtú participants in Area 01 be replaced by an authorization system grounded in the Colville Lake community conservation plan and in our traditional harvesting practices.

Your letter requests a response prior to April 9, 2021, and we have complied with this request, notwithstanding that we have only very recently had the opportunity to review the Second Report of the SRRB, released on March 30, 2021. In future Public Listening Sessions and in discussions with ENR and our RRC counterparts, we look forward a more wholistic and inclusive consideration of these fundamental issues regarding jurisdiction and authorities of RRCs under the SDMCLCA, with the goal of implementing community conservation plans grounded in Dene law.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "R. McDonald", is written over a light blue rectangular background.

Rhea McDonald
President

cc. Deborah Simmons, Sahtu Renewable Resources Board