

Déljné ʔekwé Code

January 8, 2016 edition



A. Preamble

Whereas...

- I. The people of Déljné, Déljné Got'jné, have a deep understanding of the land, the water and the animals. With this understanding comes a tremendous respect for the food that nature provides.
- II. Déljné Got'jné have for centuries managed their relationship with the land, water and animals by way of the community's own laws that reflect their respect for the food that nature provides.
- III. Section 1.1.1(c) of the *Sahtú Dene and Métis Comprehensive Land Claim Agreement* provides that an objective the Land Claim Agreement is to recognize and encourage the way of life of the Sahtú Dene and Metis, which is based on the cultural and economic relationship between them and the land.
- IV. If one thing could be singled out that binds Déljné Got'jné most strongly to their land and heritage, it would be their relationship with ʔekwé (caribou).
- V. Déljné Got'jné are extremely concerned about news that ʔekwé populations are declining.
- VI. Section 13.9.1 of the *Sahtú Dene and Métis Comprehensive Land Claim Agreement* provides that there shall be a Renewable Resources Council in each Sahtú community to encourage and promote local involvement in conservation, harvesting studies, research and wildlife management in the community.
- VII. Section 13.9.4 of the *Sahtú Dene and Métis Comprehensive Land Claim Agreement* provides that a Renewable Resources Council has the authority to manage the local exercise of Participants' harvesting rights, including the methods, seasons and location of ʔekwé harvests.
- VIII. Section 13.9.6 of the *Sahtú Dene and Métis Comprehensive Land Claim Agreement* provides that local Renewable Resources Councils shall participate in the collection and provision, to government and the Sahtú Renewable Resources Board, of local harvesting data and other locally available data respecting wildlife and wildlife habitat.

Therefore the Déljné ʔehdzo Got'jné sets forth here a Déljné ʔekwé Code for 2015-2017 ("the Code").

B. Definitions and Interpretation

1. In this Code,

“ᑭᑭᑦ” means Dene law or policy.

“ᑭᑭᑦ ᑭᑭᑦ ᑭᑭᑦ ᑭᑭᑦ” means the Sahtú Renewable Resources Board for the purpose of this Code and means the Renewable Resources Board as described in 13.8 of the *Sahtú Dene and Métis Comprehensive Land Claim Agreement*.

“ᑭᑭᑦ” means barren-ground caribou.

“ᑭᑭᑦ ᑭᑭᑦ ᑭᑭᑦ ᑭᑭᑦ” has the same meaning as “Ceremonial Harvest” for the purpose of this Code and means the harvest of ᑭᑭᑦ where, as distinct from subsistence harvests, the sole purpose of the harvest is to maintain the relationship of Déᑭᑦ ᑭᑭᑦ with ᑭᑭᑦ, and where the methods, seasons and locations of said harvest are outlined in this Code.

“Alternative Harvest” has the same meaning as “Dene Béré Kats’ᑭᑦ” for the purpose of this Code and means the harvest of fish, moose, muskoxen, furbearers, waterfowl, game birds, wild berries, plants, and other community garden produce, and is linked to the totality of the Sahtú Needs Level;

“Bedzio” means an adult male caribou.

“Bluenose East Area” means the Caribou Management Zone S/BC/03, as set forth in the Big Game Hunting Regulations, NWT Reg 019-92 under the *Wildlife Act*, SNWT 2014, c 3.

“Bluenose West Area” means the Caribou Management Zone S/BC/01, as set forth in the Big Game Hunting Regulations, NWT Reg 019-92 under the *Wildlife Act*, SNWT 2014, c 3.

“Ceremonial Harvest” has the same meaning as “ᑭᑭᑦ ᑭᑭᑦ ᑭᑭᑦ ᑭᑭᑦ” for the purpose of this Code, and means the harvest of ᑭᑭᑦ where, as distinct from subsistence harvests, the sole purpose of the harvest is to maintain the relationship of Déᑭᑦ ᑭᑭᑦ with ᑭᑭᑦ, and where the methods, seasons and locations of said harvest are outlined in this Code.

“Déᑭᑦ ᑭᑭᑦ ᑭᑭᑦ ᑭᑭᑦ” has the same meaning as “Déᑭᑦ Renewable Resources Council” for the purpose of this Code and means the Renewable Resources Council established by Section 13.9 of the *Sahtú Dene and Métis Comprehensive Land Claim Agreement*.

“Déᑭᑦ ᑭᑭᑦ ᑭᑭᑦ ᑭᑭᑦ” has the same meaning as Déᑭᑦ Participant(s) under the Sahtú Dene and Métis Comprehensive Land Claim Agreement for the purpose of this code.

“Déᑭᑦ Renewable Resources Council” has the same meaning as “Déᑭᑦ ᑭᑭᑦ ᑭᑭᑦ ᑭᑭᑦ” for the purpose of this Code and means the Renewable Resources Council established by Section 13.9 of the *Sahtú Dene and Métis Comprehensive Land Claim Agreement*.

“Dene Béré Kats’ı̄nı̄we” has the same meaning as “Alternative Harvest” for the purpose of this Code and means the harvest of fish, moose, muskoxen, furbearers, waterfowl, game birds, wild berries, plants, and other community garden produce, and is linked to the totality of the Sahtú Needs Level.

“Dene Ts’ı̄lı̄ Awards Program” means a program established to recognize families, hunters, harvesters, trappers, elders and others who demonstrate excellence in practicing Dene law and/or conservationist hunting or harvesting traditions.

“Harvest” means hunting in accordance with the *Sahtú Dene and Métis Comprehensive Land Claim Agreement*.

“Health Sample Kit” means a package containing a data sheet plus materials for the collection of a backfat measurement, fecal sample, blood sample, and skin sample from Ɂekwé.

“Participants” means persons enrolled in the Enrolment Register pursuant to chapter 4 of the *Sahtú Dene and Métis Comprehensive Land Claim Agreement*, and “Participant” means any one of them.

“Renewable Resources Council”, or “RRC”, means a Renewable Resources Council as described in 13.9 of the *Sahtú Dene and Métis Comprehensive Land Claim Agreement* and more specifically means the Délı̄nɁ Ɂehdzo Got’ı̄nɁ for the purposes of this Code.

“Sahtú Needs Level” means a Sahtú Needs Level as described in 13.5.3 of the *Sahtú Dene and Métis Comprehensive Land Claim Agreement*.

“Sahtú Renewable Resources Board” has the same meaning as “Ɂehdzo Got’ı̄nɁ Gotsé Nákedı̄” for the purpose of this Code and means the Renewable Resources Board as described in 13.8 of the *Sahtú Dene and Métis Comprehensive Land Claim Agreement*.

“Tsída” means an female caribou.

“Yárégo” means a young male caribou.

C. Vision and Objectives

2. The ten year vision that guides this code is that Dene and Ɂekwé are free to maintain their relationships through their own ɁɁa.
3. The objectives of this code are to:
 - a) address the long term management and stewardship of Ɂekwé populations by establishing rules and guidelines for Ɂekwé Gha Máhsı̄ Ts’ı̄nı̄we.
 - b) maintain the relationship of Délı̄nɁ Got’ı̄nɁ with Ɂekwé.
 - c) ensure the presence of Ɂekwé populations now and into the future.
 - d) encourage and promote local involvement in the conservation and management of Ɂekwé populations.

- e) ensure that any harvest of ʔekwé is conducted in a respectful and sustainable manner, consistent with traditional Déljné harvesting practices.
- f) ensure maintenance of and support for the Dene Béré Kats'jnjwe.

D. Application

4. This Code applies

- a) in respect of Déljné Got'jnjé harvesting ʔekwé in
 - i. the Bluenose East Area.
 - ii. the Bluenose West Area.
- b) in respect of Sahtú Participants from outside Déljné who harvest:
 - i. ʔekwé in the Bluenose East Area.
 - ii. ʔekwé in locations where Déljné Got'jnjé have traditionally harvested in the Bluenose West Area.
- c) in respect of Déljné Got'jnjé participating in the Dene Béré Kats'jnjwe.

E. ʔekwé gha Máhsi Ts'jnjwe (Ceremonial Harvest)

- 5. The only ʔekwé harvest that shall take place during the calendar years 2015, 2016 and 2017, respectively, shall be ʔekwé Gha Máhsi Ts'jnjwe. Any ʔekwé Gha Máhsi Ts'jnjwe shall be conducted in accordance with the methods, seasons and locations outlined in this Code.
- 6. The purpose of ʔekwé Gha Máhsi Ts'jnjwe is to maintain the relationship between the Déljné Got'jnjé and ʔekwé, and to honour our grandparents.
- 7. For ʔekwé Gha Máhsi Ts'jnjwe for each of 2015, 2016, and 2017 harvests, Déljné Got'jnjé shall harvest a maximum of:
 - a) 150 Bluenose East ʔekwé.
 - b) 50 Bluenose West ʔekwé.
- 8. ʔekwé Gha Máhsi Ts'jnjwe shall be organized by the Déljné ʔehdzo Got'jnjé, and shall include the following requirements:
 - a) consultation with elders who shall plan the hunt.
 - b) a written agreement between hunters and the Déljné ʔehdzo Got'jnjé regarding hunting protocols to be observed.
 - c) involvement of experienced Déljné hunters who shall lead the hunt.
 - d) involvement of youth.

- e) a meeting to discuss:
 - i. the success of the hunt.
 - ii. the health of the herd.
 - iii. the teaching of traditional skills and knowledge.
- 9. The total annual budget for ʔekwé Gha Máhsı Ts'ıŋıwe shall be \$10 000.
- 10. The Délıne ʔehdzo Got'ıne may, in its discretion and after review of any new information regarding the status of the Bluenose East and Bluenose West ʔekwé herds, determine that Délıne Got'ıne may harvest in excess of the level set out in Section 7.
- 11. The Délıne ʔehdzo Got'ıne shall develop an education program to inform Délıne Got'ıne about the Délıne ʔekwé Gha Máhsı Ts'ıŋıwe.

F. Dene Béré Kats'ıŋıwe (Alternative Harvest)

- 12. Dene Béré Kats'ıŋıwe shall include the harvest of fish, moose, muskoxen, furbearers, waterfowl, game birds, as well as berries, plants and other community garden produce.
- 13. Both youth and elders may participate in Dene Béré Kats'ıŋıwe.
- 14. Dene Béré Kats'ıŋıwe shall be organized by the Délıne ʔehdzo Got'ıne, and shall be based on traditional Délıne food preservation methods and sharing practices.
- 15. Dene Béré Kats'ıŋıwe shall take place seasonally, occurring in accordance with the whitefish runs and geese and duck seasons.
- 16. The total annual budget for Dene Béré Kats'ıŋıwe shall be \$14,000.
- 17. Délıne Got'ıne shall receive compensation for the following:
 - a) \$50 for a Health Sample Kit submitted for each muskoxen, moose or boreal woodland ʔekwé.
 - b) Up to a maximum of \$200 for each muskoxen hide, with the price depending on the size and quality of the hide.

G. The Dene Ts'ıŋı Award Program

- 18. The Dene Ts'ıŋı Award Program shall be established to recognize families, hunters, harvesters, trappers, or grandparents who demonstrate excellence in practicing Délıne law and conservationist hunting traditions.
- 19. The Délıne ʔehdzo Got'ıne shall meet at least once per year to determine which Participant(s) will receive the Dene Ts'ıŋı Awards.
- 20. The total annual budget for the Dene Ts'ıŋı Award Program shall be \$5,000.

H. Harvest Methods

Equipment

21. Délįnę Got'įnę shall carry the following equipment when participating in any harvest of ąekwę:
- a) snowshoes.
 - b) a sleeping bag.
 - c) an ax.
 - d) matches.
 - e) a packsack.
 - f) a first aid kit.
 - g) extra clothing.
 - h) food.
22. The Délįnę ąehdzo Got'įnę may distribute snowshoes to Délįnę Got'įnę harvesting ąekwę.
23. The total annual budget for the snowshoe distribution under Section 21 shall be \$2,000.
24. The Délįnę Land Corporation shall fund and organize one snowshoe making training workshop in each calendar year.

Protocols

25. Délįnę Got'įnę who participate in any harvest of ąekwę shall not:
- a) hunt tsída.
 - b) hunt the large bedzio.
 - c) chase ąekwę.
 - d) treat ąekwę in a way that is not humane.
26. Délįnę Got'įnę who harvests ąekwę during a harvest shall:
- a) preserve and return from the harvest all usable ąekwę parts, including the hide, and share those parts in accordance with Délįnę traditional practices.
 - b) observe respectful practices for women and men in the vicinity of and handling ąekwę.
 - c) dispose of ąekwę bones in the bush or under a tree.
 - d) thank the ancestors and ąekwę for a successful hunt.
27. No Délįnę Got'įnę shall dispose of ąekwę bones in the garbage, on roads, or in the garbage dump.
28. No Délįnę Got'įnę shall dispose of ąekwę guts in or near any lakes.

29. The Délıne ʔehdzo Got'ıne shall establish an incentive program for the purchase of ʔekwé hides.

I. Season and Location of ʔekwé gha Máhsi Ts'ııwe

30. ʔekwé gha Máhsi Ts'ııwe shall take place during the fall and winter seasons, so as to ensure that all ʔekwé harvested are yárego.

31. ʔekwé gha Máhsi Ts'ııwe shall be restricted to the Bluenose East Area and the Bluenose West Area, as defined in this Code.

32. The Délıne ʔehdzo Got'ıne shall allocate to any Délıne Got'ıne who participates in a ʔekwé Gha Máhsi Ts'ııwe the amount of gas that is required to travel the additional distance to reach the Bluenose East and Bluenose West Areas.

J. Monitoring

33. Délıne Got'ıne who participate in harvest of ʔekwé and who harvest ʔekwé in that harvest shall, as soon as possible after ʔekwé is killed, provide an ʔekwé Health Sample Kit to the Délıne ʔehdzo Got'ıne.

34. Délıne Got'ıne shall be compensated \$50 for each ʔekwé Health Sample Kit provided.

35. If Délıne Got'ıne do not provide an ʔekwé Health Sample Kit in accordance with Section 33, that person shall provide the following information to the Délıne ʔehdzo Got'ıne:

- a) the number of ʔekwé harvested.
- b) whether ʔekwé harvested were yárego or tsída.
- c) where ʔekwé were harvested.
- d) any other information required by a person designated by the Délıne ʔehdzo Got'ıne.

36. When, as determined by the Délıne ʔehdzo Got'ıne or the ʔehdzo Got'ıne Gotsé Nákedı, the number of harvested Bluenose East ʔekwé reported reaches 100, the Délıne ʔehdzo Got'ıne shall call a community meeting to plan for the harvest of the remainder of ʔekwé as described in Section 6 of this Code, and closure of ʔekwé Gha Máhsi Ts'ııwe once that level is reached.

37. The Délıne ʔehdzo Got'ıne shall prepare, for any community meeting convened under Section 36, the following information:

- a) a proposal for public discussion of ʔekwé gha Máhsi Ts'ııwe.
- b) information regarding the Dene Ts'ııı award.
- c) a proposal for Dene Béré Kats'ıııwe for the remainder of the year.
- d) a proposal for the process for determining the allocation of the remaining 50 ʔekwé for the year.

- e) a review of the percentage of yárégo and tsída Ɂekwé harvested to date for the year.
 - f) suggested measures to be undertaken by the Déljné Ɂehdzo Got'jné and other wildlife management authorities if someone harvests Ɂekwé after the total Ɂekwé Gha Máhsı Ts'jnjwe level of 150 Ɂekwé is reached.
38. The Déljné Ɂehdzo Got'jné shall keep a record of the number of Ɂekwé harvested and reported under Sections 33 and 35 as well as other known information about Ɂekwé harvested but not reported under Sections 33 and 35.
39. The Manager of the Déljné Ɂehdzo Got'jné shall meet at least once each month with the Chief of Déljné First Nation, NWT Environment and Natural Resources staff and Ɂehdzo Got'jné Gotsé Nákedı staff to report on the record under Sections 33 and 35 of Ɂekwé harvested in the previous month and to confirm the total monthly Déljné harvest numbers for that month.
40. The Déljné Ɂehdzo Got'jné shall report the final numbers for each month to the Ɂehdzo Got'jné Gotsé Nákedı following the confirmation of the total monthly Déljné harvest under Section 39.
41. A representative of each of the Déljné Ɂehdzo Got'jné, the Ɂehdzo Got'jné Gotsé Nákedı and the Department of Environment and Natural Resources shall meet together at least once each calendar year to evaluate the record of Ɂekwé harvested and determine the final total Déljné Ɂekwé harvest number to be provided to other wildlife authorities.

K. Enforcement

42. In the event that a Participant under the Sahtú Dene and Metis Land Claims Agreement harvests Ɂekwé does not comply with this Code, the Déljné Ɂehdzo Got'jné shall convene a Sentencing Circle to determine an appropriate response.
43. A Sentencing Circle convened under Section 42 shall include the following people:
- a) the person who allegedly has not complied with this Code.
 - b) two representatives of the Déljné Ɂehdzo Got'jné.
 - c) at least two Déljné elders named by the Déljné Ɂehdzo Got'jné in consultation with the Déljné Got'jné Government.
 - d) one representative of the Ministry of Environment and Natural Resources.
 - e) family members of the person who has allegedly not complied with the Code and who can be named by that person or by the Déljné Ɂehdzo Got'jné or the Déljné Got'jné Government.
44. The people involved in the Sentencing Circle convened under Section 42 shall discuss:
- a) the allegations that the Participant identified in Section 42 did not comply with this Code.

- b) the impacts of that non-compliance with the Code on the relationship between Déljné Got'jné and ʔekwé.
- c) what steps should be taken to address the Participant's alleged non-compliance with the Code.

45. In the event that a Participant:

- a) does not comply with this Code and does not participate in a Sentencing Circle; or
- b) does not comply with this Code and does not complete the steps identified by a Sentencing Circle in Section 44(c);

then the Déljné ʔehdzo Got'jné shall refer the matter to the Department of Environment and Natural Resources for enforcement pursuant to the provisions of the *Wildlife Act*, SNWT 2014.