



Bluenose East ʔekwé Hearing

March 1-3, 2016 • Délı̨nę, Northwest Territories

ʔehdzo Got'ı̨nę Gots'é Nákedı̨

Sahtú Renewable Resources Board

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April 21, 2016

Délı̨nę First Nation, Attention Walter Bayha
Délı̨nę Land Corporation, Attention Gina Dolphus
Délı̨nę Renewable Resources Council, Attention Jimmy Dillon
Délı̨nę, NT
X0E 0G0

Dear Délı̨nę RRC, Land Corporation and RRC:

Re: Additional Questions from SRRB and Follow Up Regarding Undertakings

The SRRB is writing to follow up Délı̨nę's legal undertakings to respond to questions of other parties in the March 1 – 3, 2016 Bluenose East ʔekwe Hearings. The Board also has two additional legal questions based on developments since the March 1 – 3, 2016 hearings, including evidence provided at the Wek'èezhı̨ Renewable Resource Board's April 6 – 8, 2016 Bluenose East ʔekwe hearings in Behchokò.

Confirmation re Response to Undertakings Made by Délı̨nę

Délı̨nę provided undertakings to reply to the six questions raised by Colville Lake and the Sahtu Youth Connection at the March 1 – 3, 2016 hearings. To the best of the Board's knowledge, Délı̨nę has not yet provided these responses, and reminds Délı̨nę that it is legally obligated to do so. The questions which Délı̨nę undertook to respond to are the following:

Undertakings Made by Délı̨nę to Respond to the Following Questions From Colville Lake:

1. Is Délı̨nę asking to establish a Total Allowable Harvest (TAH) for Délı̨nę as a whole that reflects what is written in the Code?
2. With respect to s. 7 of the Délı̨nę plan which refers to harvesting 150 Bluenose East (BNE) and Bluenose West (BNW) – is Délı̨nę asking the Board to make a locally applicable harvest for Délı̨nę or a locally applicable TAH of those numbers of caribou within the Délı̨nę district as a whole?
3. If Délı̨nę is requesting a TAH established through the community of Délı̨nę or within the Délı̨nę district, is Délı̨nę requesting that the

harvest can only be carried out within the Délı̄nę district; must that quota of caribou only be harvested in the Délı̄nę district or does it travel with the Délı̄nę participant to other areas of the Sahtu?

4. Regarding other Sahtu beneficiaries – is Délı̄nę requesting the Board to limit the rights of Sahtu participants to harvest any caribou in addition to the 150 BNE and 50 BNW caribou in the Délı̄nę district?
5. Is Délı̄nę requesting the Board to limit the exercise of rights on the part of Délı̄nę participants to harvest BNE and BNW only in the Délı̄nę district?

Undertakings Made by Délı̄nę to Respond to the Following Questions From the Sahtu Youth Connection:

1. To provide information about how Délı̄nę defines the area of "the locations where Délı̄nę has traditionally harvested in the Bluenose West area" as referenced on page 30 of the Délı̄nę Plan.

Additional Questions From the SRRB

The Board also requests that Délı̄nę respond to the following questions of the SRRB, based on information arising after the March 1 – 3, 2016 hearings including evidence provided by Délı̄nę and other parties at the WRRB hearings on April 6 – 8, 2016 hearing in Behchokò.

Additional Questions of the SRRB

1. There was evidence at the SRRB and WRRB hearings about how different user groups from the Tłı̄chò, Nunavut and Sahtu all use the Bluenose East herd. You have had time to think about the questions raised by Colville Lake in the March 1 – 3 hearings, and the evidence from the Tłı̄chò regions in the April 6 – 8 hearings in Behchokò. Do you have more thoughts about how you see the Délı̄nę plan interacting with plans developed for other user groups, such as the Tłı̄chò and other Sahtu communities?
2. This question is about how you see the Délı̄nę Plan and Code relating to enforcement under the *Wildlife Act*, if people do not follow the harvesting thresholds you have set out.

Délı̄nę's Code proposes an alternative community-based enforcement process for dealing with people who do not follow the caribou harvesting code. That process, as we understand it,

starts with the person's family speaking directly to the person who is not abiding by the Code, then moves to a Sentencing Circle process and then, if it is not resolved, referral of the matter to GNWT for enforcement under the *Wildlife Act*. Enforcement is an area outside the SRRB's jurisdiction but the ability of Déłıne to demonstrate that the Code will be effective is an important consideration in understanding the conservation implications of the Déłıne Plan and Code. The Board is aware that there are mechanisms under the *Wildlife Act* that allow for alternative enforcement programs. For instance, the *Wildlife Act* allows alternative enforcement measures can be used to deal with offences under the *Wildlife Act* if certain conditions are met. One of those conditions, for example, is that an alternative enforcement program would have to be authorized by the Minister of Justice.

Do you see the entire three-step Déłıne Code enforcement program being an alternative under the existing *Wildlife Act*, or do you see the Déłıne enforcement program as a process completely outside the *Wildlife Act* that is recognized by the *Wildlife Act* as an alternative only at the third and last step in the proposed process?

Would Déłıne be willing to work with the GNWT to develop an alternative enforcement measures program authorized by the GNWT Minister of Justice?

Please provide the Board with your response to the above undertakings and questions by **April 30, 2016**. The Board will circulate those responses to all parties in the hearing so that they have the opportunity to consider Déłıne's responses in the final submissions due May 6, 2016 (for all parties other than Déłıne and ENR) and May 20, 2016 (for Déłıne and ENR).

Respectfully,



Lorraine Y. Land
Legal Counsel for the Board