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Sahtú Renewable Resources Board Bluenose-East Caribou Herd Public Hearing – Undertakings No. 1-5

April 29, 2016

Please find attached the Deline ʔehdzo Got'Ine (Renewable Resources Council or DRRC) responses to Undertakings No. 1 through 5 taken on March 2, 2016 at the Bluenose-East Caribou Herd Public Hearing, regarding *Belarewile Gots'é ʔekwé Caribou for All Time: A Deline Got'Ine Plan of Action* (or the Deline Caribou Conservation Plan). The undertakings are as follows:

1. Is Deline asking to establish a Total Allowable Harvest (TAH) for Deline as a whole that reflects what is written in the Code?
2. With respect to s. 7 of the Deline plan which refers to harvesting 150 Bluenose-East and [50] Bluenose-West – is Deline asking the Board to make a locally applicable harvest for Deline or a locally applicable TAH of those numbers of caribou within the Deline district as a whole?
3. If Deline is requesting a TAH established through the community of Deline or within the Deline district, is Deline requesting that the harvest can only be carried out within the Deline district; must that quota of caribou only be harvested in the Deline district or does it travel with the Deline participant to other areas of the Sahtú?
4. Regarding other Sahtú beneficiaries – is Deline requesting the Board to limit the rights of Sahtú participants to harvest any caribou in addition to the 150 BNE and 50 BNW caribou in the Deline district?
5. Is Deline requesting the Board to limit the exercise of rights on the part of Deline participants to harvest BNE and BNW only in the Deline district?

Sincerely,

Ed Reeves
Deline ʔehdzo Got'Ine (Renewable Resources Council)

Preamble to Undertakings – Déljné to Colville Lake

Each of the five Colville Lake undertakings centers on questions around potential implications of the Harvest Policy (ʔekwé Náts'ezé ʔeʔa) and the Déljné ʔekwé Code as outlined in *Belarewile Gots'é ʔekwé – Caribou for All Time: A Déljné Got'jné Plan of Action* (referred to here as the Déljné Plan or the Plan) on Total Allowable Harvests (TAH) for the Bluenose-East (BNE) herd and harvesting rights of Sahtú beneficiaries, both from Déljné and from other communities.

It is important to stress that the Plan was developed by Déljné as a guide only, and as such does not affect TAH allocations, nor impinge on náts'ezé (harvesting) rights of any individual as outlined in the Sahtú Dene and Métis Comprehensive Land Claim Agreement (SDMCLCA, 1993). The Plan is a response to concerns among Déljné Got'jné that ʔekwé (barren-ground caribou) populations are declining; we see a need to put forward conservation actions based on Dene understandings of our relationship with ʔekwé and the land. We recognize that the decline in ʔekwé has not been caused by harvesting, and we are developing further conservation measures in the ʔededáhk'á (habitat) program area of the plan. However, because we are concerned that the populations are going down, we are invoking the practice of our grandparents, dícho k'ets'ene ajá t'á (giving them a rest), so there will be peace and quiet on the land until ʔekwé njah (caribou make a thundering sound when they return).

The Déljné ʔehdzo Got'jné recognizes that the land claim agreement provides a mechanism for protecting Dene and Métis náts'ezé rights through a formula that establishes the Sahtú Minimum Needs Level. However, the community wishes to ensure that ʔekwé are there for future generations, and for this reason supports a reduced and coordinated ʔekwé gha máhisi ts'jnjwe (ceremonial harvest) instead of subsistence náts'ezé to serve “minimum needs.” (*Belarewile Gots'é ʔekwé*, p. 21)

The Plan proposes a protocol for ʔekwé gha máhisi ts'jnjwe (ceremonial harvest) of Bluenose-East caribou. This is based on the Dene concept added for clarification to the forthcoming revised version of the plan, dícho así k'ets'ene ajá t'á náze gha báts'odi (it went down so we're going to leave it), and **does not represent a quota nor a subsistence harvest**. Instead, the sole purpose of ʔekwé gha máhisi ts'jnjwe is “to maintain the relationship of Déljné Got'jné with ʔekwé, and where the methods, seasons and locations of said harvest are outlined in this Code,” (*Belarewile Gots'é ʔekwé*, p. 31), and to support and encourage Dene béré kats'jnjwe (the harvest of alternate food sources).

SDMCLCA Section 13.9.4(b) provides that the ʔehdzo Got'jné has the authority to manage “the local exercise of participants' harvesting rights, including the methods, seasons and location of ʔekwé harvests” (1993: 63). *Belarewile Gots'é ʔekwé* is Déljné's way of exercising those rights and at the same time rebuilding our traditional relationship with caribou. **Actions described in the Plan are not intended to impact Aboriginal rights**. The information included in the five undertakings below is based on our understanding of these key aspects of the Plan. However, it is also important to stress that the Plan is a “living document” that has changed and will continue to change as this process unfolds.

Undertaking 1: Is Déljñę asking to establish a Total Allowable Harvest for Déljñę as a whole that reflects what is written in the Code?

The Déljñę Plan does not seek to establish a Total Allowable Harvest (TAH) for Déljñę harvesters or for Déljñę as a whole. Instead, the Plan proposes an alternative to the TAH approach that supports a protocol for Ɂekwé gha máhsı ts'ıñjwe that is agreed upon by consensus in the community, as a means of conserving Ɂekwé (caribou) while allowing Dene and Ɂekwé to maintain their relationships through their own ɁeɁa (laws). The Ɂekwé gha máhsı ts'ıñjwe protocol is a way to respect the animals' needs, giving them a rest from harvesting and human activity. When Dene behave respectfully toward Ɂekwé, they know that Ɂekwé will return – Ɂekwé ıñɁah.

Undertaking 2: With respect to s. 7 of the Déljñę plan which refers to harvesting 150 Bluenose-East and [50] Bluenose-West – is Déljñę asking the Board to make a locally applicable harvest for Déljñę or a locally applicable TAH of those numbers of caribou within the Déljñę district as a whole?

As outlined above, Déljñę is not seeking to establish a Total Allowable Harvest, and so is not asking the Board to support a locally applicable TAH either for Déljñę harvesters or for the Déljñę district as a whole. Instead, the Déljñę Plan approaches harvest management via a system of self-regulation that relies on a protocol decided upon by the community. The Plan is a guide that only applies within the Déljñę district, where the DRRC has the jurisdiction to manage the local exercise of participants' harvesting rights as laid out in SDMCLCA Section 13.9.4(b)).

It is important to reiterate that the Plan is currently under revision, based on the questions and feedback that arose in public meetings and during the recent hearings. We recognize that there will be further work needed, especially as we continue to communicate with other user groups that rely on the Bluenose-East herd.

Undertaking 3: If Déljñę is requesting a TAH established through the community of Déljñę or within the Déljñę district, is Déljñę requesting that the harvest can only be carried out within the Déljñę district; must that quota of caribou only be harvested in the Déljñę district or does it travel with the Déljñę participant to other areas of the Sahtú?

Because Déljñę is not requesting a TAH in any form, this question is not applicable.

Undertaking 4: Regarding other Sahtú beneficiaries – is Déljñę requesting the Board to limit the rights of Sahtú participants to harvest any caribou in addition to the 150 BNE and 50 BNW caribou in the Déljñę district?

No, Déljñę is not seeking to limit the rights of Sahtú participants. As outlined in our response to Undertaking No. 2, we are seeking to manage the local exercise of participants' harvesting rights as laid out in the land claim agreement, and it is Déljñę's view that this is not a limit on the rights of Sahtú participants. An important next step in implementing and developing the Plan as a living document will be further dialogue within the community and with other communities in the Sahtú Region, especially regarding the meaning of dícho ası K'ets'ęnę ajá t'á náze gha báts'odi (they've gone down, so we need to give them a rest) and Ɂekwé gha máhsı ts'ıñjwe (the ceremonial harvest).

What this is likely to entail is developing an understanding of the protocols for the ceremonial harvest or determining when and where it is that the caribou need a rest. As also outlined in No. 2, Déljñę

recognizes that the concept of self-regulation needs to encompass dialogue with other communities and agreement on the process. Délıne envisions that other communities and/or user groups will be developing their own plans and as time goes on, we expect that it will be possible to develop a consistent approach to the conservation of caribou through this kind of dialogue.

Undertaking 5: Is Délıne requesting the Board to limit the exercise of rights on the part of Délıne participants to harvest BNE and BNW only in the Délıne district?

No, Délıne is not requesting the Board limits the exercise of rights on the part of Délıne participants to harvest BNE and BNW only in the Délıne district. Instead we ask the Board to support our Plan for a community-based approach to conservation through traditional Dene methods of self-regulation as well as other stewardship actions. Délıne is requesting recognition of its jurisdiction under SDMCLCA 13.9.4(b) to manage “the local exercise of participants’ harvesting rights, including the methods, seasons and location of Ɂekwé harvests” through conservation planning and self-regulation, that includes a broad suite of other conservation actions that would be collaboratively undertaken with the Wildlife Management Authority and other communities.

While the Náts’ezé (Hunting) area of the Plan has received the most work to date, there are three other program areas that we are currently developing in a phased planning process. Later versions of the Plan will include more details on these other program areas.