



NWT CONFERENCE OF MANAGEMENT AUTHORITIES

CONSENSUS AGREEMENT ON LISTING BOREAL CARIBOU (*Rangifer tarandus caribou*)

The Conference of Management Authorities has reached a consensus (hereafter referred to as the "Consensus Agreement") on the following:

To add boreal caribou (*Rangifer tarandus caribou*) to the Northwest Territories List of Species at Risk as a 'threatened' species.

INTERPRETATION

For greater certainty, terms and processes in this Consensus Agreement are as defined and described in the *Species at Risk (NWT) Act*.

For greater certainty, 'boreal caribou' refers to the boreal population of woodland caribou.

For greater certainty, Management Authorities for boreal caribou (*Rangifer tarandus caribou*) are: the Government of the Northwest Territories, the Tłı̨chǫ Government, the Wildlife Management Advisory Council (NWT), the Gwich'in Renewable Resources Board, the Sahtú Renewable Resources Board, and the Wek'èezhii Renewable Resources Board.

WE THE UNDERSIGNED, having reached this consensus on this 9th day of October 2013, provide this Consensus Agreement to the Minister of Environment and Natural Resources, Government of the Northwest Territories and the undersigned Management Authorities.

Innaclawon Naunel

Witness

Eddie Erasmus

**Grand Chief Eddle Erasmus
Tijcho Government**

Adrian

Witness

Eugene Pascal

**Eugene Pascal, Interim Chair
Gwich'in Renewable Resources Board**

Grant Pryzyk

Witness

Grant Pryzyk

**Grant Pryzyk, Interim Chair
Wek'ezhii Renewable Resources Board**

Ruth Roy

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Lynda Yonge

**Lynda Yonge, Director
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Michael Neyelle

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Michael Neyelle

**Michael Neyelle, Interim Chair
Sahtú Renewable Resources Board**

Rob Gau

Witness

Rob Gau

**Rob Gau, Member
Wildlife Management Advisory Council (NWT)**

ANNEX A

REASONS FOR THE CONSENSUS AGREEMENT

On December 12, 2012, the Northwest Territories (NWT) Species at Risk Committee (SARC) provided the assessment and status report for boreal caribou (*Rangifer tarandus caribou*) to the Conference of Management Authorities (CMA) and recommended that boreal caribou be added to the NWT List of Species at Risk as a 'threatened' species. The *Species at Risk (NWT) Act* provides a 12-month period for the CMA to develop a consensus agreement on listing.

This Consensus Agreement was informed by the completed species status report, SARC's assessment and reasons for assessment, public input (solicited by the Management Authorities between April and August 2013), and the results of Crown consultation duties, performed by the Government of the Northwest Territories. No information was provided to SARC by the CMA or a Management Authority under paragraph 31(1)(c) and no written clarification was provided by SARC under section 34 of the *Species at Risk (NWT) Act*. Actions taken by Management Authorities with respect to the required approvals and their preparation for the development of the Consensus Agreement on listing are described in Annex B of this Consensus Agreement.

The reasons for the Consensus Agreement are as follows:

SARC assessed the biological status of boreal caribou on December 5, 2012 as 'threatened' in the NWT. An assessment status of 'threatened' means that SARC determined that boreal caribou were likely to become endangered in the NWT if nothing is done to reverse the factors leading to their extirpation or extinction. SARC further determined that boreal caribou met criterion (c) for 'threatened' under SARC's Species Assessment Process (2012): (c) there is evidence that the population size is small and there is a decline in population size such that it could disappear from the NWT in our children's lifetime.

The following reasons for assessment were noted by SARC:

- Boreal caribou need large tracts of undisturbed habitat so they can spread out to minimize predation risk. This adaptation results in naturally low densities across a large area, making them more vulnerable to systematic habitat fragmentation.
- Population size is small: about 5,300 mature individuals, 6,500 total population. While there is uncertainty in the estimate (e.g., in the eastern Sahtu region), it is unlikely that the total population size is larger than 10,000 in the NWT.
- Currently, there is variation across the NWT in rates and direction of population change. There are documented population declines in parts of the southern NWT where the majority of boreal caribou occur.
- Current and future threats leading to habitat fragmentation are expected to increase.
- A continuing decline in the amount of secure habitat and in population size is projected.

- There is no foreseen possibility of rescue from outside populations due to severely declining populations in Alberta and British Columbia.

The Management Authorities for boreal caribou, the Government of the Northwest Territories, the Tłıchq Government, the Wildlife Management Advisory Council (NWT), the Gwich'in Renewable Resources Board, the Sahtú Renewable Resources Board, and the Wek'èezhii Renewable Resources Board, did not receive any information indicating that the assessment of boreal caribou as 'threatened' in the NWT was incorrect. After reviewing the results of consultation, the Government of the Northwest Territories' assessment is that the action of listing boreal caribou as 'threatened' will not infringe on Aboriginal or Treaty rights. Based on this, and their support for SARC's conclusions and methodology, the Management Authorities agree that boreal caribou should be added to the NWT List of Species at Risk as a species that is 'threatened' in the NWT.

ANNEX B

ACTIONS MANAGEMENT AUTHORITIES HAVE UNDERTAKEN OR WILL UNDERTAKE WITH RESPECT TO LISTING

As provided for in section 36(3)(b) of the *Species at Risk (NWT) Act*, the Government of the Northwest Territories (GNWT), the Tłıchq Government, the Wildlife Management Advisory Council (NWT), the Gwich'in Renewable Resources Board, the Sahtú Renewable Resources Board and the Wek'èezhii Renewable Resources Board, having reached consensus on adding boreal caribou (*Rangifer tarandus caribou*) to the NWT List of Species at Risk, are reporting the actions each Management Authority has undertaken or agrees to undertake with respect to the required approvals and its participation in listing the species:

Tłıchq Government

In order to make a listing decision, joint Wek'èezhii Renewable Resources Board/Tłıchq Government Lands Department consultation sessions took place August 12, 2013 in Whati (17 participants), August 14, 2013 in Gamèti (14 participants), and in Behchokò on August 15, 2013 (no participants). Information was shared with community members on the status of boreal caribou. Key points raised by community members were concerns regarding: forest fires and the effect of fires on boreal caribou habitat; that not enough is being done to fight forest fires; the impact of wolves; harvesting; that rights-based management actions should not impact harvesting rights; the need for community involvement (monitoring/board processes); the need for more information on boreal caribou population estimates and habitat use; and a call for more studies using different techniques to provide detailed answers.

On September 19, 2012 in Behchokò, the Chief Executive Council recommended that boreal caribou be added to the NWT List of Species at Risk. During the Conference of Management Authorities' October 8-9, 2013 meeting in Inuvik, NWT, clarification was provided to the Chief Executive Council by the Conference of Management Authorities regarding the absence of immediate prohibitions or protections subsequent to listing, and the absence of impacts to harvesting without further specific consultation on that matter. Based on this clarification, the Tłıchq Government gave direction to add boreal caribou to the NWT List of Species at Risk as a 'threatened' species.

Gwich'in Renewable Resources Board

The Gwich'in Renewable Resources Board (GRRB) followed its rules and procedures for consultation to prepare a position on the proposed listing of boreal caribou as 'threatened' in the NWT. In summary, this process includes pre-consultation, consultation meetings, opportunity for feedback and the presentation of the content to the Board in order for the Board to make a decision.

Pre-consultation

As a general rule, the GRRB provides the Renewable Resources Councils (RRC) with consultation material at least 30 days in advance of any meeting to allow the council time to discuss the material. The RRCs were contacted in early April 2013 to request time on their agenda in June 2013 regarding the potential addition of boreal caribou to the NWT List of Species at Risk. Consultation materials were provided to each RRC Coordinator via emails on April 19, 2013 and May 29, 2013. The GRRB confirmed its attendance and agenda items with each RRC on May 29, 2013.

Consultation meetings

As a general rule, when requesting input on board decision items, the GRRB prefers to hold public meetings, but if there are limitations to funding then solely RRC meetings will be attended. For this item we did both. In June 2013, the Executive Director of the GRRB attended RRC meetings in all the Gwich'in Settlement Area communities, either in person or via teleconference to discuss the proposed listing and get initial feedback. In July 2013, each RRC was re-engaged to confirm if they wished to have a public meeting in their community. Inuvik and Tsiigehtchic requested a second meeting while Aklavik did not want further engagement. Fort McPherson requested to be kept informed but expressed interest in attending the public meeting in Tsiigehtchic instead of holding a public meeting in their community. Public meetings were held in August 2013.

Date	Community	Type of Meeting
June 5, 2013	Aklavik	RRC Teleconference
June 6, 2013	Inuvik	RRC face to face
June 7, 2013	Aklavik	RRC face to face
June 12, 2013	Tsiigehtchic	RRC face to face
June 17, 2013	Fort McPherson	RRC Teleconference
August 13, 2013	Tsiigehtchic (Fort McPherson was invited but did not attend)	Public meeting
August 27, 2013	Inuvik	Public meeting

Opportunity for feedback

The general rule is for the GRRB to allow the RRCs at least 30 days after a consultation meeting to provide additional written comment. All the comments received at these meetings were summarized by GRRB staff. Minutes from the Tsiigehtchic public meeting were sent to Fort McPherson for consideration as they had opted out of further consultations yet wanted to be kept informed. After the consultation meetings, each RRC was requested to submit a written position on the proposed listing of boreal caribou as 'threatened' in the NWT. Communities that had not voiced any need for further consultation were contacted to confirm their positions. Aklavik, Tsiigehtchic and Inuvik provided written responses, and all communities voiced their concerns at the meetings.

Community concerns

The majority of the communities were concerned with increased number of forest fires, competition of caribou with muskox over resources, wastage, enforcement of management plans, the length of the listing and the ability to continue sustainable harvests. Once ensured that there are no immediate restrictions on harvests, all but the Inuvik RRC supported the listing.

Board decision

During the September 19-20, 2013 Board meeting in Tsiigehtchic, staff provided an overview of the listing process, a summary of the reasons why the Species at Risk Committee assessed boreal caribou as 'threatened' in the NWT, a summary of community consultation results and main concerns, and provided staff recommendations. The GRRB made a motion to approve the listing of boreal caribou as 'threatened'.

Wek'èezhii Renewable Resources Board

As per clause 12.5 of the Tłıchǫ Agreement, the Wek'èezhii Renewable Resources Board (WRRB) reviewed the boreal caribou species status report and assessment, carried out joint consultations with the Tłıchǫ Government on the proposed listing in mid-August 2013 in three Tłıchǫ communities, and then passed a motion to support the listing at its September meeting.

Joint Consultation

In August 2013, community consultations were advertised through the Tłıchǫ Government, WRRB and NWT Species at Risk websites, along with the WRRB and Tłıchǫ Government Facebook pages. Posters were provided to Community Directors for posting, and meetings were also advertised on the radio (CKLB).

Community consultations were held in Whati on August 12, 2013 and Gamèti on August 14, 2013 during evening sessions where dinner was provided and discussion occurred afterwards. Approximately 15 participants attended both community consultations. A consultation was arranged in Behchokǫ for August 15, 2013, but no participants came.

The WRRB and Tłıchǫ Government staff cooperated in joint consultation, and provided information on the status of boreal caribou in the NWT as assessed by the Species at Risk Committee, and explained the listing process to community participants. Staff also shared information on research that the WRRB and Tłıchǫ Government has been doing on boreal caribou habitat and habitat use in Wek'èezhii, research which indicates that habitat disturbance is close to a threshold set by the federal Recovery Strategy for Boreal Caribou. This is a significant concern because of the boreal caribou's need for large areas of intact habitat and the possibility of continued disturbance due to forest fires and increased human activities. Key points raised by community members were concerns regarding: forest

fires and the effect of fires on boreal caribou habitat; that not enough is being done to fight forest fires; the impact of wolves; harvesting; that rights-based management actions should not impact harvesting rights; the need for community involvement (monitoring/board processes); the need for more information on boreal caribou population estimates and habitat use; and a call for more studies using different techniques to provide detailed answers.

The WRRB met September 10, 2013 and discussed the proposed listing of boreal caribou as 'threatened' under the *Species at Risk (NWT) Act*.

Board Decision

Based on traditional knowledge and scientific research conducted by the Tłıchq Government and WRRB, and public input during joint community consultations held by the Tłıchq Government and WRRB staff in Whatı, Gamèti and Behchokq on August 12, 14, and 15, 2013, the WRRB passed Motion #344-11-09-2013, recommending that boreal caribou be added to the NWT List of Species at Risk as 'threatened'.

Government of the Northwest Territories

The GNWT's position on listing was formed through review of the species status reports and assessments, public engagement, and Aboriginal and Treaty rights consultation. The Department of Environment and Natural Resources (ENR) also worked with other GNWT departments through the Inter-departmental Species at Risk Committee and Managing This Land Committee.

Public Engagement

The GNWT provided an opportunity for members of the public and interested organizations to comment on the assessment and potential listing of boreal caribou. The comment period was July 2 – August 14, 2013. The GNWT invited comments using print ads, green screens, posters, media interviews, the NWT Species at Risk website and an email distribution list.

The GNWT received 12 comments on boreal caribou through this process. The majority of comments were in support of listing boreal caribou as 'threatened'. A few questioned the basis for boreal caribou being classified as 'threatened'. They commented that boreal caribou should be listed only as 'special concern', should not be listed at all, or should not be treated separately from mountain woodland caribou.

The comments included many questions: about the NWT species at risk process and the opportunities for involvement; about the information that the Species at Risk Committee used in their assessments; about the threats to species; and about potential recovery actions. There were also some suggestions for management and

monitoring. The GNWT did not receive any information that indicated that the assessment of boreal caribou as 'threatened' in the NWT was incorrect.

The GNWT recorded all the comments and provided clarification and answers to questions. All comments were considered in forming the GNWT's position on listing. The GNWT will ensure that the suggestions are considered through the recovery planning process.

Aboriginal and Treaty Rights Consultation

The GNWT was responsible for consulting with Aboriginal organizations in respect of potential infringement of established or asserted Aboriginal or Treaty rights. Consultation was done mainly through letters; meetings were held when requested. Consultation was triggered with organizations that hold asserted or established Aboriginal or Treaty rights in or near the NWT range of boreal caribou.

The GNWT explained the consequences of listing and explained that listing would not result in any automatic prohibitions or protections for species or habitat, and that listing would not change any harvest quotas or regulations already in place. The GNWT requested input on how the proposed listings may have the potential to adversely affect established or asserted Aboriginal or Treaty rights. The GNWT provided clarification and answers to questions as needed.

Several groups responded expressing concerns that management actions following listing could infringe on harvesting rights. The GNWT provided assurances that the groups would be consulted during the development of the recovery strategy and prior to implementing any management actions that could infringe on Aboriginal or Treaty rights. Some groups also expressed a desire to be more involved in NWT species at risk processes. The GNWT explained how groups can be involved in these processes through direct engagement with the Department of Environment and Natural Resources and through the Conference of Management Authorities. All the comments and concerns were recorded and were considered in forming the GNWT's position on listing.

After reviewing the results of consultation, the GNWT's assessment is that the action of listing boreal caribou as 'threatened' will not infringe on Aboriginal or Treaty rights. However, it is not known what management actions may be contemplated in the future after boreal caribou is listed. Possible approaches to recover the species will be discussed during the development of the recovery strategy. The GNWT recognizes that there is potential for future management actions arising from the NWT species at risk process to infringe on Aboriginal or Treaty rights. Therefore, the GNWT is committed to continued consultation as the recovery strategy is developed. The GNWT is also committed to being inclusive in the development of the recovery strategy.

The Aboriginal governments and organizations consulted are listed below. Full records of consultation are on file at the Wildlife Division, Department of Environment and Natural Resources, Yellowknife.

- Northwest Territory Métis Nation
- North Slave Métis Alliance
- Mountain Island Métis
- Akaitcho Treaty 8 Tribal Corporation
- Salt River First Nation
- Smith's Landing First Nation
- Kát'odeeche First Nation
- Dehcho First Nations
- Acho Dene Koe First Nation
- Dene Tha' First Nation
- Nacho Nyak Dun First Nation
- Kaska Dene Council
- Gwich'in Tribal Council
- Sahtú Secretariat Incorporated
- Tłıchǫ Government
- Inuvialuit Game Council
- Nunavut Tunngavik Incorporated

Sahtú Renewable Resources Board

The Sahtú Renewable Resources Board (SRRB) has taken a position to support the listing of t̥dzı as 'threatened' by way of the following actions, including research and community engagement with a focus on work with ʔehdzo Got'ıne (Renewable Resource Councils (RRCs)) and traditional knowledge holders. The engagements were framed by intensified shale exploration activities in the region, as well as the Caribou Populations Study involving traditional knowledge and genetics research led by Jean Polfus and Micheline Manseau in partnership with the SRRB and RRCs (<http://nricaribou.cc.umanitoba.ca/sahturesearch/>).

Research and Community Engagement

1. The Caribou Populations Study involved a series of three rounds of engagement with community RRCs and aboriginal knowledge holders regarding traditional knowledge about t̥dzı populations in the Sahtú Region. During each workshop or meeting, an overview of the study was provided and delegates were invited to discuss their knowledge, concerns and questions about t̥dzı populations. These took place in the following sequence: (1) community workshops in all communities except Colville Lake, December 2012; (2) community meetings in all communities, January-February 2013; (3) community workshops in all communities, April-May 2013. The background information on species at risk assessment was presented orally at that time with the informational brochure and a letter requesting input, as follows:

Event	Location	Date
Tulít'a RRC and Elders Caribou Workshop	Tulít'a	April 4-5/13
Déłjñę RRC and Elders Caribou Workshop	Déłjñę	April 24-25/13
Fort Good Hope RRC and Elders Caribou Workshop	Fort Good Hope	April 29-30/13
Behdzı Ahda RRC and Elders Caribou Workshop	Colville Lake	May 2/13

2. A Species at Risk Terminology Workshop in Déłjñę on March 19-21, 2013 involving nine Elders and language specialists from Fort Good Hope, Déłjñę and Tulít'a included a session exploring the species at risk process for tódzı through the steps to listing and beyond. During this session, knowledge holders shared their knowledge and concerns about the listing process.
3. The letter requesting input on the proposed listing was delivered a second time to RRCs by fax in August 2013, followed by phone calls to each RRC. No substantive concerns additional to those discussed at the community-based sessions were expressed. At that time, the Déłjñę RRC stated that they had approved a motion supporting the listing.

Board Review

The SRRB has provided input in the various stages of the status reporting and assessment process as follows:

1. The SRRB delivered a comment letter related to the NWT Boreal Caribou Species Status Report on October 22, 2012.
2. The SRRB provided a written briefing to the Conference of Management Authorities on February 5, 2013 summarizing key concerns expressed during community engagements.

Wildlife Management Advisory Council (NWT)

The Wildlife Management Advisory Council (NWT)'s (WMAC (NWT)) position on listing was formed through review of the species status reports and assessments and its consultation meetings with the Inuvialuit Settlement Region (ISR) Hunters and Trappers Committees (HTCs) and the public.

WMAC (NWT) arranged for consultation meetings to be held in the four mainland ISR communities in April/May 2013. Meetings in the two island communities occurred in August 2013. All meetings were arranged with the HTCs but were advertised and open to the public to comment on the assessment and potential listing of boreal caribou. WMAC (NWT) members and/or representatives went through a summary presentation and answered all questions put forward.

The comments included many questions: about the NWT species at risk process in the ISR and degree of Inuvialuit involvement; about the information that SARC used in their

assessments; about future consultations; and about the threats to species. WMAC (NWT) recorded all the comments and provided clarification and answers to questions.

All the comments and concerns were recorded and were considered in forming WMAC (NWT)'s position on listing. After reviewing and considering the results of the consultation at the Council's September 2013 Regular Meeting, WMAC (NWT) will support the listing of boreal caribou to the NWT List of Species at Risk as a species that is 'threatened' in the NWT.