



Mr. George Barnaby, Interim Chair
Sahtú Renewable Resources Board
PO BOX 134
TULÍT'A NT XOE OKO

FEB 12 2020

Dear Mr. Barnaby

Environment and Natural Resources Final Written Arguments to the Sahtú Renewable Resources Board – Colville 2020 Public Listening Session – Sahtú Ragóʔa (Hunting Laws) and Approaches to Wildlife Harvesting

The Department of Environment and Natural Resources (ENR), Government of the Northwest Territories is pleased to provide the Sahtú Renewable Resources Board (SRRB) with its final written arguments for the Colville 2020 Public Listening Session. Please find ENR's final written arguments for the SRRB's consideration in the attached.

Sincerely,

for Erin Kelly, Ph.D.
Deputy Minister
Environment and Natural Resources

Attachment

c. The Honourable Shane Thompson, Minister
Environment and Natural Resources

Mr. Brett Elkin, A/Assistant Deputy Minister, Operations
Environment and Natural Resources

Mr. Jeffery Walker, Superintendent, Sahtú Region
Environment and Natural Resources

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Mr. Rob Gau, A/Director, Wildlife
Environment and Natural Resources

Ms. Deborah Simmons, Executive Director
Sahtú Renewable Resources Board



ENR Final Arguments

Sahtú Ragóᓂa and Approaches to Wildlife Harvesting
Colville Lake Public Listening

February 12, 2020

The following is the final written argument of the Government of the Northwest Territories (GNWT), Department of Environment and Natural Resources (ENR) for the Colville 2020 Public Listening Session - Sahtú Ragóᓃa (Hunting Laws) and Approaches to Wildlife Harvesting held in Colville Lake January 21-23, 2020.

ENR provided its written submission to the Sahtú Renewable Resources Board (SRRB) on January 17, 2020. The submission outlined the overarching wildlife management structure in the Northwest Territories, including the co-management regime that provides direct involvement for Indigenous governments and organizations in caribou management. The submission addresses the three main caribou ecotypes (Mountain, Boreal and Barren-ground caribou) which are found within the Sahtú Settlement Area (SSA) and recommends the continuation of current management actions for each ecotype.

The Sahtú Renewable Resources Board

The Sahtú Dene and Métis Comprehensive Land Claim Agreement (SDMCLCA) includes specific provisions regarding wildlife harvesting management which are set out in Chapter 13 of the SDMCLCA.

Section 13.8.1 of the SDMCLCA creates the SRRB as the main instrument of wildlife management. The SDMCLCA mandates that the SRRB is to act in the public interest.

Section 13.8.1(c) contains a broad statement of principle on how wildlife is to be managed:

“Wildlife shall be managed in the settlement area in accordance with this agreement including its objectives.”

The objectives with respect to wildlife harvesting and management are set out in section 13.1.1 which states:

This chapter has the following objectives:

- a. to protect for the future the right of participants to gather, hunt, trap and fish throughout the settlement area at all seasons of the year;
- b. to conserve and protect wildlife and wildlife habitat and to apply conservation principles and practices through planning and management;
- c. to provide participants with certain exclusive, preferential and other harvesting rights and economic opportunities related to wildlife;
- d. to respect the harvesting and wildlife management customs and practices of the participants and provide for their ongoing needs for wildlife;
- e. to involve participants in a direct and meaningful manner in the planning and management of wildlife and wildlife habitat;
- f. to integrate planning and management of wildlife and wildlife habitat with the planning and management of all types of land and water use in order to protect wildlife and wildlife habitat;
- g. to ensure that traditional harvesting by other aboriginal peoples who have harvested in the settlement area can be accommodated in this agreement; and
- h. to deal fairly and equitably with persons who hunt, trap, fish or conduct commercial wildlife activities in the settlement area who are not participants.

These objectives create a framework for the SRRB's consideration of ENR's written submission, and the evidence before it arising from the Information Request process and the January 21-23, 2020 Public Listening Session, and to make its recommendations.

Limitation of the Harvest

Section 13.5 of the SDMCLCA vests the SRRB with the authority to limit the quantity of harvest.

Section 13.5.2 sets out what is required to establish a total allowable harvest:

The Board may, in accordance with this chapter, establish, modify or remove total allowable harvest levels from time to time in the settlement area but shall establish or modify such levels only if required for conservation and to the extent necessary to achieve conservation. Unless a total allowable harvest is established, the quantity of the harvest by participants may not be limited.

As set out in the GNWT's written submission, there is a need for conservation for both the Bluenose-East and Bluenose-West barren-ground caribou herds across their ranges. The current regime for the harvest of barren-ground caribou, boreal caribou and mountain woodland caribou should continue. In making recommendations, the SRRB needs to consider the need for conservation within the context of the overall objectives of chapter 13 of the SDMCLCA, which includes the obligation to protect wildlife for the future and to apply conservation principles through planning and management.

Sahtú Needs Level

If the SRRB recommends a TAH, then section 13.5.3 mandates that the Board allocate a portion or all of the total allowable harvest for the participants. GNWT's written submission explains the processes that have been taken to allocate harvest across both the Bluenose-East and Bluenose-West barren-ground caribou herds. These allocations recognize that the herds' annual ranges cross jurisdictional boundaries established through land claim and self-government agreements, as well as the asserted territories of several groups with unsettled claims. The consideration of each caribou ecotype or herd as a whole, across various boundaries and territories, is necessary to inform management recommendations and implement effective herd or population management.

Dehlá Got'íne Tseduweh ʔáde Ah'ah and the Dehlá Got'íne ʔádá Plan

As referenced in ENR's written submission, ENR has reviewed the October 21, 2019 draft of the Dehla Got'ine Tseduweh ʔáde Ah'ah and the Dehlá Got'íne ʔádá Plan. ENR appreciates and respects the work that the Behdzi Ahda" First Nation, the Ayoni Keh Land Corporation and the Colville Lake Renewable Resources Council have put into these documents.

ENR would like to reiterate two points set out in more detail in the response to ENR's first undertaking, which was submitted to the SRRB on January 29, 2020:

1. Colville Lake Renewable Resources Council does not currently have the authority to manage or regulate harvest by participants from other Sahtú communities.

2. The SRRB cannot delegate its authority to regulate the harvest of Bluenose-West caribou, or caribou of any type, by participants from other Sahtú communities to the Colville Lake Renewable Resources Council.

If the SRRB recommends that there should be no total allowable harvest for the Bluenose-West and Bluenose-East herds there would be no formal management or regulation of the harvest of Bluenose-West and Bluenose-East herds, by participants from certain Sahtú communities. This would not change unless and until each Sahtú community has its own plan that applies to both barren-ground caribou herds and each plan is formally approved by the SRRB and the Minister of ENR. As Tulít'a, Norman Wells and Fort Good Hope have yet to propose their own plans, the SRRB should not remove the total allowable harvest for the Bluenose-West herd at this time and there should be a total allowable harvest for the Bluenose-East herd.

Conclusion

The current status of the three ecotypes of caribou found in the Sahtú Settlement Area have been outlined in ENR's written submission. The approach to conservation and harvest management is unavoidably more complex when wildlife populations cross between more than one land claim area or traditional harvesting area, as is the case for the three ecotypes of caribou found in the Sahtú. The current status of each ecotype and barren-ground caribou herd warrants the continuation of the collaboratively developed management regime that is currently in place. In particular, the harvest management regulations currently in place for the Bluenose-West herd, along with other management actions being taken, are required for conservation and restrict the exercise of Aboriginal rights to the least extent possible while still addressing the need for conservation.