



## PUBLIC LISTENING UPDATE:

### Sahtú Ragóʔa (Hunting Laws) and Approaches to Wildlife Harvesting

## Round 1 Information Requests to the Parties

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Notice to Sahtú leaders, Parties, and neighbours, **December 6, 2019**

### Background

In preparation for the January 21-23 Public Listening Session in Colville Lake, the SRRB is offering two rounds of “Information Requests” (IRs). The IR process provides Parties and the SRRB with an opportunity to obtain information from other Parties related to the main topic of the proceeding. Exchanging IR questions and responses also allows the Board and Parties the opportunity to narrow the scope of unanswered questions and identify key issues before the Session. Parties often become more aware of important information gaps or unanswered questions as they are gathering information to prepare their written submissions and presentations.

Information Requests were submitted to the SRRB by the deadline of November 25 and were considered by the Board in preparing additional requests for Parties. In the meantime, the SRRB was informed that a series of procedural questions would be forthcoming from NWT Environment and Natural Resources (ENR).

The Board decided to delay issuance of Information Requests in order to ensure that these were informed by considerations arising from ENR concerns. A letter was received from ENR on December 3, and was presented to the SRRB Board on December 4. The letter along with the Board’s response is posted on the Colville 2020 Public Registry at [www.srrb.nt.ca](http://www.srrb.nt.ca).

### Information Requests and Clarification of Scope

ENR has requested clarification about the scope of the Colville 2020 Public Listening Session, giving that the Session will be only three days in duration. The theme of the proceeding is more focused than has been the case in the past. The Session will address the central question: **“What is the most effective way to regulate the harvest of caribou?”** However the Session moves beyond the standard herd by herd approach to address the **three kinds of caribou** in the Sahtú Region (Bluenose West and Bluenose East ʔədə/ʔekwé/barren-ground caribou, t̄d̄z̄l̄/boreal woodland caribou, and shúhta goʔepé/mountain caribou). The Board considers this to be more inclusive in addressing the caribou knowledge and concerns of all five communities within the Sahtú Region.

Round 1 IRs address six key topics. These are intended to provide an initial scoping of the kinds of evidence that the Parties wish to present as part of the Public Listening Session. Responses will

serve as a basis for identifying any gaps that may need to be addressed in Round 2. Responses need not be comprehensive. The SRRB welcomes oral submissions (by phone) that can be documented by SRRB staff and verified by the contributing Party by the deadline of **Tuesday, December 17**.

Additional questions may be submitted on other topics, and will be compiled by the Board as part of the scope for future Public Listening Sessions or other forums as appropriate. Questions of this kind submitted to date are appended within this update.

### IR1 Topics

1. Caribou Status
2. Hunting Law
3. Approaches to Wildlife Harvesting
4. Harvest Monitoring
5. Participation, Education, Information
6. Aboriginal and Treaty Rights

### Confirmation of Additional Parties

The SRRB Board reviewed additional registrations to participate in the Colville 2020 Public Listening Session as Parties on December 6, and as a result, two additional Parties were confirmed: Kugluktuk Angoniatit Association and Inuvialuit Game Council. This brings the list of confirmed Parties to 13. The SRRB will continue to consider additional registrations.

### Confirmed Parties

*Listed in alphabetical order.*

1. Colville Renewable Resources Council and Behdzi Ahda First Nation
2. Dehcho First Nations
3. Délı̨ne Got'ı̨ne Government and Délı̨ne ʔehdzo Got'ı̨ne (Renewable Resources Council)
4. Fort Good Hope ʔehdzo Got'ı̨ne
5. Inuvialuit Game Council
6. Kugluktuk Angoniatit Association
7. Norman Wells ʔehdzo Got'ı̨ne
8. NWT Environment and Natural Resources
9. Ross River (Tu Łidlini) Dena Council
10. Tulıt'a Dene Band
11. Tulıt'a Land Corporation
12. Tulıt'a ʔehdzo Got'ı̨ne
13. Yamoga Land Corporation

### Information Requests

Each of the following IRs is directed either to all Parties, or to one or more individual Parties. The source of the request is listed in italics after the IR. All documents referenced are available on the Public Registry at [www.srrb.nt.ca](http://www.srrb.nt.ca). Please provide short responses to the following questions to the SRRB by **December 17**, orally at 867-588-4040 or in writing to [info@srrb.nt.ca](mailto:info@srrb.nt.ca). **If you have existing document(s) that address one or more questions, please provide the documents and highlight the relevant section in your response.**

**All responses will be posted on the Colville 2020 Public Registry at [www.srrb.nt.ca](http://www.srrb.nt.ca), except in special circumstances when a Party wishes to make a Motion requesting that confidential,**

proprietary or sensitive information (including Traditional Knowledge) be protected under Section 12.21 of the SRRB's Hearing Rules.

## Topic 1: Caribou Status

### *IRs to All Parties*

- 1.1. Which kinds of caribou most concern you as a Party: ɤedə/ɤekwé (Bluenose West or Bluenose East barren-ground caribou), shúhtagoɤepé (Northern Mountain caribou), or tɔdzı (Boreal Woodland caribou)? Describe your main conservation concerns. (SRRB)

### *IRs to NWT Environment and Natural Resources*

- 1.2 What development permits, licenses, interests and dispositions (including mineral claims) have been approved by the Government of the Northwest Territories or any other regulatory body in the Bluenose West range SB/01/02 since 2006 to the current date? (Colville)
- 1.3 How many caribou are being taken through outfitted sport hunting? (Tulít'a)
- 1.4 Do the ENR biologists know if the muskox are causing the caribou to move? Do they eat the same thing the same way or just ruin the habitat? (Tulít'a)

## Topic 2: Hunting Law

### *IRs to All Parties*

- 2.1 Do you have concerns about regulation of caribou harvest? What are your concerns? (SRRB)
- 2.2 How do you ensure that Indigenous harvesters that are not from your jurisdiction respect local hunting laws? How do you deal with visiting Indigenous harvesters that violate local hunting laws? (SRRB)
- 2.3 In the North, each region has a wildlife management authority that works with communities to determine the approach to caribou conservation. Do you have concerns about the coordination of caribou hunting regulation across regions? How do you propose that these concerns be addressed? (SRRB)

### *IR to Déłıne and NWT Environment and Natural Resources (ENR)*

- 2.4 In its 2016 ɤekwé hé Dene Ts'ıłı - Sustaining Relationships Hearing Report (BNE Hearing Report), accepted by the Minister, the SRRB asked the following: "Déłıne and the Government of the NWT are requested to immediately begin a process for determining whether and how the restorative justice code for ɤekwé ɤeɤa hegerıchá gha góɤɔ (enforcement) in Déłıne's Belare Wile Gots'é ɤekwé plan will be recognized as an "Alternative Measures" option under the Wildlife Act" (Hearing Decision 38). Can Déłıne and ENR indicate whether there have been any discussions about how the proposed restorative justice code developed by Déłıne will be recognized as one of the "Alternative Measures" for enforcement under the Wildlife Act? If not, what would assist in further dialogue on this? (SRRB)

### *IR to Kugluktuk Angoniatit Association (KAA) and Ross River (Tu Łıdlıni) Dena Council (RRDC)*

- 2.5 KAA and RRDC have engaged in development of community harvest laws. Please share as much information as possible about these laws and how they are working to address caribou conservation concerns.

### *IRs to Délıne*

- 2.6 We understand that Délıne's *Belare Wile Gots'ę Pekwé* plan has been community-approved and implemented by the community since November 2015. It was approved by the SRRB on July 28, 2016, and approved by the ENR Minister Robert C. McLeod on February 22, 2017. How effective have the hunting regulation parts of the plan have been over the past four years in supporting  ekw  conservation? (*SRRB*)
- 2.7 Délıne provided information about the status of  ehdaıla  ekw  (Bluenose East caribou) for the November 19-20, 2019 status meeting of the ACCWM (Advisory Committee for Cooperation on Wildlife Management). Délıne has also been working to review the *Belare Wile Gots'ę Pekwé* plan in light of traditional knowledge and science regarding the status of  ehdaıla  ekw  (Bluenose East caribou). Please provide details about revisions to the hunting law parts of the plan, including:  ekw  gha máhsı ts'ııwe (ceremonial harvest); majority yáre o (male) harvest; and efforts to gain recognition of Délıne's harvest law under the "alternative measures" clause of the Wildlife Act (Section 167). (*SRRB*)

### *IR to Inuvialuit Game Council (IGC)*

- 2.8 Under the Inuvialuit Final Agreement, the IGC represents the collective Inuvialuit interest in all matters pertaining to the management of wildlife and wildlife habitat in the ISR. The IGC allocates Inuvialuit quotas among the six ISR communities. Please provide a description of the IGC's approach to working with communities and ENR in hunting regulation.

### *IRs to NWT Environment and Natural Resources (ENR)*

- 2.9 In its 2016 BNE Hearing Report, accepted by the Minister, in Hearing Decision 29, the SRRB recommended that, "NWT Environment and Natural Resources amend Schedule 5A of the Big Game Hunting Regulations under the Northwest Territories Wildlife Act to add a condition for current zone S/BC/03 that requires harvesting authorization from the local  ehdzo Got'ıne (Renewable Resources Council), and removes the requirement for a tag for Bluenose East  ekw ." Please provide an update on the process for amending the Regulations. (*SRRB*)
- 2.10 In its 2016 BNE Hearing Report, accepted by the Minister, in Hearing Decision 31, the SRRB requested, "that NWT Environment and Natural Resources amend Schedule A of the Big Game Hunting Regulations under the Wildlife Act to remove the requirement for a bull only harvest in current zone S/BC/03 and replace this with a condition requiring authorization from the local  ehdzo Got'ıne (Renewable Resources Council)." Can GNWT provide an update on these regulations amendments? (*SRRB*)
- 2.11 There is evidence that muskox populations are increasing in the Sahtú region. Would increasing the number of hunting tags be sustainable for muskoxen, and beneficial for caribou populations? (*SRRB*)
- 2.12 The resident hunting licences under the Wildlife Act - permitting individuals to hunt big game and harvest small game subject to certain conditions contained in the Act - deem individuals to be "resident" after just one year. This is not in accordance with Sahtú Dene law. Can this be changed for the Sahtú region? (*Tulıt'a*)

### Topic 3: Approaches to Wildlife Harvesting

#### *IRs to All Parties*

- 3.1 List three (or more) aspects of Indigenous country food systems and ways of life that most contribute to promoting caribou conservation. Do you have concerns about threats to these systems? (*SRRB*)
- 3.2 How are Indigenous country food systems changing? What impacts are these changes having on caribou? (*SRRB*)

### Topic 4: Harvest Monitoring

#### *IRs to All Parties*

- 4.1 Harvest monitoring is recognized as a key component in effective harvest regulation. What is the most effective way to monitor caribou harvest in your experience? (*SRRB*)
- 4.2 Over the past year, Indigenous Guardian programs have come onto the national stage as part of Indigenous environmental governance systems. What role can Guardians play in harvest monitoring? (*SRRB*)

### Topic 5: Participation, Education, Information

#### *IRs to All Parties*

- 5.1 Discussions among Member Boards of the Advisory Committee for Cooperation on Wildlife Management emphasize education and communication as priorities in achieving effective harvest regulation. What are your priorities for education and communication? (*SRRB*)
- 5.2 The *Indigenous Discussion Paper and Calls to Action* presented at the 2018 North American Caribou Workshop notes that "all Indigenous people have roles to play in caribou stewardship – women, men, and those who define their gender in a more fluid way – just as caribou herds are structured according to the roles of individual animals. We all depend upon each other." Please describe the importance of gender roles for you in harvest regulation, and any concerns about inclusion. (*SRRB*)
- 5.3 In its 2016 BNE Hearing Report, the SRRB found that that "there is strong consensus in the Sahtú Region that youth involvement is critical for the success of community ʔekwé [caribou] conservation plans." Describe your approach to involving youth in wildlife harvesting and harvest regulation. (*SRRB*)
- 5.4 What materials or websites do you recommend for review as relevant for consideration by the Parties related to the central question of the Public Listening Session? (*SRRB*)

### Topic 6: Aboriginal and Treaty Rights

#### *IR to All Parties*

- 6.1 All regions in the North with Comprehensive Land Claim Agreements conducted similarly designed Harvest Studies as a requirement of their claims and as an evidence base for protecting Indigenous harvesting rights. If you participated as a partner in a Harvest Study, what do you consider to be the current and future value of the study? If you are continuing to participate in Harvest Studies, are these differently designed? Are they being used differently? (*SRRB*)

## IRs to NWT Environment and Natural Resources (ENR)

- 6.2 When tags or closures are enforced by the Government of the Northwest Territories, what accommodation has been provided to modern treaty beneficiaries or to other persons with Aboriginal and treaty rights to address present and future losses of caribou harvesting opportunities? (*Colville*)
- 6.3 In circumstances where caribou declines could be attributable to development pressures resulting in tags or closures (ie. Bathurst caribou), has the Government of the Northwest Territories or any developer provided compensation to modern treaty beneficiaries or other persons with Aboriginal and treaty rights for present and future losses of caribou harvesting opportunities? (*Colville*)

## SRRB Board Member Update

Another Board member has recently accepted their appointment to the SRRB, bringing our Board membership to a total of seven. Continuing Board members are: Acting Chair George Barnaby, Keith Hickling, and Camilla Rabisca. Newly appointed members are Samuel Haché, Faye d'Eon-Eggertson, Camilla Tutcho, Jennie Vandermeer. The entire Board participated in Board member training, including training in hearing evidence, during December 3-4. The Board is now finalizing a schedule for its work for the Colville 2020 Public Listening Session, including preparations and post-Hearing decision-making.

## Revised Timelines

Preparation Workshops in each Sahtú community	November 25-January 17
Issuance of Round 1 Information Requests	December 6
Second Round Identification of Parties	December 6
Submission of Responses to Round 1 Information Requests	December 17
Issuance of Round 2 Information Requests	December 20
Submission of Responses to Round 2 Information Requests	January 13
Pre-Public Listening Teleconference #2	January 13
Deadline for Written Presentations	January 17
Public Listening in Colville Lake	January 21-23
Deadline for Final Written Arguments	February 10
SRRB Report with Reasons for Decision Released	March 31

## Contact Information

Don't hesitate to contact us with questions and suggestions!

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