



Mr. George Barnaby
Acting Chair
Sahtu Renewable Resources Board
PO BOX 134
TULITA, NT X0E 0K0

DEC 03 2019

Dear Mr. Barnaby,

Public Listening on Sahtú Ragóza (Hunting Laws) and Approaches to Wildlife Harvesting

The Department of Environment and Natural Resources (ENR) is committed to supporting the Sahtu Renewable Resources Board (SRRB) in its role as the main instrument of wildlife management in the Sahtu, and implementation of the *Sahtu Dene and Métis Comprehensive Land Claim Agreement* and the *Wildlife Act* to support effective wildlife management.

ENR is registered as a party to the Public Listening Session scheduled to be held in Colville Lake on January 21-23, 2020. After attending the first Pre-Session Teleconference #1 on November 15, 2019 there are a number of questions for which ENR would like to seek further clarity.

ENR would like to confirm the proposed outcome of the Public Listening Session. The November 21, 2019 Letter from the SRRB "Preparing for the Colville 2020 Public Listening Session" states both that the Colville Public Listening Session is the first in a series of Sessions that together will constitute a Public Hearing and that the SRRB's Report with Reasons for Decision for the Public Listening Session will be released on March 31, 2020. Is the Colville Public Listening Session a Public Hearing that will result in Reasons for Decision going to the Minister of ENR? Also, is the intention for the Reasons for Decision to both respond to the Colville Lake Caribou Plan, any other submissions, and the four overarching harvesting questions posted by the Board or will Reasons for Decisions for the four questions only be provided following the conclusion of all Public Listening Sessions? ENR wants to fully understand the processes for the proceeding to ensure an informed decision by the Minister is supported.

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As per the *Sahtu Dene and Métis Comprehensive Land Claim Agreement* the SRRB has the authority to hold a public hearing. The same authority exists for the Renewable Resource Boards in the neighbouring regions. ENR is aware that in 2016 the SRRB and the Wek'èezhì Renewable Resources Board (WRRB) signed a memorandum of understanding regarding collaborative efforts for the management of the Bluenose-East caribou herd. This was done to ensure the cooperation of, and sharing of information between the WRRB and SRRB.

The Advance Invitation (September 26, 2019), the Notice of Public Listening (October 3, 2019) and the updates that are posted about the Public Listening Session are sent from both the SRRB and the Colville Lake Renewable Resources Council (CLRRC). The only proposal for decision posted on the SRRB Public Registry at this time is the Dehlá Got'ine ʔədə Plan and the associated Dehlá Got'ine Tseduweh ʔəde Ah'ah submitted by the CLRRC. The Advance Invitation (September 26, 2019) notes that *"The new Dehlá Got'ine Tseduweh ʔəde ʔahzah – Colville's caribou plan and harvest law – will be reviewed by the SRRB as part of this process."* ENR is concerned that there may be a potential for an interpretation of procedural bias given the CLRRC is a registered party to the Public Listening Session and also a partner in the Colville 2020 Public Listening Session. Can the SRRB please clarify the intent of this collaboration? Further, can the SRRB clarify the role the CLRRC will have in the decision-making process during or following the public listening session?

ENR plans to make a submission to the SRRB responding to both the Colville Lake Caribou Plan, and the four questions proposed by the SRRB – which includes ENR's understanding of the current management plans and recovery strategies in place for all three types of caribou in the Sahtu region. Is the SRRB anticipating any more proposals for decision to be submitted? If so, can the SRRB provide information on how the process will ensure parties have enough time to adequately review proposals prior to the Public Listening Session?

In the SRRB's update on Hearing Rules, Preliminary Questions and Notice of Extension (October 16, 2019) four preliminary questions were posed to serve as the 'scope' of the hearing. Given the breadth of the questions, scope of the issues and number of parties involved ENR is of the view that these broad questions cannot be fully covered in three days. ENR would appreciate any further clarification on how the schedule will be managed to ensure that all questions are discussed.

As the only management proposal posted to date is the Dehlá Got'íne ʔədə Plan and associated Dehlá Got'íne Tseduweh ʔəde Ah'ah, ENR would appreciate clarification on whether the intent of the Public Listening is to answer the four preliminary questions (referenced above) as they relate specifically to the CLRRC plan and law or if broader conversations are expected? If broader conversations are expected, how will the SRRB address mountain caribou, boreal caribou and the Bluenose-East barren-ground caribou herd if there are no proposals for decision related to these caribou?

Of the four preliminary questions that will serve as the scope of the hearing, the fourth preliminary question may be interpreted as suggesting that only community conservation plans will be considered as an approach within the Sahtu by the SRRB. Can the SRRB confirm if this was the intent, or if community conservation plans are being proposed in addition to such documents as existing or proposed herd-specific management plans and strategies, which may include a total allowable harvest system.

The SRRB's public registry includes the draft Recovery Strategy for Barren-ground caribou in the Northwest Territories and the WRRB Reasons for Decision Final Report – Sahtì Ekwò Bluenose-East Caribou Herd. ENR would like to understand why the *Taking Care of Caribou* management plan and the associated individual action plans have not been added to the SRRB public registry? The *Taking Care of Caribou* Management Plan was approved by the members of the Advisory Committee for Cooperation on Wildlife Management (which includes the SRRB) in late 2014 and 2015 and was accepted by the Minister for ENR as the primary guidance documents for the Cape Bathurst, Bluenose-East and Bluenose-West herds. This management plan was collaboratively developed with the involvement of 17 communities across six land claim areas, including engagement in the Sahtú communities. To ensure all available evidence is available to the parties to the Public Listening, this existing management plan and associated action plans should be tabled and serve as an important part of the discussions at the hearing.

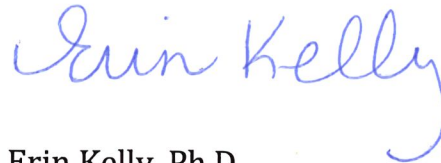
In the existing *Taking Care of Caribou* plan, when a herd's population status is determined to be "orange", the plan recommends a number of management actions including recommending a mandatory limit on subsistence harvest based on a Total Allowable Harvest (TAH). In a letter to ENR dated July 31, 2019, the SRRB stated that "*the SRRB does not accept the use of the TAH and related tag system.*" ENR is of the view that the SRRB and the Public Listening session should consider all caribou harvest management approaches including the use of a TAH to ensure a fair process and recognize provisions in the Sahtú land claim.

When considering the CLRRC plan and associated law the SRRB will have to take into consideration all Sahtu participants and the public interest. How does the SRRB intend to ensure that each Sahtu and neighbouring communities understand all of the implications of the decisions that may be recommended to the Minister?

Given the tight timelines laid out for the proceeding, we would appreciate if the SRRB could respond to the questions posed in this letter as soon as practicable. Pending the SRRB's response to these questions, ENR may put forward related motions for the Board's consideration.

We appreciate the SRRBs commitment to work with co-management partners to discuss caribou management and conservation in the Sahtu for future generations.

Sincerely,



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

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