



# ʔekwé hé Dene Ts'ııı Sustaining Relationships

Final Report of the  
ʔehdzo Got'ıne Gots'é Nákedı  
Sahtú Renewable Resources Board  
**Bluenose East ʔekwé (Caribou) Hearing 2016**

Submitted to Honorable Wally Schuman  
Minister of Environment and Natural Resources  
Legislative Assembly of the Northwest Territories

July 28, 2016

The ʔehdzo Got'ıne Gots'ę Nákedı (Sahtú Renewable Resources Board) is the co-management board established by the *Sahtú Dene and Metis Comprehensive Land Claim Agreement* of 1993 (SDMCLCA) as the main instrument of wildlife and wildlife habitat management in the Sahtú Region of the Northwest Territories. Our Dene name means “Helpers of the ʔehdzo Got'ıne, the Trap People.” We work together with ʔehdzo Got'ıne (Renewable Resources Councils) in the five communities of the Sahtú Region to maintain Dene and Métis harvesting traditions, and keep the land and animals healthy for future generations.

Final Report Submitted: July 28, 2016

This Report presents the final decisions of the Board members.

*The SRRB was assisted in this Hearing by:*

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## Bluenose East ʔekwé Hearing

March 1-3, 2016 • Délıne, Northwest Territories

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July 28, 2016

Hon. Wally Schumann  
Minister of Environment and Natural Resources  
Legislative Assembly of the Northwest Territories  
Box 1320  
Yellowknife, NT X1A 2L9  
Via email: [Wally\\_Schumann@gov.nt.ca](mailto:Wally_Schumann@gov.nt.ca)

Dear Minister Schumann:

### Letter Regarding SRRB Final Report on the Sahtú Bluenose East ʔekwé Hearing 2016

The ʔehdzo Got'ıne Gots'é Nákedı (Sahtú Renewable Resources Board - SRRB) is pleased to submit *ʔekwé hé Dene Ts'ıı - Sustaining Relationships: Final Report on the Sahtú Bluenose East ʔekwé Hearing 2016*.

The SRRB has now completed its review of two proposed plans for conservation and management of Bluenose East (BNE) ʔekwé (caribou).

On December 15, 2015, the SRRB received a plan with proposals from Environment and Natural Resources (ENR), Government of the Northwest Territories (NWT). The ENR plan provided an assessment of BNE ʔekwé status and proposed harvest restrictions and other measures to address conservation concerns.

On January 8, 2016, the community of Délıne, a primary harvester of BNE ʔekwé, also submitted a plan with proposals to address BNE ʔekwé status and conservation needs. Délıne's *Belare wıle Gots'é ʔekwé – Caribou for All Time* is a community action plan (Délıne plan) for ʔekwé which proposes a detailed conservation approach including a number of ʔekwé conservation and harvest management measures.

The SRRB was required to review the ENR and Délı̄nę plans as part of its mandate under the *Sahtú Dene and Métis Comprehensive Land Claim Agreement (SDMCLCA)* to “approve plans for the management and protection of particular wildlife populations” (SDMCLCA section 13.8.23). Upon reviewing the plans, the SRRB concluded that the plans contained sufficient information to trigger a hearing, as required under the SDMCLCA when harvest restrictions are being considered or when the SRRB is satisfied that a hearing is desirable (SDMCLCA section 13.8.21).

The SRRB recognizes that this is the first time a wildlife co-management board in the NWT has been called upon to review wildlife management plans independently developed by government and Aboriginal community proponents. The SRRB carefully considered the approach to weighing both the Dene náoweró (traditional knowledge) evidence and the science-based evidence as a basis for the decisions included in this Report.

The enclosed Report contains the SRRB’s assessment of the two plans and concludes based on the evidence in the Hearing that some aspects of both plans should be accepted.

Importantly, the SRRB concludes that both the Dene náoweró evidence and science evidence support the finding that there are conservation concerns regarding the BNE ʔekwé. The SRRB also concludes based on the evidence that a community conservation planning process (as proposed in the Délı̄nę plan) is the best option for addressing conservation needs through an effective community-based ʔekwé monitoring and harvest management program.

The Report contains a number of decisions regarding the BNE ʔekwé conservation issues identified in the Hearing. These decisions were undertaken based on a holistic and ası̄ı godı́ hé Dene ts’ı̄ı hé (biocultural) approach to ʔekwé conservation, and thus should be considered as an interrelated package rather than on an individual case-by-case basis.

The SRRB looks forward to working with ENR and other co-management partners in our continuing and collaborative efforts to find the best, evolving mechanisms to address BNE ʔekwé conservation needs.

Sincerely,



Michael Neyelle  
SRRB Board Chair  
on Behalf of the SRRB

Cc: Ernie Campbell, Deputy Minister, ENR

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## Report Summary

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This Report provides the decisions of the ʔehdzo Got'înę Gots'ê Nákedı (Sahtú Renewable Resources Board – SRRB) based on evidence and public hearings about potential conservation needs to protect Bluenose East (BNE) ʔekwé (caribou).

On December 15, 2015, the SRRB received a plan from Environment and Natural Resources (ENR), Government of the Northwest Territories, which provided a) an assessment of BNE ʔekwé status, and b) proposed náts'ezé (harvest) restrictions and other measures to address náts'ezé concerns.

The community of Délînę, a primary harvester of BNE ʔekwé, submitted the *Belare wile Gots'ê ʔekwé – Caribou for All Time* community action plan for ʔekwé (Délînę plan) on January 8, 2016. The Délînę plan also proposed an approach to ʔekwé conservation, including various náts'ezé ʔeʔa (harvest management) measures and a variety of other proposed actions that would assist in conservation efforts.

The SRRB was required to review the ENR and Délînę plans as part of its mandate under the *Sahtú Dene and Métis Comprehensive Land Claim Agreement (SDMCLCA)* to “approve plans for the management and protection of particular wildlife populations.” This is the first time a wildlife co-management board has been called upon to review plans independently developed by government and community proponents.

A Hearing was scheduled for March 1-3, 2016 in the community of Délînę. Registered Hearing Parties included Délînę, ENR, panels from four of the five Sahtú communities, and the Sahtú Youth Connection. The SRRB also exercised its discretion under its *Rules for Hearings* to hold workshops in the Sahtú communities.

In preparation for the Hearing and in recognition that caribou conservation measures must encompass the entire scope of ʔekwé habitat, the SRRB signed a *Memorandum of Understanding* with the Wek'èezhìı Renewable Resources Board (WRRB) for collaboration in the two boards' respective hearing proceedings.

The community Parties advocated during the Hearing for decisions to encompass asıı godı hé Dene ts'ıı hé (all living things and Dene ways of being). The SRRB has thus adopted a biocultural approach to weighing the evidence, and has sought to arrive at decisions that address asıı godı hé Dene ts'ıı hé (biocultural diversity).

This Report is structured according to topics and themes arising from the Hearing proceeding. There are four key topics addressed in the Report, identified as Parts A-D:

- Part A: ʔekwé hé Dágóht'e (Caribou Status)
- Part B: ʔedets'é K'áots'erewe (Governance)
- Part C: Dánít'a ʔekwé k'éts'ınę gha daradé? (Causes of Decline)
- Part D: Náts'ezé (Harvesting)

Each topic includes a series of key themes which were reviewed by the SRRB with respect to the available Dene náoweró (traditional knowledge) and scientific evidence as the basis for decision-making. The SRRB considered two types of decisions arising from the evidence: 1) Research Priorities and 2) Policy Priorities. Thus the decisions are grouped by topic, theme, and type. There are a total of 14 themes and 39 decisions. Of these, 11 are Research Priority Decisions and 28 are Policy Priority Decisions.

It is the SRRB's view that these concepts and methods complement and support the public consensus that ʔekwé populations should be conserved for future generations. The SRRB's decisions are based on evidence that the best conservation outcomes are based on processes that are driven by local communities.

A lot of work is required to build upon the existing framework established under the SDMCLCA to forge a collaborative conservation process that stands the test of time and experience. This Report is an effort to identify the best contemporary mechanisms for achieving ʔekwé conservation in the Sahtú Region.



## List of SRRB Bluenose East ʔekwé Hearing Decisions

The following decisions include two terms adopted by the ʔehdzo Got'ıne Gots'é Nákedı (Sahtú Renewable Resources Board) for the purpose of the Bluenose East ʔekwé Hearing, as follows: ʔekwé (caribou) and Dene náoweró (traditional knowledge). These terms are not translated in the decisions.

### Part A: ʔekwé hé Dágóht'e (Caribou Status)

#### Hearing Theme 1 – Ayı ʔekwé Qt'e? (Herd Definition)

##### Research Priority

###### *Hearing Decision 1*

The ʔehdzo Got'ıne Gots'é Nákedı (Sahtú Renewable Resources Board) finds that further Dene náoweró and genetics research is required to address questions regarding ʔekwé herd structure and distribution.

##### Policy Priority

###### *Hearing Decision 2*

The ʔehdzo Got'ıne Gots'é Nákedı (Sahtú Renewable Resources Board) finds that current evidence supports the distinction made between Bluenose East and Bluenose West ʔekwé herds. The SRRB finds that using this distinction also assists in facilitating cross regional conservation actions and sharing. The SRRB will therefore continue to base current management decisions on the understanding that Bluenose East and Bluenose West ʔekwé should be treated as distinct herds.

#### Hearing Theme 2 – ʔekwé K'éts'ıne gha Daradé? (Population Trends)

##### Research Priority

###### *Hearing Decision 3*

The ʔehdzo Got'ıne Gots'é Nákedı (Sahtú Renewable Resources Board) will work with ıch'ádıı (wildlife) management partners to develop a well-rounded community-collaborative Dene náoweró and science-based research and monitoring program in order to provide greater certainty about the status of Bluenose East ʔekwé based on the ten criteria outlined in the *Taking Care of Caribou* plan developed by the Advisory Committee for Cooperation on Wildlife Management, and approved by the NWT Minister of Environment and Natural Resources.

## Policy Priority

### *Hearing Decision 4*

The ʔehdzo Got'ıne Gots'ę Nákedı (Sahtú Renewable Resources Board) finds that a precautionary approach should be adopted in managing Bluenose East ʔekwé. Dene náoweró and science evidence supports the conclusion that Bluenose East ʔekwé are in the “orange zone,” intermediate and decreasing, as identified in the *Taking Care of Caribou* plan developed by the Advisory Committee for Cooperation on Wildlife Management. This means Bluenose East ʔekwé gogha horıla (are at risk), and recovery of the herd is not certain. Based on a precautionary approach, the SRRB finds that a broad range of actions should be taken to support herd recovery and prevent further decline, so that Bluenose East ʔekwé will be present for future generations.

### *Hearing Decision 5*

The ʔehdzo Got'ıne Gots'ę Nákedı (Sahtú Renewable Resources Board) finds that the Dene náoweró and scientific evidence establishes that ʔekwé undergo natural cycles of decline and recovery, and that new social and ecological factors contribute new and unknown pressures that could accelerate decline or prevent recovery.

## Part B: ʔedets'ę K'áots'erewe (Governance)

### Hearing Theme 3 – ʔekwé ʔedets'ę K'áokerewe (Caribou Self-Regulation)

## Research Priority

### *Hearing Decision 6*

The ʔehdzo Got'ıne Gots'ę Nákedı (Sahtú Renewable Resources Board) will work with ʔıch'adıı (wildlife) management partners to prioritize the research required to address questions about relationships between changing ʔededáhk'ó goʔekwé (caribou habitat), ʔıch'adıı interactions and Bluenose East ʔekwé caribou náts'ezé (caribou harvesting) practices.

## Policy Priority

### *SRRB Hearing Decision 7*

The ʔehdzo Got'ıne Gots'ę Nákedı (Sahtú Renewable Resources Board) accepts the principle of ʔekwé ʔedets'ę k'áokerewe (caribou self-regulation), as reflected in community conservation plans, as the best foundation for Bluenose East ʔekwé conservation at this time.

### *SRRB Hearing Decision 8*

The ʔehdzo Got'ıne Gots'ę Nákedı (Sahtú Renewable Resources Board) recommends that curriculum development in the Sahtú Region related to be based on concepts of asıı godı hé Dene ts'ııı hé (biocultural diversity) and ʔedets'ę k'áots'erewe (self-regulation) in order to instill new

generations with understanding of the basis for hegerıchá (respect), and to forge the way for new leaders in conservation.

## Hearing Theme 4 – Dene hé Métis hé ʔedets'é K'áokerewe (Community Self-Regulation)

### Research Priority

#### *Hearing Decision 9*

The ʔehdzo Got'ıne Gots'é Nákedı (Sahtú Renewable Resources Board) will prioritize research that both involves youth and explores youth learning and environmental leadership as a part of robust community conservation initiatives.

### Policy Priorities

#### *Hearing Decision 10*

The ʔehdzo Got'ıne Gots'é Nákedı (Sahtú Renewable Resources Board) finds that an approach of community ʔedets'é k'áots'ere (self-regulation) is a culturally appropriate and effective mechanism for addressing Bluenose East ʔekwé conservation as required under the SDMCLCA.

#### *Hearing Decision 11*

The ʔehdzo Got'ıne Gots'é Nákedı (Sahtú Renewable Resources Board) requests ʔehdzo Got'ıne (Sahtú Renewable Resources Councils) to develop and implement Bluenose East ʔekwé conservation plans following the timelines and including the content listed in Figure 5, page 44 of this Report.

#### *Hearing Decision 12*

The ʔehdzo Got'ıne Gots'é Nákedı (Sahtú Renewable Resources Board) requests that the Federal and Territorial governments and Sahtú Secretariat Incorporated (SSI), and any new self-government institutions, address the resources needed for ʔehdzo Got'ıne (Sahtú Renewable Resources Councils) to develop community ʔekwé conservation plans and fulfill their other current responsibilities under the SDMCLA by:

- a) Providing immediate additional funding to ʔehdzo Got'ıne to fulfill those responsibilities over the next two years; and
- b) Providing additional funding on an annual long term basis after an assessment, done by the SRRB, ʔehdzo Got'ıne and Sahtú Secretariat Inc. by September 2017, to determine long term ʔehdzo Got'ıne capacity needs.

#### *Hearing Decision 13*

The ʔehdzo Got'ıne Gots'é Nákedı (Sahtú Renewable Resources Board) finds that there is strong consensus in the Sahtú Region that youth involvement is critical for the success of community ʔekwé conservation plans. The SRRB will prioritize support for regional and local youth

environmental leadership initiatives that can support community visions for youth education and participation.

## Hearing Theme 5 – ʔełehé ʔeghálats’eda (Collaborative Management)

### Policy Priorities

#### *Hearing Decision 14*

The ʔehdzo Got’ıne Gots’é Nákedı (Sahtú Renewable Resources Board) will prioritize support for ʔełehé ʔeghálats’eda (collaborative) research, community-driven conservation planning, and community environmental leadership development as essential components of robust ʔełehé ʔeghálats’eda goʔekwé (caribou co-management) in the Sahtú Region.

#### *Hearing Decision 15*

The ʔehdzo Got’ıne Gots’é Nákedı (Sahtú Renewable Resources Board) will exercise its power under the SDMCLCA to review and approve community, regional and cross-regional BNE ʔekwé conservation plans, and to contribute to ʔełehé ʔeghálats’eda (collaborative) implementation of approved plans.

## Part C: Dánít’a ʔekwé k’éts’ıne gha daradé? (Causes of Decline)

## Hearing Theme 6 - Sahtú Got’ıne hé ʔekwé hé Goʔılıgu Néné (Cold Climate People and Caribou)

### Research Priority

#### *Hearing Decision 16*

The ʔehdzo Got’ıne Gots’é Nákedı (Sahtú Renewable Resources Board) recommends that the Governments of Canada and the NWT seek and dedicate additional funds and support for research to understand the known and unknown impacts of ʔehdanagokwı (climate change) over the short term and long term, as it relates to ʔekwé and ededáhk’ó goʔekwé (caribou habitat), and that this research involve both Dene náoweró and science perspectives in order to better understand and monitor the impacts of the changing environment on Bluenose East ʔekwé.

### Policy Priority

#### *Hearing Decision 17*

The ʔehdzo Got’ıne Gots’é Nákedı (Sahtú Renewable Resources Board) will prioritize working with NWT Environment and Natural Resources and other co-management partners to build awareness of the need to prevent collapse of the ʔılıgu néné (cold climate) asıı godı hé Dene ts’ııı hé (biocultural) systems that ʔekwé depend on, and to engage in community, regional, territorial

and federal development and implementation of policy on ʔehdanagokwı (climate change) mitigation.

## Hearing Theme 7- ʔededáhk'á Goxekwé (Caribou Habitat) and Narek'ó (Wildfires)

### Research Priority

#### *Hearing Decision 18*

The ʔehdzo Got'ıne Gots'é Nákedı (Sahtú Renewable Resources Board) recommends that NWT Environment and Natural Resources, SRRB and ʔehdzo Got'ıne (Renewable Resources Councils) work together to develop a plan for community-collaborative Dene náoweré and science research on ʔededáhk'á goxekwé (caribou habitat) and nerek'ó (wildfire) ecology and management.

### Policy Priority

#### *Hearing Decision 19*

The ʔehdzo Got'ıne Gots'é Nákedı (Sahtú Renewable Resources Board) will work with NWT Environment and Natural Resources and ʔehdzo Got'ıne (Sahtú Renewable Resources Councils) to review the current nerek'ó (wildfire) management policy and develop a new “forest management” plan for the Sahtú Region, with a focus on determining values-at-risk with respect to ʔedáhk'á goxekwé (caribou habitat) and encompassing the edge of the treeline to the north of Great Bear Lake.

## Hearing Theme 8 – ʔekwé gha Né K'éts'edı (Land Use Planning)

### Research Priority

#### *Decision 20*

The ʔehdzo Got'ıne Gots'é Nákedı (Sahtú Renewable Resources Board) will support community-collaborative initiatives to identify, name and conduct baseline assessments of critical ʔededáhk'á goxekwé (caribou habitat) in the Sahtú Region.

### Policy Priorities

#### *Decision 21*

The ʔehdzo Got'ıne Gots'é Nákedı (Sahtú Renewable Resources Board) will work with Délıne and co-management partners to provide input on requirements for establishing né kárla k'ets'edı (conservation areas) during the Sahtú Land Use Plan five-year review scheduled for 2018-2019.

#### *Decision 22*

The ʔehdzo Got'ıne Gots'é Nákedı (Sahtú Renewable Resources Board) will work with co-management partners in the NWT to provide input into Nunavut Wildlife Management Board,



for the *Bluenose-East Caribou Herd* developed by the Advisory Committee for Cooperation on Wildlife Management (ACCWM) in the *Taking Care of Caribou Plan* process. The SRRB recommends that the ACCWM revise the *Action Plan for the Bluenose-East Caribou Herd* to recognize the Dłįnę approach.

#### Hearing Decision 27

The ʔehdzo Got'įnę Gots'ę Nákedı (Sahtú Renewable Resources Board) will undertake an annual review and assessment of the community ʔekwé conservation plans in the Sahtú region, including Dłįnę's *Belare wile Gots'ę ʔekwé* plan, to determine whether the plans are addressing conservation concerns for Bluenose East ʔekwé.

#### Hearing Decision 28

The ʔehdzo Got'įnę Gots'ę Nákedı (Sahtú Renewable Resources Board) will assess the need for a Total Allowable Harvest limit if an annual review and assessment of community conservation plans in the Sahtú region demonstrates that conservation concerns for Bluenose East ʔekwé are not being adequately addressed.

#### Hearing Decision 29

The ʔehdzo Got'įnę Gots'ę Nákedı (Sahtú Renewable Resources Board) recommends 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 ʔehdzo Got'įnę (Renewable Resources Council), and removes the requirement for a tag for Bluenose East ʔekwé.

## Hearing Theme 11 –Yárégo Kanáts'ezé (Smaller Male Caribou Harvest)

### Policy Priorities

#### Hearing Decision 30

The ʔehdzo Got'įnę Gots'ę Nákedı (Sahtú Renewable Resources Board) finds that, based on the evidence, a 0% tsída kanáts'ezé (female caribou harvest) is not appropriate at this time, but that a majority yárégo kanáts'ezé (smaller male caribou harvest) is important in order to address conservation needs. The SRRB therefore accepts the Dłįnę proposal for a majority yárégo kanáts'ezé, and requires Dłįnę to adapt its *Belare wile Gots'ę ʔekwé* plan to allow for a maximum of 20% tsída kanáts'ezé.

#### Hearing Decision 31

The ʔehdzo Got'įnę Gots'ę Nákedı (Sahtú Renewable Resources Board) requests 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 ʔehdzo Got'įnę (Renewable Resources Council).

## Hearing Theme 12 – ʔekwé Náts'ezé gha K'ínats'eneta (Caribou Harvest Monitoring)

### Research Priority

#### *Hearing Decision 32*

The ʔehdzo Got'ine Gots'é Nákedı (Sahtú Renewable Resources Board) will work collaboratively with ʔehdzo Got'ine (Sahtú Renewable Resources Councils) to develop an adaptive approach to ʔekwé náts'ezé gha k'ínats'eneta (caribou harvest monitoring) as a basis for conservation planning.

### Policy Priorities

#### *Hearing Decision 33*

The ʔehdzo Got'ine Gots'é Nákedı (Sahtú Renewable Resources Board) accepts Délıne's *Belare wile Gots'é ʔekwé* plan for Bluenose East ʔekwé náts'ezé gha k'ínats'eneta (caribou harvest monitoring).

#### *Hearing Decision 34*

The ʔehdzo Got'ine Gots'é Nákedı (Sahtú Renewable Resources Board) will assess whether the ʔekwé náts'ezé gha k'ínats'eneta (caribou harvest monitoring) provisions in Délıne's *Belare wile Gots'é ʔekwé* plan are meeting the conservation goals of the plan as part of the SRRB's annual review of plan implementation.

## Hearing Theme 13 – Náts'ezé Dáhk'á (Harvest Zones)

### Research Priority

#### *Hearing Decision 35*

The ʔehdzo Got'ine Gots'é Nákedı (Sahtú Renewable Resources Board) will prioritize community-collaborative research working with and building on existing Dene náoweré map datasets and stories to understand the social-ecological history of Bluenose East ʔededáhk'á goʔekwé (caribou habitat) within and beyond the boundaries of the Sahtú Region as a basis for community conservation planning.

### Policy Priority

#### *Hearing Decision 36*

The ʔehdzo Got'ine Gots'é Nákedı (Sahtú Renewable Resources Board) will work with NWT Environment and Natural Resources and co-management partners in the Sahtú and Wek'èezhı Regions to address concerns regarding the current *Big Game Hunting Regulations* zones for caribou, including overlap issues, Dene naming issues, the potential need for subzones and any necessary changes to zone definitions in the *Regulations*.



## Hearing Theme 14 – ʔekwé ʔeʔa hegerichá gha (Enforcement)

### Policy Priorities

#### *Hearing Decision 37*

The ʔehdzo Got'ine Gots'é Nákedı (Sahtú Renewable Resources Board) accepts Déline's *Belare wile Gots'é ʔekwé* plan for ʔekwé ʔeʔa hegerichá gha (enforcement of) Bluenose East ʔekwé kanáts'ezé (caribou harvesting).

#### *Hearing Decision 38*

Déline and the Government of the NWT are requested to immediately begin a process for determining whether and how the restorative justice code for ʔekwé ʔeʔa hegerichá gha góʔo (enforcement) in Déline's *Belare wile Gots'é ʔekwé* plan will be recognized as an “Alternative Measures” option under the *Wildlife Act*.

#### *Hearing Decision 39*

The ʔehdzo Got'ine Gots'é Nákedı (Sahtú Renewable Resources Board) will assess whether the restorative justice code for ʔekwé ʔeʔa hegerichá gha góʔo (enforcement) in Déline's *Belare wile Gots'é ʔekwé* plan are meeting the conservation goals of the plan as part of the SRRB's annual review of plan implementation.

# Introduction

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This Report provides the decisions of the SRRB (Sahtú Renewable Resources Board – SRRB) based on evidence and public hearings about potential conservation needs to protect Bluenose East<sup>1</sup> (BNE) ʔekwé (caribou).

On December 15, 2015, the SRRB received a plan from Environment and Natural Resources (ENR), Government of the Northwest Territories, which provided a) an assessment of BNE ʔekwé status, and b) proposed náts’ezé (harvest) restrictions and other measures to address náts’ezé concerns.<sup>2</sup> The community of Délı̨nę, a primary harvester of BNE ʔekwé, submitted the *Belare wı̨le Gots’é ʔekwé – Caribou for All Time* community action plan for ʔekwé (Délı̨nę plan) on January 8, 2016.<sup>3</sup> The Délı̨nę plan also proposed an approach to ʔekwé conservation, including various náts’ezé ʔeʔa (harvest management) measures.

The SRRB is the main instrument for managing Sahtú gotı̨ch’ádı̨ (wildlife of the Sahtú Region). The SRRB was established under the *Sahtú Dene and Métis Comprehensive Land Claim Agreement* (SDMCLCA) of 1993. The SRRB was required to review the ENR and Délı̨nę plans as part of its mandate to “approve plans for the management and protection of particular wildlife populations.”<sup>4</sup>

Upon reviewing the plans, the SRRB concluded that they contained sufficient information to trigger a hearing, as required under the SDMCLCA when harvest restrictions are being considered or when the SRRB is satisfied that a hearing is desirable.<sup>5</sup> On January 11, 2016 the SRRB announced that a hearing was scheduled for March 1-3 in the community of Délı̨nę. Registered Hearing Parties included Délı̨nę, ENR, panels from four of the five Sahtú communities, and the Sahtú Youth Connection.

The SRRB exercised its discretion under its *Rules for Hearings*<sup>6</sup> to hold workshops in the Sahtú communities. Based on this preliminary consultation, on February 22, the SRRB issued a “List of Key Emerging Issues” on the topics of consultation, knowledge, conservation, and

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<sup>1</sup> The SRRB prefers “Bluenose East,” and has used this spelling throughout the Report. When the spelling “Bluenose-East” occurs in directly translated text, this alternate hyphenated spelling has been retained.

<sup>2</sup> ENR. 2016 (January 11). *Proposal for Management Actions for the Bluenose-East Caribou Herd 2016-2019*, 2, PR 2.15.

<sup>3</sup> Délı̨nę ʔekwé Working Group (DEWG). 2016 (May 20). *Belare wı̨le Gots’é ʔekwé – Caribou for All Time: A Délı̨nę Got’ı̨nę Plan of Action*, 2<sup>nd</sup> edition. Note that “belare wı̨le” is spelled as one word in the DEWG document; for the purpose of this SRRB BNE ʔekwé Hearing Report, it is spelled as two words. The SRRB recognizes that spellings will evolve as terminology research continues.

<sup>4</sup> Sahtú Dene and Métis Comprehensive Land Claim Agreement (SDMCLCA) 13.8.23(c), PR SRRB Rules-Guiding Documents 2.

<sup>5</sup> SDMCLCA 13.8.21 (a and b).

<sup>6</sup> SRRB *Rules for Hearings* Section 4.6, PR SRRB Rules-Guiding Documents 5.

communication/education to assist the Sahtú communities in preparing for the Hearing and addressing key questions arising in the plans and in initial community consultation.

In preparation for the Hearing and in recognition that caribou conservation measures must encompass the entire scope of ʔekwé habitat, the SRRB signed a *Memorandum of Understanding* with the Wek'èezhì Renewable Resources Board (WRRB) for collaboration in the two boards' respective hearing proceedings.<sup>7</sup> The two boards committed to attending each other's hearings and reviewing materials available on our respective public registries.

The SRRB also exercised its discretion<sup>8</sup> to take notice of other processes or evidence relevant to the current Hearing, including:

- action planning undertaken by the Advisory Committee for Cooperation on Wildlife Management (ACCWM)<sup>9</sup> pursuant to the *Taking Care of Caribou* management plan<sup>10</sup> for BNE ʔekwé (2014);
- the Kugluktuk Hunter and Trappers Organization submission to the Nunavut Wildlife Management Board (NWMB) BNE ʔekwé Hearing regarding the same herd;
- the Nunavut Planning Commission Hearing on land use planning that encompasses BNE calving grounds;
- Species at Risk processes including the NWT Species at Risk Committee's draft assessment documents and the draft six-month interim status report on barren-ground caribou in Canada prepared by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC); and
- Some scientific literature with which the Board is well-acquainted, given its expertise as a wildlife policy board, where the Parties had not provided science-based rationale for their proposals and where the Board was confident that the parties would not be prejudiced by that evidence.

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<sup>7</sup> The WRRB is the wildlife management authority established by the Tłı̨chǫ Land Claim and Self-Government Agreement. See SRRB and WRRB. 2015 (October 27). *Memorandum of Understanding Regarding Collaborative Efforts for the Management of the Bluenose-East Caribou Herd*, PR SRRB Rules-Guiding Documents 1.

<sup>8</sup> SDMCLCA 13.8.18 and 13.8.23(g) and SRRB Hearing Rules 3.6 and 3.7, PR SRRB Rules-Guiding Documents 2, 5.

<sup>9</sup> The Advisory Committee for Cooperation on Wildlife Management (ACCWM) is a voluntary network of wildlife management boards created by those boards to share information and coordinate wildlife management, with a particular focus on the management of trans-boundary caribou herds. The members of the ACCWM are the Gwich'in Renewable Resources Board, the Tuktut Nogait National Park Management Board, the WRRB, the SRRB, the Wildlife Management Advisory Council-NWT, the Kitikmeot Regional Wildlife Board, and the Nunavut Wildlife Management Board (NWMB).

<sup>10</sup> As an ACCWM member, the SRRB helped develop the 2014 ACCWM *Taking Care of Caribou* plan: ACCWM, 2014. *Taking Care of Caribou: the Cape Bathurst, Bluenose-West, and Bluenose-East barren-ground caribou herds management plan*, 17, PR 3.20.

This is the first time a wildlife co-management board has been called upon to review plans independently developed by government and community proponents. This is also the SRRB's first hearing after challenges experienced in the Bluenose West (BNW) ʔekwé Hearing in 2007. The SRRB therefore carefully considered the approach to weighing evidence as a basis for decisions with respect to the present BNE ʔekwé Hearing. The SRRB reflected upon evidence shared by all community Parties who testified that Dene and Métis of the Sahtú see themselves, the land and water, and ʔekwé, as fundamentally linked in a web of relationships. The SRRB heard compelling evidence of how Dene and Métis of the Sahtú have evolved cultures in coexistence and interdependence with ʔekwé and how old time stories provide insights into this relationship.<sup>11</sup>

The community Parties advocated during the Hearing for decisions to encompass asíıı godí hé Dene ts'ııı hé (biocultural diversity). The SRRB accepts this evidence and finds that it is consistent with both land claim objectives and emerging international best practices recognizing the importance of biocultural approaches to conservation of Sahtú gotıch'ádıı (wildlife).<sup>12</sup> The SRRB has thus adopted a biocultural approach to weighing the evidence, and has sought to arrive at decisions that address asíıı godí hé Dene ts'ııı hé.

The decisions do not easily fit within standard science-based ııch'ádıı (wildlife) management concepts and methods, since they are based on an assumption that Dene and Métis users are the main agents of conservation and thus their concepts and methods should be the starting point for ʔekwé management and conservation. It is the SRRB's view that these concepts and methods complement and support the public consensus that ʔekwé populations should be conserved for future generations, and are based on evidence that the best conservation outcomes are based on processes that are driven by local communities.<sup>13</sup> The decisions are largely process-oriented, and reflect the fact that the efforts to situate the Sahtú in relation to cross-regional ʔekwé conservation institutions and processes is new.

A lot of work is required to build upon the existing framework established under the SDMCLCA to forge a collaborative conservation process that stands the test of time and experience. This

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<sup>11</sup> DEWG, supra, footnote 3, 15; Déıııı ʔehdzo Got'ıııı (Renewable Resources Council) response to WRRB Bluenose-East Caribou Herd Public Hearing – Undertaking No. 3, April 15, 2016, WRRB BNE PR 170, <http://www.wrrb.ca>.

<sup>12</sup> Article 8(j) of the International Convention on Biodiversity asserts that the conservation of biodiversity must encompass indigenous knowledge and ways of life. The UNESCO International Conference on Cultural and Biological Diversity for Development Declaration on Biocultural Diversity goes further, recognizing that “biological and cultural diversity are intrinsically and inextricably linked and together hold the key to sustainable development.” UNESCO International Conference on Cultural and Biological Diversity for Development, Montreal, 2010, 1. <http://www.unesco.org/mab/doc/ııb/Declaration.pdf>.

<sup>13</sup> See the review of evidence pertaining to Theme 4 in this Report, Dene hé Métis hé ʔedets'é K'áots'erewe (Community Self-Regulation).

Report is an effort to identify the best contemporary mechanisms for achieving ʔekwé conservation in the Sahtú Region.

## Máhsı cho

Máhsı cho (thank you very much) to ENR and the community of Déłıne for providing carefully developed plans containing excellent evidence and a discussion framework for the Bluenose East ʔekwé Hearing proceeding. Máhsı also to the community Parties and the public for providing input that was invaluable in assisting the SRRB to reach clarity on the decisions to be made.

Thank you to the Wek'èezhı Renewable Resources Board for willingness to coordinate hearings and the opportunity to attend the Behchokò hearings in order to ensure that both boards heard the best evidence possible in a cross-regional wildlife management context.

The SRRB is grateful to our legal counsel, Lorraine Land, and technical advisors Alice Legat and Colin Macdonald for their dedication to ensuring that SRRB decisions are grounded in a solid foundation in law, Dene náowerá, and science.

Much of the terminology in our Dene gokedá (Dene language) glossary was originally developed by the Déłıne ʔekwé Working Group and verified by Jane Modeste. University of Toronto linguist Keren Rice provided invaluable assistance in reviewing our version for consistency, while reminding us that more research on language and concepts needs to be done.

Finally, we thank Report editor Bethann Garramon Merkle of CommNatural for her meticulous efforts to ensure that the Report conveyed the intended meaning to our diverse audience.

## Parties to the Hearing

The following Parties, including the two proponents, were formally recognized by the SRRB and participated in the Hearing proceeding:

1. Déłıne ʔehdzo Got'ıne (Renewable Resources Council), Land Corporation and First Nation (joint application for party status; collectively referred to in this Report as Déłıne)
2. Tulıt'a Renewable Resources Council
3. Tulıt'a Dene Band
4. Norman Wells Renewable Resources Council
5. Fort Good Hope Renewable Resources Council
6. K'asho Got'ine Community Council
7. Colville Lake Renewable Resources Council, Ayonı Keh Land Corporation, and Bedzı Ahda' First Nation (joint application for party status; collectively referred to in this Report as Colville)

8. NWT Environment and Natural Resources (ENR)
9. Sahtú Youth Connection (SYC)

The SRRB encouraged any Parties from the same community (such as Band Councils and RRCs) to jointly present their evidence and submissions, which these Parties did.

## Milestones and Timelines

The following milestones and timelines in 2016 marked the Hearing proceeding; note that the SRRB exercised its discretion to adaptively modify timelines as necessary during the proceeding. Documentation associated with these events is posted on the SRRB's public registry at [www.srrb.nt.ca](http://www.srrb.nt.ca).

January 11	SRRB published Notice of Hearing
February 1	SRRB issued invitation to ʔehdzo Got'ine (Renewable Resources Council) Pre-Hearing Workshops
February 2- March 29	Pre-Hearing Workshops, as follows: <ul style="list-style-type: none"> <li>● Déłine Pre-Hearing Workshop and Public Meeting, February 5</li> <li>● Sahtú Youth Connection Workshop, February 26-29</li> </ul>
February 12	Deadline for Parties' Information Requests to Déłine and ENR
February 19	Pre-Hearing Teleconference
February 21	Publication of draft Hearing Agenda and List of Key Emerging Issues
February 23	Colville files Motion regarding Conflict of Interest and Bias
February 26	ENR responses to Information Requests
February 26	SRRB preliminary decision on Colville Motion regarding Conflict of Interest and Bias
March 1-3	Public Hearing in Déłine
March 7	Publication of full SRRB Reasons for Decision on Colville Motion regarding Conflict of Interest and Bias
March 11	Invitation to ʔehdzo Got'ine Post-Hearing Workshops
March 12- May 13	Post-Hearing Workshops, as follows: <ul style="list-style-type: none"> <li>● Déłine Post-Hearing Workshop, April 22</li> <li>● Fort Good Hope Post-Hearing Workshop, April 29</li> <li>● Tulit'a Post-Hearing Workshop, April 29 and May 3</li> </ul>
April 6-8	Wek'èezhì Renewable Resources Board Bluenose East Hearing in Behchokò

May 13	Final submissions by Parties and the public
May 20	Final submissions by Délıne and ENR
July 25	SRRB Report including SRRB decisions based on Hearing process
September 23	Deadline for Minister to accept, vary or set aside and replace SRRB decisions

## Dene hé Mǒla Gokedá (Dene and English Languages)

In adopting Dene concepts related to wildlife conservation, it is also necessary to adopt Dene gokedá terms that are the vehicles for the concepts. The terminology used in this document does not attempt to reflect the various dialects of the Sahtú. Rather, it draws upon concepts used in Délıne's *Belare wıle Gots'é ʔekwé* plan, as well as some terms contributed by SRRB Board members in completing this Report. Of note are the different terms that were used for barren-ground caribou in the Report. Whereas Délıne Got'ıne use the term ʔekwé (used in this Report), the term in K'áhsho Got'ıne dialect is ʔedə and in Shúhta Got'ıne dialect is ʔepé.

The SRRB encouraged Dene witnesses to speak their language at the Bluenose East (BNE) ʔekwé Hearing. Fbbie Tatti and Laura Tutcho, both highly trained and experienced professionals, provided simultaneous interpretation in Dene language and English (depending on the language of the witness) using equipment and sound services provided by Pido Productions. The simultaneous interpretation posed challenges for precise and fulsome explanations of technical or culturally specific terms.<sup>14</sup> The Hearing Chair provided opportunities for witnesses to repeat themselves or explain concepts as required.

Tscript.com Digital Transcription Services provided certified transcripts from an audio recording of the English language witnesses and English interpretation of Dene language witnesses. Given the requirement for certification for this legal proceeding, it was only feasible to provide English transcriptions with phonetic transcription of a limited number of Dene language terms used. In order to ensure accessibility for Dene language witnesses, the Dene language audio track was recorded and posted to the SRRB public registry. The transcript reflects short periods where there were technical problems in recording English interpretations (for example when the recording channels were not switched when the witnesses switched language).

The following Word Cloud was generated based on a count of the top twenty substantive terms used in the English language transcript.

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<sup>14</sup> The challenges in cross-cultural interpretation are longstanding and were expressed in various ways during the hearing. Eg. M. Neyelle, Délıne witness, Hearing Transcript March 1 (209:8-13), PR 5.01.

FIGURE 1: WORD CLOUD - TOP TWENTY WORDS FROM THE SAHTÚ BLUENOSE EAST ʔEKWÉ HEARING TRANSCRIPTS (ENGLISH LANGUAGE), DÉLJNĚ, MARCH 1-3, 2016.<sup>15</sup>



## Dene hé Mǫla Gonáoweré (Traditional Knowledge and Science)

Some community witnesses in the Hearing expressed concerns that decisions by ʔich’ádí (wildlife) management authorities tend to be science-driven.<sup>16</sup> The SRRB’s policy on Dene náoweré (traditional knowledge) indicates that “the Board is committed to a management system that takes direction from the people closest and most dependent on the resources being managed” and that comprehensive management decisions involve “equal parts traditional and scientific knowledge.”<sup>17</sup> The SRRB’s *Rules for Hearings* provide that “the Board will encourage the provision of and will consider information provided by Elders and traditional knowledge, including oral history and local knowledge, submitted during a Hearing.”<sup>18</sup>

Scientific evidence is often comprehensively provided in writing. Dene náoweré, on the other hand, is a way of life, conveyed in practice,<sup>19</sup> and in stories passed on from generation to generation. Definitions of Dene náoweré vary in scope, and indigenous community members may draw on a variety of knowledge sources. For this reason, Dene náoweré also refers to local,

<sup>15</sup> The Word Cloud was created using NVivo qualitative analysis software. It does not reflect the amount of Dene language that was spoken by Hearing witnesses, but rather an English language approximation of concepts that were used in both languages. Note that Dene words were used to represent easily recognizable concepts, such as ʔekwé for caribou.

<sup>16</sup> Eg. N. Barichello, Colville witness, HT March 2 (111:10-11), PR 5.02. Parties and the SRRB’s technical experts in the hearing also referred to the work of Paul Nadasdy “‘It’s Not Really ‘Knowledge’ at All, It’s More a Way of Life’,” in *Hunters and Bureaucrats: Power, Knowledge, and Aboriginal-State Relations in the Southwest Yukon*, UBC Press, 2003. As cited in A. Legat. 2016. SRRB Technical Review - Déljné Belarewílé Gots’é ʔekwé Plan. PR 3.18.

<sup>17</sup> SRRB Operating Procedures Section 3.8, PR SRRB Rules-Guiding Documents 4.

<sup>18</sup> SRRB Rules for Hearings Section 12.18, PR SRRB Rules-Guiding Documents 5.

<sup>19</sup> Eg. E. Blondin-Andrew, Sahtú Secretariat, Inc, HT March 1 (259:9-15), PR 5.01.



experiential or community knowledge. Science is often published in reports and journals and thus is easily accessible, but Dene náoweró may be held in confidence by knowledge-holders to be shared carefully.<sup>20</sup> Special efforts may be required to ensure that the evidence is appropriately balanced. Moreover, extra effort is needed to properly interpret Dene náoweró across cultures. Even Dene sometimes require years to fully understand the teachings of an elder.

Some Dene náoweró is conveyed in *Belare wile Gots'é ʔekwé*. Additional Dene náoweró and experiential knowledge was shared by community panels at the Hearing and in written submissions. The ENR plan recognizes “the importance of increased communication and engagement with communities and harvesters about the status of the caribou herds and about management actions underway.”<sup>21</sup>

The SRRB obtained technical assistance from a Dene Náoweró Advisor (Allice Legat) and a Science Advisor (Colin Macdonald) to supplement evidence provided by the proponents and the Parties.<sup>22</sup> Both advisors provided written submissions; Colin Macdonald also contributed an oral presentation to the Hearing. In addition, the SRRB reviewed Dene náoweró and science provided as evidence through the WRRB Hearing proceeding – including a Science Technical Session on March 17, and a Dene Náoweró Technical Session on March 22, as well as oral and written submissions.

## Report Structure

This Report is structured according to topics and themes arising from the Hearing proceedings. There are four key topics addressed in the Report, identified as Parts A-D:

- Part A: ʔekwé hé Dágóht'e (Caribou Status)
- Part B: ʔedets'é K'áots'erewe (Governance)
- Part C: Dánít'a ʔekwé k'éts'ıne ɣha daradé? (Causes of Decline)
- Part D: Náts'ezé (Harvesting)

Each topic includes a series of key themes which were reviewed by the SRRB with respect to the available Dene náoweró and scientific evidence as the basis for decision-making. The SRRB considered two types of decisions arising from the evidence: 1) Research Priorities and 2) Policy Priorities. Thus the decisions are grouped by topic, theme, and type. There are a total of 14 themes and 39 decisions. Of these, 11 are Research Priority Decisions and 28 are Policy Priority Decisions. The SRRB's decisions provide relevant governments with a basis for setting program and funding priorities for ʔekwé conservation initiatives in the Sahtú Region.

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<sup>20</sup> Eg. J. Kochon, Colville panel, HT March 2 (233:22-234:19), PR 5.02.

<sup>21</sup> ENR. 2016 (January 11), supra, footnote 2, 2.

<sup>22</sup> SRRB. 2016 (March 1-3). Notice Regarding Experts Engaged by the SRRB Bluenose East ʔekwé Public Hearing. PR 1.13.

The extent of the SRRB’s review varies depending on whether it is a point of contention or a new area of innovation that requires more careful consideration. An example of the latter is Theme 4 – Dene hé Métis hé ʔedets’é K’áots’erewe (Community Self-Regulation). When Dene witnesses refer to community self-regulation, they are referring to the complex beliefs and norms followed by Dene communities in their relationship with ʔekwé. This requires extensive discussion in this Report, as it is a key foundation for some of the SRRB’s decisions.

## References

This document reflects the SRRB’s effort to make decisions that are fair, and solidly grounded in both Dene náoweré and scientific evidence. In order to make the basis for the decisions as transparent as possible, the Report tracks the many publically available materials that were reviewed by the SRRB in a series of footnotes. These include items that were posted in various folders on the SRRB public registry (PR) at [www.srrb.nt.ca](http://www.srrb.nt.ca), as well as select documents from the published academic literature pertaining to the Report’s key themes.

References are footnoted, and items posted on the PR are identified by folder and item number – with the exception of the *Sahtú Dene and Métis Comprehensive Land Claim Agreement* (SDMCLCA, 1993), which is cited throughout (and can also be found in the PR). “Supra” is used for references that have been cited more than once – the full reference can be found in the first footnote. “Ibid.” is used for a reference that is the same as the previous citation.

The Hearing record closed on May 20, 2016, but the SRRB shared update letters on June 16 and July 13, 2016, and exercised its discretion to take notice of three additional relevant documents that were not available prior to the closing of the record. The following documents were distributed to the Parties and posted to the PR on July 13, 16, and 21 respectively:

- Kugluktuk Hunters and Trappers Organization. 2016 (May 27). “Submission to Nunavut Wildlife Management Board,” PR 3.11.
- ENR. 2016 (July 15). “Summary of Bathurst and Bluenose-East caribou herd survey results,” PR 3.06.
- Colville, 2016 (July 16). “Supplemental Submission”, PR 4.04.

There are also many references to the Hearing Transcripts (HT). These are available in PR folder 5, and transcripts for each day are identified by date and file number. Page and line numbers are provided in parenthesis. Quotations have been very lightly edited for readability.

## Key Terms and Acronyms

From this point onwards, several of the Dene terms, because of their frequency of use and fundamental significance to incorporating Dene into this discussion, will not be translated throughout the Report. These terms are:

- ʔekwé (caribou)
- Dene náoweré (traditional knowledge)
- ʔehdzo Got'ıne (Renewable Resources Council - also occasionally referred to in documents and by witnesses as RRC)

Déłıne's *Belare wıle Gots'é ʔekwé – Caribou for All Time* community action plan for ʔekwé, submitted to the SRRB on January 8, 2016, is often referred to as the Déłıne plan.

Otherwise, Dene words and phrases are translated upon the first instance of occurrence in each section of the Report, and then are used consistently and exclusively in Dene throughout the rest of that section. However, Dene words and phrases are translated in all Hearing decisions, to ensure full clarity. The “technical” translation only is provided in the main text. The Dene-to-English Glossary (see Appendix 2, starting on page) of this Report includes more literal translations or explanations. An alphabet and pronunciation key is provided as an appendix to the Déłıne plan.<sup>23</sup>

Acronyms are used to identify agencies, species, and a number of other frequently-referenced subjects in this Report. These subject-acronym pairs are defined once, upon first instance of occurrence. They are then frequently identified by acronym throughout the rest of the Report. A list of key terms and acronyms is provided as Appendix 1 (starting on page 100) of this Report.

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<sup>23</sup> DEWG, *supra*, footnote 3, Appendix B, 33.

## Part A: ʔekwé hé Dágóht'e (Caribou Status)

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This section of the report focuses on the question of how ʔekwé are doing, by way of evidence related to two themes:

Hearing Theme 1 – Ayíi ʔekwé Qt'e? (Herd Definition)

Hearing Theme 2 – ʔekwé K'éts'ine gha Daradé? (Population Trends)

There are two decisions related to this topic – one Research Priority and one Policy Priority decision. These decisions help to set the stage for all the other themes considered in this report.

### Hearing Theme 1 – Ayíi ʔekwé Qt'e? (Herd Definition)

Defining ʔekwé populations is one of the “Hot Topics” in the *Taking Care of Caribou* management plan.<sup>24</sup> The question of ayíi qt'e (caribou herd definition) is important when assessing ʔekwé status and trends, and when determining the need for and nature of conservation actions. Different herds may be assessed as having a different status and/or travelling in different areas. These factors may make a significant difference to the people who live with and share ʔekwé across regions. In the Sahtú Region, ʔekwé travel along the east side of Great Bear Lake, and northeast of the lake. Scientists call these Bluenose East (BNE) and Bluenose West (BNW) caribou, respectively. Scientists also indicate that there are Bathurst ʔekwé that occasionally travel through the Délıne District of the Sahtú Region.

#### Dene Náoweré Evidence

Within the Sahtú, communities, ʔekwé (Délıne Got'ine), ʔedə (K'áhsho Got'ine) and ʔepé (Shúhta Got'ine) are the terms most often used to refer to barren-ground caribou in general. While these communities consistently differentiate between ʔekwé, tɔdzı (boreal woodland caribou), and shúhta goʔepé (mountain caribou), they do not have terms for BNW and BNE ʔekwé. Relationships with caribou are place-based<sup>25</sup> and communities are responsible for caribou in their established harvest areas. People may therefore refer to ʔekwé by the traditional names of the places that they travel or feed at specific times of year, rather than using range-wide science-based names such as BNW and BNE.

The Délıne plan indicates that:

...for the purposes of cooperating in regional planning we accommodate the scientific differentiation of the herds, but Délıne elders continue to believe that ʔekwé travelling through the District should be considered one population. We feel that this has an

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<sup>24</sup> ACCWM, supra, footnote 10, 17, PR 3.20.

<sup>25</sup> This was an important theme in hearing contributions by W Bayha; eg. HT March 2 (50:4-54:19), PR 5.02.

additional strength in highlighting the importance of building relationships across boundaries for sharing ʔekwé and responsibilities for conservation.<sup>26</sup>

This would apply respectively to the herds known to scientists as BNE and BNW, as well as the Bathurst herd that at times travels into the Délıne District. Similarly, Colville has clearly indicated that Dela Got'ıne “do not distinguish between Bluenose East and Bluenose West caribou,” and use the terms only “for the purpose of interacting with western scientists and managers in this Hearing.”<sup>27</sup>

Tulıt'a Chief Frank Andrew mentioned the possibility that groups from one herd may join another, thus affecting population counts.<sup>28</sup> Colville noted that “a small number of Bluenose East caribou have been identified as occasionally passing through the Arake Tue [Horton Lake] area.”<sup>29</sup> “Exchange or Movement between Caribou Herds” was a Hot Topic discussed in the *Taking Care of Caribou* plan.<sup>30</sup>

There was testimony at the Hearing about the historical and present practices of travelling long distances to gather in areas where the caribou are. The SRRB heard evidence that ʔarakə Túé, ʔehdaıla (Caribou Point), and ʔıts'ere Túé (Hottah Lake) are special gathering places for Délıne Got'ıne, K'áhsho Got'ıne, Tıchq, and Inuvialuit peoples, where people learned each other's languages, celebrated, and made decisions collectively. In the words of Délıne witness Walter Bayha, “We had huge gatherings, children, women, men, everybody is there and they're making decisions.”<sup>31</sup> The SRRB heard evidence about the Dene Mapping Project sponsored by the Dene Nation in the 1970s, which generated trails data and which also show evidence of historical overlapping land use, including trails specifically used to harvest ʔekwé; further research is needed to interpret this data.<sup>32</sup>

Although Dene language does not differentiate among ʔekwé herds, a rich vocabulary of specific technical terms refer to the identities of animals within the herd, including tsída (female), yáregó (younger/smaller male), and bedzio (older/bigger male).<sup>33</sup> This appears to be similar to caribou terminology in other regions and languages.

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<sup>26</sup> DEWG, supra, footnote 3.

<sup>27</sup> Colville, Final Public Hearing Submission, PR 4.02.

<sup>28</sup> HT March 2 (193:25-194:1-2), PR 5.02.

<sup>29</sup> Colville, supra, footnote 26.

<sup>30</sup> ACCWM, supra, footnote 10.

<sup>31</sup> HT March 2 (110: 1-3), PR 5.02.

<sup>32</sup> The SRRB is now completing a project to repatriate the data provided by Sahtú communities, in partnership with the Dene Nation and SSI.

<sup>33</sup> DEWG, supra, footnote 3, iv-v.

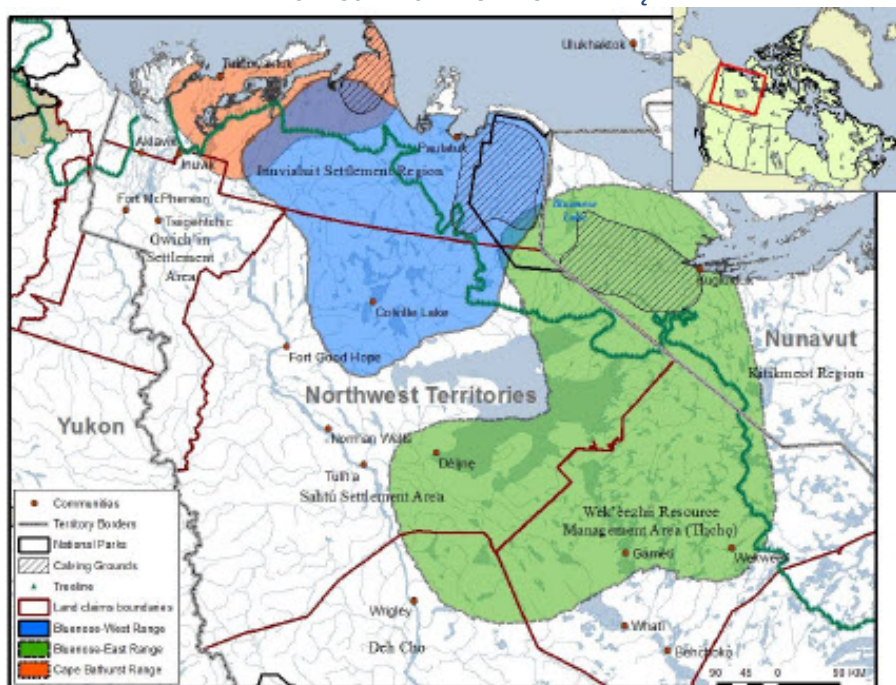
## Scientific Evidence

BNE ʔekwé (*Rangifer tarandus groenlandicus*) is one of several herds in northern Canada that are referred to scientifically as migratory barren-ground caribou. They differ genetically from ʔodzı (boreal woodland caribou - *Rangifer tarandus caribou*) but are genetically indistinguishable from Grant's caribou (*Rangifer tarandus granti*) of the Porcupine and Alaskan herds.<sup>34</sup> This genetic differentiation is generally consistent with the concept of ecotypes of barren-ground, boreal and mountain caribou currently used for conservation purposes.<sup>35</sup>

Designation of the BNE and other migratory ʔekwé herds is based on the strong affiliation of ʔsıda (females) within the herds, and the migration of the herds over long distances to annually return to areas with some protection from predators and suitable habitat for calving.

The separation of ʔekwé (caribou) in the Sahtú Settlement Area into three distinct herds, named the Cape Bathurst, Bluenose East and Bluenose West herds, is based on tracking radio-collared ʔsıda during the annual cycle of migration, birthing, post-calving and over-wintering over a span

FIGURE 2: OVERLAPPING RANGES OF CAPE BATHURST, BLUENOSE WEST AND BLUENOSE EAST MIGRATORY ʔEKWÉ.



<sup>34</sup> B.V. Weckworth, M. Musiani, A.D. McDevitt, M. Hebblewhite and S. Mariani. 2012. Reconstruction of caribou and evolutionary history in western North America and its implications for conservation. *Molecular Ecology* 21: 3610-3624.

<sup>35</sup> J.A. Nagy, D.L. Johnson, N.C. Larter, M.W. Campbell, A.E. Derocher, A. Kelly, M. Dumond, D. Allaire and B. Croft. 2011. Subpopulation structure of caribou (*Rangifer tarandus* L.) in arctic and subarctic Canada. *Ecological Applications* 21:2334-2348. As cited in C.R. Macdonald. 2016. SRRB Final Technical Review - Science Advisor Colin Macdonald, PR 3.17.

of several years.<sup>36, 37</sup> Tsída remain strongly affiliated with other tsída in the same herd and, although small areas of overlap in the range of the two herds occur north of Great Bear Lake<sup>38</sup> (Figure 2, 13),<sup>39</sup> tsída return to ʔekwé né golek’á (the calving grounds) of each respective herd during migration.<sup>40</sup>

Small numbers of individuals move between the herds.<sup>41</sup> But, according to scientists, the separation of the herds into patterns of movement on the western and eastern sides of Great Bear Lake,<sup>42</sup> and their sustained annual return to significant areas within the Sahtú, such as ʔehdaɫa, ʔarakə Túé and ʔıts’ere Túé, indicate that the herds can be protected and managed individually. Genetic studies support the view that the barren-ground herds are genetically similar, distinct from boreal caribou (*Rangifer tarandus caribou*) and share a common ancestry with the Northern Mountain ecotype.<sup>43</sup>

### Balance of Evidence

Both Dene náoweré and science demonstrate that there is seasonal mixing of ʔekwé that travel on the east and northwest sides of Great Bear Lake within the Sahtú Region, and there has also been parallel mixing of indigenous peoples. Dene náoweré and scientific understandings of ʔekwé distribution and use of space do not conflict, and evidence indicates that notwithstanding the strong herd affiliations of tsída, the herds are genetically very similar. This similarity is reflected in Dene use of a common term for all – ʔekwé – barren-ground caribou. Although both Dene náoweré and science on the question of ayıı ʔekwé qt’e bear further research, the evidence provided at the Hearing, including the *Taking Care of Caribou* plan, supports distinguishing between BNE and BNW herds for the purpose of determining conservation actions.

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<sup>36</sup> Macdonald, supra, footnote 34, PR 3.17.

<sup>37</sup> Ibid.

<sup>38</sup> ACCWM, supra, footnote 10, 5.

<sup>39</sup> The ranges in this map have been defined by tracking radio-collared tsída over a number of years. The ʔekwé négo lek’á (calving ground) for Bluenose East ʔekwé is indicated by the hatched area to the immediate west of Kugluktuk in Nunavut. ACCWM, supra, footnote 10; Macdonald, supra, footnote 34, PR 3.17.

<sup>40</sup> ENR, supra, footnote 2, 7.

<sup>41</sup> J. Boulanger, B. Croft, A. Adamczewski, A. Lee, N. Larter and L.M. Leclerc. 2016 (February). *An estimate of breeding females and analyses of demographics for the bluenose-east herd of barren-ground caribou: 2015 calving ground photographic survey*. Review draft. As cited in C.R. Macdonald. 2016. SRRB Final Technical Review - Science Advisor Colin Macdonald, PR 3.17.

<sup>42</sup> Macdonald, supra, footnote 35, PR 3.17.

<sup>43</sup> Weckworth et al., supra, footnote 34.

## Research Priority

### *Hearing Decision 1*

The ʔehdzo Got'ıne Gots'ę Nákedı (Sahtú Renewable Resources Board) finds that further Dene náoweré and genetics research is required to address questions regarding ʔekwé herd structure and distribution.

## Policy Priority

### *Hearing Decision 2*

The ʔehdzo Got'ıne Gots'ę Nákedı (Sahtú Renewable Resources Board) finds that current evidence supports the distinction made between Bluenose East and Bluenose West ʔekwé herds. The SRRB finds that using this distinction also assists in facilitating cross regional conservation actions and sharing. The SRRB will therefore continue to base current management decisions on the understanding that Bluenose East and Bluenose West ʔekwé should be treated as distinct herds.

## Hearing Theme 2 – ʔekwé K'ęts'ıne gha Daradé? (Population Trends)

The SDMCLCA protects the rights of Sahtú Dene and Métis beneficiaries to harvest Sahtú gotıch'ádı (wildlife of the Sahtú Region) and participate in decision-making about harvesting and management of Sahtú gotıch'ádı.<sup>44</sup> The agreement also includes two complementary conservation objectives that represent conditions for exercising Dene and Métis rights for the wellbeing of people and the environment:

1.1.1(c) to recognize and encourage the way of life of the Sahtú Dene and Métis which is based on the cultural and economic relationship between them and the land;

1.1.1(h) to protect and conserve the wildlife and environment of the settlement area for present and future generations;

The word “conserve” comes from the Latin *con-*, together, and *-servare*, to keep – so to conserve means “to keep together.” This fits with indigenous views that everything is connected, including people and all living things. When there is a proven conservation concern, meaning the present and future wellbeing of Sahtú gotıch'ádı may be gogha horıla (at risk), the SRRB must act.

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<sup>44</sup> SDMCLCA 1.1.1(f, g).



The Délı̄ne and ENR plans both indicate that there is a conservation concern regarding the BNE ʔekwé herd. By weighing evidence, including factors that show BNE ʔekwé k'ets'ı̄ne gha daradé (population trends), it is possible to check whether and to what extent there is a conservation concern.

The SRRB participates in ACCWM, the voluntary organization that brings together the wildlife management boards in the north to exchange information and coordinate wildlife planning. As an ACCWM member, the SRRB helped develop the *Taking Care of Caribou* plan<sup>45</sup>, which identifies a variety of community-based and scientific criteria used to assess ʔekwé k'ets'ı̄ne gha daradé, including:

1. Population size
2. Population trend and rate of change
3. Productivity and recruitment
4. Adult composition
5. Body condition and health
6. Harvest levels
7. Predator populations
8. Range and movement patterns
9. Environment and habitat
10. Human disturbance

At its first annual status meeting on December 18, 2015, ENR presented information about criteria 1-6 to the ACCWM (though the information related to item 6, harvest levels, was noted to be uncertain). Information was not provided for items 7-10.

The *Taking Care of Caribou* plan also established a system of thresholds for assessing Bluenose herds and identifying corresponding management actions. The following figure shows the thresholds for the BNE herd.

Presently, ACCWM members, including the SRRB, are considering whether BNE ʔekwé fall in the “orange zone,” intermediate and decreasing. The Sahtú BNE ʔekwé Hearing provides invaluable evidence to assist the SRRB in making a decision. The SRRB also considered the concerns expressed by many community witnesses about the collaring method used to locate ʔekwé for the purpose of monitoring.

### Dene Náowerá Evidence

Although the Délı̄ne plan accepts that there is a conservation concern, the document does not directly address the question of whether BNE ʔekwé are within their natural cycle or “range of variation” – or whether they are declining more than usual. As Colville reminded us, a goal of

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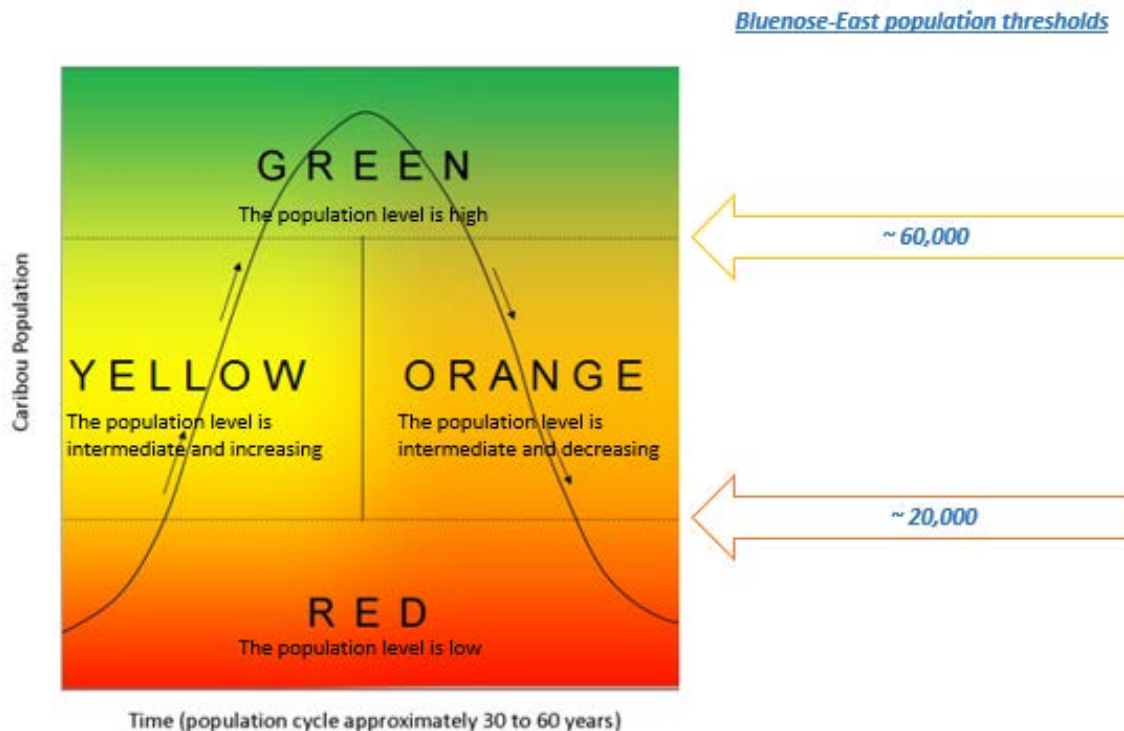
<sup>45</sup> ACCWM, supra, footnote 10, 17, PR 3.20.

the *Taking Care of Caribou* plan is to “maintain herds within the known natural range of variation.”<sup>46</sup>

According to the ACCWM’s 2014 “*We Have Been Living with Caribou All Our Lives*” community engagement report (which compiles the results of meetings held in seventeen communities and six land claim areas),<sup>47</sup> “People that took part in the community engagement sessions consistently said that caribou do cycle in abundance and change where they go from time to time.”<sup>48</sup>

At the SRRB Hearing, there was less clarity of consensus among the Dene and Métis witnesses on the question of whether there is currently a long-term declining trend that requires special conservation actions. After hearing scientific evidence at the BNE Hearing from ENR about declining populations, community witnesses often spoke about factors that may be negatively impacting Ɂekwé populations.<sup>49</sup> However, Colville stated that they do not accept ENR population models for the BNE herd, and maintained “there is not enough evidence to indicate that there is

FIGURE 3: PHASES OF THE POPULATION CYCLE WITH THE COLOUR-CODED "TRAFFIC LIGHT" APPROACH AND THRESHOLDS FOR BNE ɁEKWÉ IDENTIFIED IN THE TAKING CARE OF CARIBOU PLAN. SOURCE: ACCWM WORKING GROUP DRAFT BLUENOSE EAST ACTION PLAN (JULY 6, 2016)



<sup>46</sup> ACCWM, *ibid*, 12.

<sup>47</sup> Companion to ACCWM, *Taking Care of Caribou*, compiled Sautú information, 2014, PR 3.22.

<sup>48</sup> ACCWM, *supra*, footnote 10, 8.

<sup>49</sup> Eg. M. Neyelle, HT March 1 (206:3-212:21), PR 5.01.

in fact a conservation issue that would be responsive to management interventions, rather than natural cycle in the caribou herd.”<sup>50</sup>

Community witnesses in the Hearing challenged the scientific assumption that population numbers are a key indicator of a conservation concern. Colville noted that population numbers “offer few clues as to what factors are influencing population change.”<sup>51</sup> Délıne witness Walter Bayha thanked ENR for providing “good numbers,” but went on to say that numbers by themselves don’t give us solutions<sup>52</sup> .... “we really need to look at everything, not just counting caribou and looking at the population.”<sup>53</sup> In the words of Colville witness David Codzi, “This is not a numbers game.”<sup>54</sup>

Colville residents’ emphatic resistance to a numbers-only assessment of caribou points to a traditional emphasis on the importance of healthy ecological systems or relationships rather than numbers. Dene náoweré encompasses habitat, other species, people, and the balance between these elements serves as their basis for assessing ʔekwé k’ets’ıne gha daradé. The two keystone stories in the Délıne plan, “ʔekwé ʔeʔa –Law of the Caribou” and the story of the meeting between ʔekwé and Díga (Wolf)<sup>55</sup> provided insights into Dene concepts of systems that support healthy ʔekwé populations.

There is recognition among Sahtú communities that poor human behaviour is an indication that ʔekwé are not doing well. In an ACCWM community engagement report, a Colville participant offered a reminder of the oft-repeated teaching: “The elders say that the cycle might be low when they are being disrespected, such as when you hit them with a stick and then the caribou go away for seven or eight years.”<sup>56</sup> The ACCWM report also referred to Délıne observations that the harvest had declined in recent years because ʔekwé were too far away.<sup>57</sup> A witness from Délıne warned, in the ACCWM report, that it’s important to watch for signs of changing populations: “Maybe in the future – in 20 or 30 years – the caribou will go down again. The elders have beliefs, signs that something is going to happen to the caribou. There are other signs too about what is going to happen to the caribou. Sometimes there are signs that it will be a good harvest of caribou, but you see signs from the ptarmigan or the grouse that will tell you that there will be no caribou there – if you don’t look at these signs, you will starve.”<sup>58</sup>

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<sup>50</sup> Colville, supra, footnote 26, 5.

<sup>51</sup> Ibid.

<sup>52</sup> HT March 1, (95:17-18), PR 5.01.

<sup>53</sup> HT March 2 (201:508), PR 5.02.

<sup>54</sup> HT March 2 (239: 12-13), PR 5.02.

<sup>55</sup> DEWG, supra, footnote 3, 3, 5.

<sup>56</sup> ACCWM, supra, footnote 10, 10. For an additional discussion of the Dene concepts of respect as a factor in ecological health, see Jane Modeste. 2005. *Dene Ways of Respecting the Land and Animals*, Délıne First Nation.

<sup>57</sup> ACCWM, ibid, 32.

<sup>58</sup> Ibid.

Communities in other geographic areas, including the Wek'èezhì, Gwich'in, Inuvialuit regions in the NWT, and in the Territory of Nunavut, have expressed grave concerns about the status of BNE Ɂekwé. Based on community engagement, wildlife management authorities in all other regions have formally accepted that there is a conservation concern and that conservation actions are required. For example, the Kugluktuk Hunters and Trappers Organisation recently submitted an Integrated Community Caribou Management Plan (ICCMP), developed in consultation with the Kitikmeot Inuit Association, in the current Nunavut Wildlife Management Board Hearing on BNE. The Kugluktuk ICCMP does not discuss BNE Ɂekwé status, but does identify a number of conservation actions indicating agreement that there is a concern.<sup>59</sup> This mutual concern has considerable relevance for the SRRB Hearing process, as the BNE Ɂekwé with which our hearing is concerned calve near Kugluktuk.

A topic of great concern for community witnesses at the Hearing was the use of collars by biologists to locate Ɂekwé groups for monitoring surveys. This concern has been consistently expressed to the SRRB over the years. At an ʔehdzo Got'ine Gathering in Fort Good Hope in 2013, a consensus resolution was passed that “Sahtú Dene and Métis elders and harvesters do not support caribou collaring as a research method, since it is disrespectful to the caribou and affects caribou health.”<sup>60</sup> A consensus resolution was passed at the Sahtú Secretariat, Incorporated (SSI)<sup>61</sup>-SRRB ʔekwe Leadership meeting in 2015 that “we the undersigned oppose the use of collars for monitoring wildlife, and instead support the use of the knowledge of the RRCs and the hunters.”<sup>62</sup>

At the Hearing, Colville Chief Wilbert Kochon said that Ɂekwé are very sensitive, and an individual may be become an outcast if handled by people. Chief Kochon went on to explain that Ɂekwe experience collars as a person would:

I always think about when you net cows and touch them it's not good. And I know how the animal feels. It's just like you, you're doing that, netting me and touching me. I don't think so. I don't think they like that.<sup>63</sup>

Fort Good Hope witness Frank T'seleie voiced concerns expressed by elders about various methods used by scientists requiring handling caribou – symbolized by the old method of tagging and questioned the utility of such methods:

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<sup>59</sup> KHTO. 2016 (May 27). *Submission to the Nunavut Wildlife Management Board on the Government of Nunavut proposed Total Allowable Harvest of 340 Bluenose east Caribou*, PR 3.11.

<sup>60</sup> Renewable Resources Council Gathering. 2012 (September 18). *Caribou Research Resolution*, SRRB, PR 3.12.

<sup>61</sup> The Sahtu Secretariat Incorporated was formed by the seven Sahtú Land Corporations (four Dene Land corporations and three Métis Land Corporations) on June 23, 1994, with the enactment of the Sahtú Dene and Métis Land Claims Settlement Act (SDMCLCA). Provisions in the SDMCLCA include the power to establish implementing bodies that are responsible for a range of services and activities within the Sahtú Settlement Area.

<sup>62</sup> SSI and SRRB. 2015 (April 22-23). *Caribou Meeting Record*, PR 3.13.

<sup>63</sup> HT March 1 (146:14-25, 147:1-5), PR 5.01.

I would like to address the method that the scientists use in studying wildlife. Time and time again, I always hear our Elders, our senior advisors, speaking against things like tagging wildlife. We are raised, you know, from the time we're children to respect wildlife. And tagging them I don't think does anything.<sup>64</sup>

Colville witness David Codzi advocated an alternative means of monitoring ʔekwé populations, and testified that ʔehdzo got'ine (harvesters) are able to locate caribou by travelling on the land “in the traditional manner, without the use of collars on caribou.”<sup>65</sup>

There has been active support in the Sahtú for non-invasive types of data collection to learn about ʔekwé through co-production of knowledge engaging Dene náoweré and science. Délıne and Colville have both participated in a fecal sampling program as part of the ʔekwé populations study led by Jean Polfus, and several community members have been co-authors on published research papers resulting from this study.<sup>66</sup> Both communities have also participated in the University of Calgary and ENR ʔekwé health sampling program led by Susan Kutz.<sup>67</sup> The “Délıne ʔekwé Code,” appended to the Délıne plan and detailed in Theme 14 – Enforcement of Náts'ezé ʔeʔa (Harvest Code)– stated that “ʔehdzo got'ine [(harvesters) are] required by the community to bring back health sample kits, including documentation.”<sup>68</sup>

## Scientific Evidence

The scientific evidence for the decline of BNE ʔekwé presented by ENR<sup>69</sup> is based on population and demographic surveys conducted since 2010. The studies presented show a marked decline in the herd size, and indicators of herd productivity and body condition of tsída (females) to be below the levels needed for the herd to remain stable, or to recover. Photographic surveys take place in June during calving by tracking 20-30 collared tsída (females) to ensure that all the tsída in the herd have been counted. Compositional surveys conducted at other times of the year provide data on the proportion of bedzió (males) and tsıa (calves, yearlings) present. These data are used to estimate total herd numbers and the overall status of the herd. The methods used by ENR have been independently reviewed<sup>70</sup> to ensure that enough collars are used, so that no large groups are missed during the survey at ʔekwé né golek'ó (calving grounds), and that appropriate

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<sup>64</sup> HT March 2 (208:22-25, 209:1-4), PR 5.02.

<sup>65</sup> HT March 2 (250:2-5), PR 5.02.

<sup>66</sup> J. L. Polfus, M. Manseau, D. Simmons, M. Neyelle, W. Bayha, F. Andrew, L. Andrew, C. F. C. Klütsch, K. Rice, and P. Wilson. 2016. Łeghógots'enetę (learning together): the importance of indigenous perspectives in the identification of biological variation. *Ecology and Society* 21(2):18. <http://dx.doi.org/10.5751/ES-08284-210218>.

<sup>67</sup> R. K. Brook, S. J. Kutz, A. M. Veitch, R. A. Popko, B. T. Elkin, G. Guthrie. 2009 (June). Fostering Community-Based Wildlife Health Monitoring and Research in the Canadian North. *Ecohealth* 6(2):266-278.

<sup>68</sup> DEWG, supra, footnote 3, Appendix E, 30.

<sup>69</sup> Macdonald, supra, footnote 41.

<sup>70</sup> J. T. Fisher, L.D. Roy and M. Hiltz. 2009. *Barren-ground caribou management in the Northwest Territories: an independent peer review*. Alberta Research Council. Vegreville, Alberta. 53 pp.

statistics and interpretation are used to estimate key metrics such as herd productivity, the survival of tsída and recruitment of tsíá.

Surveys of BNE ʔekwé since 2010 have shown a drastic decline in total numbers, from over 100,000 in 2010 to 38,592 in 2015<sup>71</sup> (see Figure 4, page 22). The rate of decline since the 2013 survey was about 20% per year. The number of adult tsída, the age group of most concern due to their productivity, declined from 51,727 in 2010 to 17,396 in 2015. A reconnaissance survey conducted in June 2016 on the BNE calving grounds reported 18,536 1+ year ʔekwé, for a decline of 8.4% since the 2015 survey. Although the error estimate was very high in 2016 due to the type of survey and the high aggregation of the ʔekwé, ENR indicates that the herd is continuing to decline.<sup>72</sup> The decline observed in the BNE herd is similar to that observed in the BNW and Bathurst herds in the mid-2000's<sup>73</sup>.

The 2015 survey also showed several indicators of the health of the herd to be below the levels at which the herd can remain stable or begin to increase in number.<sup>74</sup> Adult tsída and yearling survival in 2015 was estimated at 71%, much lower than the 80-85% required for the herd to recover. This measurement includes losses of tsída due to harvesting and predation. Tsíá survival and tsída pregnancy rates are well below the values required for a stable, let alone recovering, herd. The 2015 assessment suggests that, unless there is a change in the survival and productivity of the herd, the herd numbers will continue to decline, and may fall into the “red zone,” identified by the *Taking Care of Caribou* plan<sup>75</sup> (total herd size of <20,000), by the next detailed survey in 2018. This conclusion is consistent with the results of the 2016 reconnaissance survey.

ENR uses ʔhdzo got'íneᑭ-collected (harvester-collected) tissue samples to monitor the health and general condition of members of the BNE herd. These samples provide a valuable tool to determine a “snapshot” of pregnancy rates, presence of disease, amount of body fat and other general health indicators of individual animals. Body condition is directly correlated with pregnancy, and large amounts of body fat and low presence of disease tend to indicate higher pregnancy rates, essential for a recovering herd. These programs provide a valuable opportunity for ʔhdzo got'íneᑭ to be partners with government programs by providing critical knowledge of the harvested animal and its general condition and samples for more detailed analysis.

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<sup>71</sup> Macdonald, supra, footnote 41.

<sup>72</sup> ENR. 2016 (July 15). *Summary of Bathurst and Bluenose-East caribou herd survey results*. PR 3.06. As the cover letter accompanying this report explains, “Photo surveys are done every three years on these two herds. In the years between photo surveys, ENR conducts reconnaissance surveys. While reconnaissance surveys are not as precise as a photo survey, they still provide a reliable indicator of changes in the size and location of the calving grounds from year to year and the number of cows on the calving grounds.”

<sup>73</sup> Macdonald, supra, footnote 41.

<sup>74</sup> Ibid.

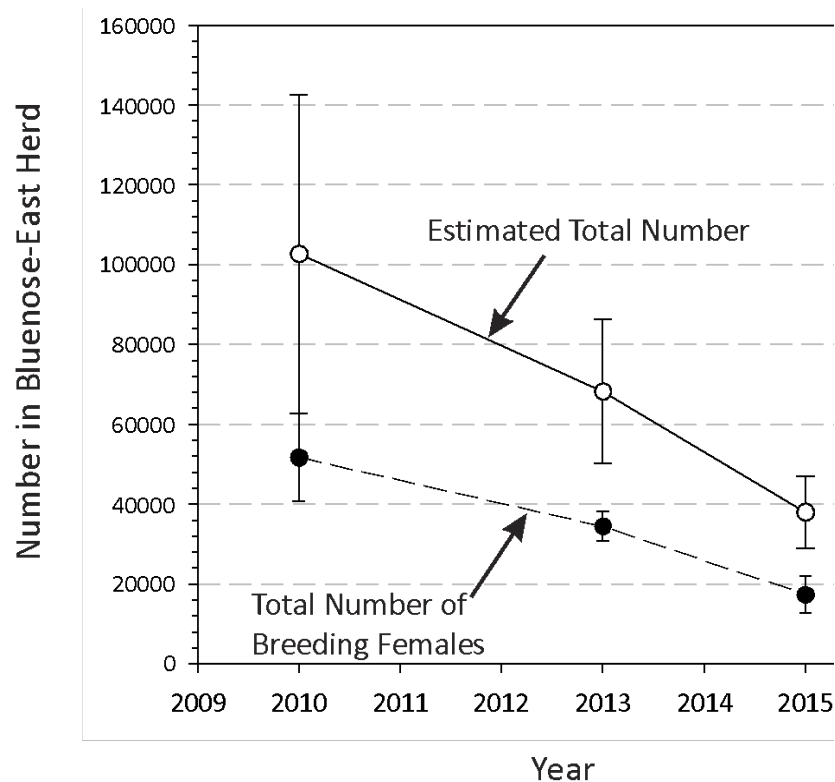
<sup>75</sup> ACCWM, supra, footnote 10.

ENR also relies on radio-collars on 20-30 tsída and a number of bedzió (males) to determine the location of groups of individuals for surveys and the survival rates of individuals.<sup>76</sup> In general, more collared individuals increase the precision of estimates of herd size and survival of individuals.<sup>77</sup> Heavy collars used in the past may reduce the survival of collared tsída; however, new technology has significantly reduced the size of the collars. At present, collars provide information that is consistent with methods used in the past, enabling ENR to look for and assess long-term trends. ENR witness Bruno Croft stated that ENR aims to reduce stress on ʔekwé to a minimum, and welcomes suggestions for alternate methods to locate ʔekwé. ENR has explored the use of drones as an alternative, but to date this has not proven successful.<sup>78</sup>

### Balance of Evidence

Notwithstanding conflicting evidence about methods used for monitoring ʔekwé, both the Délı̄ne and ENR plans support evidence that BNE ʔekwé populations are declining and that there is a conservation concern. This finding has also been confirmed by the WRRB and Tłı̄chǫ

FIGURE 4: ESTIMATED TOTAL NUMBER IN THE BLUENOSE EAST (BNE) HERD AND THE NUMBER OF BREEDING FEMALES IN SURVEYS CONDUCTED BY ENVIRONMENT AND NATURAL RESOURCES SINCE 2010. BARS INDICATE THE 95% CONFIDENCE INTERVAL



<sup>76</sup> Macdonald, supra, footnote 41.

<sup>77</sup> C.R. Macdonald. 2016. *SRRB Final Technical Review - Science Advisor Colin Macdonald*, PR 3.17.

<sup>78</sup> HT March 1 (183:9-25, 184:1-8), PR 5.01.

Government as well as Parties at the Nunavut Wildlife Management Board Hearing. The SRRB accepts that the evidence establishes that there is a conservation concern for the BNE ʔekwé.

The *Taking Care of Caribou* plan includes a management goal to “maintain herds within the known natural range of variation.”<sup>79</sup> Biologists use this concept to refer to the highest and lowest known ʔekwé populations prior to human disturbance. It uses the idea of a baseline where without any outside interference, ʔekwé herds will expand and contract within limits imposed by their environment (though the concept may be increasingly irrelevant due to changes in ʔekwé ecology due to climate change, development and new harvesting technologies). Furthermore, scientists don’t have the historical data required to determine the long term “range of variation” for BNE ʔekwé. However, elders speak of historical times when ʔekwé were scarce. These times may correspond to known declines in herd numbers, or changes in migration routes and usage of ʔededáhk’ó (habitat). Recent evidence from ENR has shown that the herd has fluctuated from over 120,000 ʔekwé in 2000 to 66,754 in 2006, rebounded to 100,000 in 2010 and has since declined dramatically to 38,000. The 2016 assessment on the calving grounds indicates that herd numbers may be continuing to decline. This is consistent with the 2015 ENR aerial survey which showed low pregnancy rates and low tsia recruitment.

The SRRB notes that some ʔekwé herds, such as the Beverly and the Southampton Island herds, have declined to the point of being inaccessible to ʔehdzo got’ine, and in the case of the Southampton Herd, became extinct and had to be repopulated by ʔekwé from another area.

The *Taking Care of Caribou* plan is guided by what t̄ch’ád̄i (wildlife) managers call the “precautionary principle” for conservation: “in the absence of complete information and where there are threats of serious or irreparable damage, lack of complete certainty shall not be a reason for postponing reasonable conservation measures.”<sup>80</sup> Given the uncertainties in the historical record of the natural population range for the BNE, the SRRB chooses to take a precautionary approach on the status of the herd and to assume that numbers could continue to decline in the short-term.

There remain numerous questions about the status of the cultural and ecological systems that sustain ʔekwé populations. Viewed in balance, the SRRB finds that the evidence shows that BNE ʔekwé are not in a crisis, but there is a conservation concern. The evidence also demonstrates that there are a number of new factors affecting ʔekwé that bear consideration, including new harvesting technologies, cultural change, climate change, and industrial development. There is a risk that the decline could continue, and the BNE ʔekwé population could fall into a critical decline as has likely happened with the Bathurst and Cape Bathurst herds.

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<sup>79</sup> ACCWM, supra, footnote 10.12.

<sup>80</sup> ACCWM, ibid, 60.



There is agreement between community Parties and ENR that Ɂekwé monitoring is important for being aware of Ɂekwé k'ets'ine Ɂha daradé, and being able to make wise and adaptive decisions as the status of the herd changes. There is also agreement that monitoring should be based on principles of hegerichá goɁekwé (respect for caribou). Where views have not been reconciled is with respect to the viable methods available for monitoring. The many questions posed during the Hearing about BNE Ɂekwé status, and the lack of information about a number of criteria for herd assessment, indicate that vigorous Dene náoweró and scientific research is needed in this area. Moreover, there appears to be a significant gap between Dene náoweró and science-based research and monitoring processes that may contribute to incomplete and conflicting results and conclusions. Further research is required to achieve truly collaborative approaches to monitoring that are considered valid by both Sahtú communities and scientists.

### Research Priority

#### *Hearing Decision 3*

The Ɂehdzo Got'ine Gots'é Nákedı (Sahtú Renewable Resources Board) will work with Ɂich'adıı (wildlife) management partners to develop a well-rounded community-collaborative Dene náoweró and science-based research and monitoring program in order to provide greater certainty about the status of Bluenose East Ɂekwé based on the ten criteria outlined in the Taking Care of Caribou plan developed by the Advisory Committee for Cooperation on Wildlife Management, and approved by the NWT Minister of Environment and Natural Resources.

### Policy Priorities

#### *Hearing Decision 4*

The Ɂehdzo Got'ine Gots'é Nákedı (Sahtú Renewable Resources Board) finds that a precautionary approach should be adopted in managing Bluenose East Ɂekwé. Dene náoweró and science evidence supports the conclusion that Bluenose East Ɂekwé are in the “orange zone,” intermediate and decreasing, as identified in the *Taking Care of Caribou* plan developed by the Advisory Committee for Cooperation on Wildlife Management. This means Bluenose East Ɂekwé gogha horıla (are at risk), and recovery of the herd is not certain. Based on a precautionary approach, the SRRB finds that a broad range of actions should be taken to support herd recovery and prevent further decline, so that Bluenose East Ɂekwé will be present for future generations.

### *Hearing Decision 5*

The ʔehdzo Got'ine ʔots'é Nákedı (Sahtú Renewable Resources Board) finds that the Dene náoweró and scientific evidence establishes that ʔekwé undergo natural cycles of decline and recovery, and that new social and ecological factors contribute new and unknown pressures that could accelerate decline or prevent recovery.

## Part B: ʔedets'ę K'áokerewe (Governance)

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This section considers three themes related to the framework for decision-making in ʔekwę conservation:

Hearing Theme 3 – ʔekwę ʔedets'ę K'áokerewe (Caribou Self-Regulation)

Hearing Theme 4 – Dene hé Métis hé ʔedets'ę K'áokerewe (Community Self-Regulation)

Hearing Theme 5 – ʔelehé ʔeghálats'eda (Collaborative Management)

Hearing Theme 4 is the most detailed section in this report, since it addresses key decisions about the role of communities in ʔekwę conservation. There are two Research Priority decision, along with six Policy Priority decisions, related to these themes. All six decisions were made with a view to strengthening the overall approach to collaborative ʔekwę conservation within the Sahtú Region and beyond.

### Hearing Theme 3 – ʔekwę ʔedets'ę K'áokerewe (Caribou Self-Regulation)

The Délıne plan is based on the principle that “ʔekwę make their own decisions – we're not the boss of them.”<sup>81</sup> The plan adopts the concept of community self-regulation, and although this term is not used with respect to ʔekwę, the complementary principle of ecological self-regulation is consistent with the Délıne approach.

The SRRB examined evidence related to the theme of caribou self-regulation, in relation to both conservation goals and approaches, since there is a possibility that:

- a) the concept of ʔekwę ʔedets'ę k'áokerewe (caribou self-regulation) conflicts with the concept of “wildlife management” used in the *Sahtú Dene and Métis Comprehensive Land Claim Agreement (SDMCLCA)*, and
- b) the principle of caribou self-regulation may have implications for conservation decision-making with respect to BNE ʔekwę.

### Dene Náoweré Evidence

The Délıne plan asserts the following first ʔeʔa (law or principle): Goró begho gots'ede nıde dzá qt'e (when people talk about ʔekwę too much, it's not good). This ʔeʔa was repeated by various witnesses at the Hearing as a testament to its importance. The prohibition against talking about

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<sup>81</sup> DEWG, supra, footnote 3, 6; Délıne RRC. 2016 (February 27). Responses to WRRB Information Requests, 4, WRRB BNE PR 023, <http://www.wrrb.ca>.

ᐱᓃᓄᓂ “too much” may prevent inappropriate attempts to control or disrespect ᐱᓃᓄᓂ, and thus, talking about them “too much” may disturb them.

The ᐱᓃᓄᓂ against controlling caribou is linked to another Dene ᐱᓃᓄᓂ, as Délı̨ᓄᓂ community member Gordon Taneton put it, “No soul in the world owns the caribou.”<sup>82</sup> Délı̨ᓄᓂ witness Morris Neyelle expanded Taneton’s view to all of nature: “It’s difficult to talk about caribou. We didn’t make it. We didn’t create it. It has a song and ... you have to take care of it. You can’t sell it. We can’t make money from it. The same with fish. All wildlife is like that including water.”<sup>83</sup> In the words of Colville Chief Wilbert Kochon: “It’s something that we can[’t] control, no authority over ... it’s there to respect.”<sup>84</sup>

Conversely, hegerı̨chá (respectful behaviour) when harvesting or talking about caribou can be beneficial for caribou and Dene alike. According to Délı̨ᓄᓂ elder Leon Modeste, “When we all look after and respect it, every part of it, it will come back to itself and it’ll recreate itself. If we have killed about one hundred caribou, if we respect them all the way we killed it, and respect them all, all one hundred of them will come back to us. Those are the things that our prophets have mentioned to us ... When you talk about the caribou, talk about it very well and respectfully.”<sup>85</sup>

Witnesses explained that talking can be a prayer, a means of maintaining a relationship with ᐱᓃᓄᓂ<sup>86</sup>, or seeking guidance from ᐱᓃᓄᓂ. Délı̨ᓄᓂ witness Walter Bayha told the SRRB, “Ask the caribou. Talk to them ... That’s one of the things my grandfather said ... If things don’t work for you, go talk to them. And I think too often we forget that part of our relationship with caribou.”<sup>87</sup>

The Délı̨ᓄᓂ plan states that ᐱᓃᓄᓂ decide when they want to be left alone, and when they want to come back to be harvested.<sup>88</sup> The plan quotes Bayha: “ᐱᓃᓄᓂ are free to roam wherever they want. As Dene, we’re also free to roam wherever we want, just like ᐱᓃᓄᓂ, and there is a relationship between us. We want to continue that good relationship to take care of each other.”<sup>89</sup>

The Délı̨ᓄᓂ plan invokes the concept of freedom and autonomy for ᐱᓃᓄᓂ and people alike: “Dene and ᐱᓃᓄᓂ are free to maintain their relationships through their own ᐱᓃᓄᓂ.”<sup>90</sup> At the

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<sup>82</sup> HT March 1 (264:18-19), PR 5.01.

<sup>83</sup> HT March 2 (66:3-10), PR 5.02.

<sup>84</sup> HT March 1 (100:1-4), PR 5.01.

<sup>85</sup> HT March 2 (137:6-14, 22-23), PR 5.02.

<sup>86</sup> As with the phrase spoken to a fetus, “ᐱᓃᓄᓂ’énanede háde máhsı̨ gha – If only you would go back to your herd, then thank you.” DEWG, supra, footnote 3.

<sup>87</sup> HT March 2 (60:20, 61:1-5), PR 5.02.

<sup>88</sup> “Dene ᐱᓃᓄᓂ say that when they decide to return, ᐱᓃᓄᓂ nı̨ᐱah, they make a thundering sound.” DEWG, supra, footnote 3, 6.

<sup>89</sup> DEWG, supra, footnote 3, 4.

<sup>90</sup> Ibid.

Hearing, Tłı̨chǫ Government observer Joseph Judas agreed – in his words, caribou “has no boundaries.”<sup>91</sup>

## Scientific Evidence

Scientists consider large Ɂekwé herds such as the BNE to be “keystone” species due to the large impact they have on their environment, their extensive interactions with other species, and the critical role that they play in the terrestrial ecology of the tundra and taiga. Ɂekwé may be considered to be self-regulating through density dependent factors that occur as the herd goes through high density and low density fluctuations (i.e. peak and low numbers).

One explanation for the large natural fluctuations observed in many of the Ɂekwé herds is that, at their peak, the herds consume more forage than can be replaced, due to the low productivity of the arctic environment.<sup>92</sup> This overgrazing leads to poor body condition of tsída (females), and ultimately low pregnancy rates, low tsia (calf) survival and a decline in herd numbers. A higher incidence of disease is also expected when the herd is at its peak, due to increased transmission of parasites and disease between individuals, particularly when a migrating herd returns to a specific area annually.<sup>93</sup> Numbers of predators, such as díga (wolves), also follow the same general pattern, with numbers of díga falling as the herd declines in size. Note that human harvesting and wildlife predation are generally not considered to be a cause of decline, but may impact the herds in the later stages of population decline when herd numbers are smaller.<sup>94</sup> External factors, like the large scale change in climate over 30-40 year cycles, may also affect the quality of habitat and cause weather extremes that further depress herd numbers.<sup>95</sup>

## Balance of Evidence

The SRRB finds that both Dene náoweró and science share the goal of a holistic and ecological approach to supporting biocultural systems that are diverse, resilient and Ɂedets’é k’áots’erewe (self-regulating). In the shared Ɂededáhk’ó (habitat) of Ɂekwé and Dene/Métis in the Sahtú Region, cultural and ecological well-being is dependent upon respect for the autonomy of Ɂekwé and strengthening the knowledge and skills inherent in harvesting relationships with Ɂekwé. In a changing social-ecological context, Ɂekwé may decide to change in numbers, Ɂededáhk’ó

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<sup>91</sup> HT March 1 (242:1), PR 5.01.

<sup>92</sup> G.J.M. Rickbeil, N.C. Coops and J. Adamczewski. 2015. The grazing impacts of four barren ground caribou herds (*Rangifer tarandus groenlandicus*) on their summer ranges: an application of archived remotely sensed vegetation productivity data. *Remote Sensing of Environment* 164: 314-323.

<sup>93</sup> S. J. Kutz, E. P. Hoberg, J. Nagy, L. Polley and B. Elkin. 2004. “Emerging” parasitic infections in arctic ungulates. *Integrative and Comparative Biology* 44:109-118.

<sup>94</sup> M. Festa-Bianchet, J.C. Ray, S. Boutin, S. Cote and A. Gunn. 2011. Conservation of caribou (*Rangifer tarandus*) in Canada: an uncertain future. *Canadian Journal of Zoology* 89: 419-434.

<sup>95</sup> A. Gunn. 2003. Voles, lemmings and caribou – population cycles revisited? *Rangifer*. Special Issue No 14: 105-111.

(habitat), and behaviour in order to survive. Sahtú communities may need to adapt their subsistence practices in order to maintain their relationships with ʔekwé, as they have done over countless generations.

Both Dene náoweró and science provided evidence that the social-ecological system in the Sahtú is gogha horíla (at risk), greatly affected by declining ʔekwé populations, but it is still relatively edets'é k'áots'erewe (self-regulating). The SRRB notes that this stability contrasts with the highly managed systems that prevail in much of Canada's southerly areas, where the number of species at risk is rapidly growing<sup>96</sup> notwithstanding legislated recovery measures, and where the future of ʔekwé relatives, boreal woodland caribou<sup>97</sup> and mountain caribou<sup>98</sup>, are increasingly precarious.

These results and the evidence in this Hearing further reinforce the SRRB's commitment to engaging with Dene náoweró knowledge along with science in ʔekwé management, including recognizing principles of ʔekwé ʔedets'é k'áots'erewe (caribou self-regulation). The SRRB accepts the Dene náoweró and scientific evidence that decisions imposed from outside the communities to control ʔekwé harvesting is a measure of last resort that should be used only when ʔekwé and indigenous people are no longer able to be ʔedets'é k'áokerewe (self-regulating). This breakdown of social-ecological systems has not yet happened in the Sahtú Region, but could be severely exacerbated by a management approach that does not respect ʔekwé self-regulation. For this reason, the SRRB supports alternative community conservation approaches for “taking care of” ʔekwé.

### Research Priority

#### *Hearing Decision 6*

The ʔehdzo Got'ine Gots'é Nákedı (Sahtú Renewable Resources Board) will work with ʔich'ádıı (wildlife) management partners to prioritize the research required to address questions about relationships between changing ʔededáhk'ó góʔekwé (caribou habitat), ʔich'ádıı interactions and Bluenose East ʔekwé caribou náts'ezé (caribou harvesting) practices.

<sup>96</sup> Federal, Provincial and Territorial Governments of Canada. 2010. *Canadian biodiversity: ecosystem status and trends 2010*. Canadian Councils of Resource Ministers. Ottawa, ON. vi + 142 p.

<sup>97</sup> COSEWIC. 2014. *COSEWIC assessment and status report on the Caribou Rangifer tarandus, Newfoundland population, Atlantic -Gaspésie population and Boreal population, in Canada*. Committee on the Status of Endangered Wildlife in Canada.

<sup>98</sup> Ibid.

## Policy Priorities

### *Hearing Decision 7*

The ʔehdzo Got'ıne Gots'ę Nákedı (Sahtú Renewable Resources Board) accepts the principle of ʔekwé ʔedets'ę k'áokerewe (caribou self-regulation), as reflected in community conservation plans, as the best foundation for Bluenose East ʔekwé conservation at this time.

### *Hearing Decision 8*

The ʔehdzo Got'ıne Gots'ę Nákedı (Sahtú Renewable Resources Board) recommends that curriculum development in the Sahtú Region related to be based on concepts of asıı godı hé Dene ts'ıı hé (biocultural diversity) and ʔedets'ę k'áots'erewe (self-regulation) in order to instill new generations with understanding of the basis for hegerıchá (respect), and to forge the way for new leaders in conservation.

## Hearing Theme 4 – Dene hé Métis hé ʔedets'ę K'áokerewe (Community Self-Regulation)

The SDMCLCA establishes local Renewable Resources Council (ʔehdzo Got'ıne or RRC) and invests them with a number of powers with respect to local harvesting.<sup>99</sup> ʔehdzo Got'ıne have the authority “to manage, in a manner consistent with legislation and the policies of the Board, the local exercise of participants' harvesting rights including the methods, seasons and location of harvest.”<sup>100</sup>

News of significant declines in ʔekwé populations has been a catalyst for vigorous discussions in the Sahtú Region about evidence-based approaches to conservation since the Bluenose West (BNW) ʔekwé Hearing nearly a decade ago. In 2014, Bluenose East (BNE) ʔekwé became a focal point, and the question of local harvesting governance was again posed. Participants at the Sahtú Leadership Caribou Meeting, held in Colville Lake on April 22-23, 2015, resolved unanimously “that the Sahtú region continue the traditional laws of relationship with caribou through a Sahtú-developed caribou plan including a process of self-regulation, driven by community-based monitoring and decisions.”<sup>101</sup>

Délıne's plan took up this resolution, pointing out that the SDMCLCA “allows for a collaborative management system that can create a space for Dene ts'ıı (governance) and a role for the RRCs

<sup>99</sup> SDMCLCA 13.4.6, 13.5.5, 13.8.20, 13.8.40, and 13.9.

<sup>100</sup> SDMCLCA 13.9.4(b).

<sup>101</sup> SSI and SRRB, supra, footnote 62.

that can work towards maintaining traditional relationships with ʔekwé and other communities.”<sup>102</sup> Délıne proposes that the ʔedets’é k’áokerewe (self-regulation) approach should be used to address BNE conservation concerns. The Délıne plan suggests that the Total Allowable Harvest (TAH) approach, also outlined in detail in the SDMCLCA, should be considered as a last resort, “if our actions are not as successful as we would hope.”<sup>103</sup>

In its final submissions, ENR recognized “the leadership shown by the community of Délıne in developing a community-based caribou conservation plan for the Bluenose-East herd.”<sup>104</sup>

Through the Hearing process, several other Sahtú communities have submitted that they wish to adopt a community ʔedets’é k’áokerewe approach. Colville’s written submission stated that “the Colville RRC is actively working with SRRB and ENR to develop a caribou plan for the BNW which will include the BNE which on rare occasion pass through the Arake Tue area.”<sup>105</sup> The Fort Good Hope RRC workshop resolved that “more control [be] given to communities to control and regulate their own harvesting.”<sup>106</sup> The Tulıt’a ʔehdzo Got’ıne (RRC) submitted that “we look forward to developing our own management plan.”<sup>107</sup>

ENR’s witness Bruno Croft noted that the Délıne approach is “outside the box ... it’s very progressive. We’ve learned from it. And we see the results this winter. And clearly we’ve learned, as you’ve taught us how you can do things at a community level.”<sup>108</sup>

At least one community in BNE range outside the Sahtú Region has recently developed a community ʔedets’é k’áokerewe plan. In May 2016, the Kugluktuk Hunters and Trappers Organisation (KHTO) delivered a submission to the Nunavut Wildlife Management Board BNE ʔekwé Hearing. The Kugluktuk HTO proposed key features of community self-regulation plan called an Integrated Community Caribou Management Plan (ICCMP), prepared in consultation with the Kitikmeot Inuit Association. The KHTO stated their belief that a TAH should be a last resort if other measures do not work. Specifically, “the KHTO believes that the tools in the ICCMP will be a better alternative to the TAH in part because monitoring and enforcement that is local is more respected and effective than enforcement by government.”<sup>109</sup>

The SRRB is tasked in this Hearing with assessing the regional and community approaches in relationship to the conservation approaches outlined in the SDMCLCA, along with evidence

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<sup>102</sup> DEWG, supra, footnote 3, 8.

<sup>103</sup> Ibid.

<sup>104</sup> ENR. *Final Written Submission to the SRRB’s 2016 Bluenose-East Caribou Herd Proceeding*. 8, PR 2.12.

<sup>105</sup> Colville, supra, footnote 26.

<sup>106</sup> Fort Good Hope Renewable Resources Council. 2016 (May 13). *Suggestions by delegates at [ʔekwé Hearing] workshop*. 1, PR 4.05.

<sup>107</sup> Tulıt’a Renewable Resources Council. 2016 (May 3). *Final Submission for the Public Hearing on Management of Bluenose East ʔekwé (caribou)*. 2, PR 4.08.

<sup>108</sup> HT March 1 (97:2-6), PR 5.01.

<sup>109</sup> KHTO, supra, footnote 59, PR 3.11.



offered by Dene náoweré and social science research (including the fields of anthropology, history, and environmental governance) on the ability of ʔedets'é k'áokerewe plans to achieve conservation goals. A community-based ʔedets'é k'áokerewe approach is uncommon in the formal co-management context in the NWT (although it may have been the customary community practice and is an aspect of emerging self-government arrangements). It requires thorough review – hence the discussion related to this theme is more extensive than with other themes.

## Dene Náoweré Evidence

There is overlap between Dene náoweré and social science evidence based on research with indigenous peoples, or research on documentation of indigenous history, knowledge and practices related to ʔedets'é k'áots'erewe. For the purpose of this Report, the Dene náoweré evidence reviewed is drawn from the Hearing transcripts, the Sahtú communities' submissions and other relevant documentation directly from Dene and Métis communities. The science evidence is drawn from the submissions, oral evidence and scientific literature submitted by ENR, and relevant secondary sources.

## History

The Délıne plan identifies four phases in the history of Délıne Got'ıne (the Dene people of Délıne) starting with 1) Dene ts'ııı (the old time Dene way of life), moving through 2) a period of government efforts to conserve ıch'ádıı (wildlife) through imposition of harvesting regulations, to 3) the post-land claim era of co-management, and finally 4) to the present and future era of self-governance.<sup>110</sup>

The Délıne plan points to a number of “Problems We Face” in ʔekwé conservation which indicate these four phases tend to overlap. The first, Dene ts'ııı, has carried through to inform the present/future time of self-governance (phase 4). However, strong resonances of the pre-land claim experience of top-down management practices (phase 2), persistent in Dene experiences of contemporary co-management (phase 3), threaten to undermine aspirations of self-governance. The plan refers to “memories of the colonial days” brought by the tag system proposed by ENR, “top-down decisions” by ENR, and “lack of trust and confidence to work with decision-makers.”<sup>111</sup>

These experiences were echoed in community testimony at the Hearing. Tulıt'a elder Joe Bernarde reminded Hearing witnesses of warnings issued long ago to be prepared for this: “The prophets had said that they're going to bother you and bother you, and they're going to try to beat you.”<sup>112</sup> Délıne elder Morris Neyelle said, “I'm going to be honest with you, because my trust

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<sup>110</sup> DEWG, supra, footnote 3, 15.

<sup>111</sup> DEWG, ibid, 17-18.

<sup>112</sup> HT, March 1 (229:16-19), PR 5.01.

with the government is nil because of what has happened to us.”<sup>113</sup> SSI President Ethel Blondin-Andrew offered insight into the way that historical experiences can be carried into the present. Addressing ENR witnesses directly, she said: “Maybe I’m just a wounded old dog who’s been through too many battles to just let this go. I really believe that our people have to come together and find the solution. We have to be trusted. You don’t trust us. We don’t trust you. We’ve got a problem”<sup>114</sup>

## Rights

The lack of trust expressed by the Dene witnesses in the Hearing is grounded in a strong fear that Aboriginal rights, hard-won through the SDMCLCA, might be infringed upon. Ethel Blondin-Andrew warned, “Be jealous, and guard your authority carefully. I’ll tell you, once you let it go, you’ll never get it back. Once you let government control your life and take your authority, they’ll never give it back to you. You are on a slippery slope. You have to be careful.”<sup>115</sup> Fort Good Hope elder Frank T’seleie asked a related question of his own people: “Why do we always let others define the world for us?” Echoing concerns expressed by Tulít’a Chief Frank Andrew, he continued, “We have moose, we have two species of caribou, we have about three species of bear, we have mountain sheep, not to mention the predators, how much there is. And we have inherent rights to all of that ... That’s being chipped away, chipped away slowly.”<sup>116</sup>

## Responsibility

At the Hearing, Colville witness David Codzi stated that “the native people were conservators of wildlife to begin with,” and notwithstanding government efforts to assert control, “I don’t think we’ve ever stopped being the conservators of wildlife at all.”<sup>117</sup> The written Colville submission pointed out that ʔekwé náts’ezé (caribou harvesting) is not just a right, but a governance responsibility: “Dela Got’ıne have a constitutionally-protected right to hunt caribou, but hunting is integral to the cultural and survival of Dela Got’ıne. It is more than a right – it is a sacred responsibility that must be fulfilled for the Dela Got’ıne and the caribou to maintain their relationship.”<sup>118</sup>

The concept of responsibility, intimately linked with the concept of hegerıchá (respect) discussed earlier in relation to Theme 3 (ʔekwé ʔedets’é K’áots’erewe – Caribou Self-Regulation), is a theme in the Délıne plan as a corollary to the concepts of governance and rights. Délıne elder Alfred Taniton is quoted in the Délıne plan regarding responsibility to take action if ʔekwé populations are declining.<sup>119</sup> As Délıne witness Morris Neyelle put it during the Hearing, “I

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<sup>113</sup> HT, March 1 (208:13-15), PR 5.01.

<sup>114</sup> HT, March 1 (259: 3-8), PR 5.01.

<sup>115</sup> HT, March 1 (258:22-25, 259:1-2), PR 5.01.

<sup>116</sup> HT, March 2 (207:23-25, 208:1-4), PR 5.02.

<sup>117</sup> HT, March 2 (235:11-16), PR 5.02.

<sup>118</sup> Colville, supra, footnote 26, 2.

<sup>119</sup> DEWG, supra, footnote 8, 17.

know sometimes people bring issues like treaty rights. Sure, that's fine. But even though you have treaty rights, do you kill the last caribou that's standing? No. You leave some for tomorrow. That's what we're trying to do.”<sup>120</sup>

David Codzi further expanded upon the concepts of rights and responsibilities: “When we signed the land claims ... we never, ever gave up any rights. What these rights are is the opportunity to make a choice. That's our message, is that we have to be responsible. We have to make sure that we're doing these things ourselves because we can't just rely on somebody else, and then tell them this is a problem, and if they're not doing it right, then bash them and complain about them.”<sup>121</sup>

### Dene Ts'ı́ı́ (Dene Ways of Being)

The Dene witnesses in the Hearing explained that responsibility, along with hegerı́chá, are inherent in the concepts of Dene ts'ı́ı́ and Denecho kə gok'éta náts'ezé (we have to hunt like our grandparents did) that are at the core of the Délı́ne plan. Thus Dene hé Métis hé ɛedets'é k'áots'erewe (community self-regulation) and Dene ts'ı́ı́ alike involve transmitting knowledge of Denecho (grandparents) and continuing their practices. As Délı́ne witness Walter Bayha put it, in presenting the Délı́ne plan, “I encourage every hunter, every harvester, to remind themselves that they have grandfathers and to remind themselves that we must hunt like them.”<sup>122</sup> Walter went on to describe the corresponding meaning of Dene ts'ı́ı́: “To be a true Dene you have to have a good relationship with your wildlife and your land and Mother Earth. You have to have some kind of relation with the Creator. And I think throughout your life, those things are important to you. You balance them out. You make those decisions.”<sup>123</sup>

### Discipline

There was extensive discussion of the discipline required to support ɛedets'é k'áots'erewe behaviour at the Hearing, and clear agreement among all the community parties. For example, Tulı́'a elder Joe Bernarde said, “I agree with the words that are being said here at the table. When we kill things that we need, we don't kill any more than that. And when we kill things, we don't just throw it outside. And how many we're going to eat, how many we're going to make for dry meat, we don't shoot any more than what we need ... We don't play with things like that up here. When we kill, we kill for what we need. We don't throw things around.”<sup>124</sup>

The SRRB heard evidence from the community parties that the discipline required to maintain good relationships within family and community is linked with the personal discipline required

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<sup>120</sup> HT, March 1 (210: 23-25, 211:1), PR 5.01.

<sup>121</sup> HT, March 3 (94:6-9, 95:5-10), PR 5.03.

<sup>122</sup> HT, March 2 (15:5-8), PR 5.02.

<sup>123</sup> HT, March 2 (29:25 - 30:6), PR 5.03.

<sup>124</sup> HT, March 1 (225:21-25, 226:1-3, 227:18-20), PR 5.01.

for ʔedets'é k'áokerewe. Parents and elders in the ʔedets'é k'áokerewe system are key. The SRRB recognizes that concepts of governance within the community is challenging for non-Dene to understand, given that personal autonomy is so strong. According to Bayha, “One of the biggest Dene laws is you can't tell other people what to do. You don't go to somebody and say, ‘This is the way you should do things.’ That never happened when I lived on the land with my grandfather.”<sup>125</sup>

## Leadership

Bayha also noted the strong community leadership and coordination of collective discussion that was the context for building consensus within the community in support of the Délıne plan. Colville Chief Wilbert Kochon shed light on how the Dene system of leadership works to both support personal autonomy and compliance with collective community decisions. He said that the grandfathers “have never said, ‘Here, you do it this way.’ They never told us that we did it wrong. We learned, and we didn't think so but we learned. That’s how we learned.”<sup>126</sup> Colville witness David Codzi also reflected on the means by which traditional discipline is learned: “When we're little kids, we're sitting on our parent's laps and we're listening to them talk. They're talking about how we're going to live with animals, how to respect what we take ... we have been trained all our lives to live out there, to live with it, to understand what we have on our land, because it's a responsibility that we all have.”<sup>127</sup> The SRRB heard evidence of how the Dene way of achieving community ʔedets'é k'áots'ere we is thus through the learning that takes place in talking and mentorship on the land, rather than through regulations and compulsion.

## Youth

This Hearing was enhanced by the participation of the Sahtú Youth Connection (SYC) as a formally recognized Party. The presence of a SYC delegate was much appreciated by all Parties, as indicated by the frequent references throughout the hearing to the importance of youth involvement in ʔekwé conservation. The word youth is one of the top twenty terms in the hearing transcript (Cf. the inclusion of the word in the Word Cloud, Figure 1, page 7), used a total of 169 times.

A number of youth were involved in developing the Délıne plan, and the plan includes a message from youth Ted Mackeinzo, who writes:

Taking our youth on the land to hunt, trap, fish and monitor will support the ʔekwé conservation plan because it will teach the youth how we take care of our land, ensuring our

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<sup>125</sup> HT, March 2 (15:21-25), PR 5.02.

<sup>126</sup> HT March 2 (113:9-13).

<sup>127</sup> HT, *ibid*, March 2 (235:20-25, 236:1-7), PR 5.02.

culture and traditions are preserved. That's how we can make sure the caribou will come back.<sup>128</sup>

The D l n  plan includes    a (policies) directing community organisations to include youth in the  ekw  gha m h s  ts' n we (ceremonial harvest) and Dene b r  kats' n we (alternative harvest).<sup>129</sup> In his presentation of the D l n  plan at the Hearing, D l n  witness Walter Bayha explained:

One of the biggest parts of this plan is our youth. Our youth must know about our plan. Our youth must know about how the grandfathers hunted and what the big issue is today about caribou. Many of them are probably wondering why we're talking so much about it. I think all we want is for children to hunt like their grandfathers.<sup>130</sup>

Bayha further explained that the education of a young hunter is a crucial part of his development as Dene, and described the traditional ritual that would take place when a young man shot his first animal for food:

In our history, the day that you [first] hunt something, that you kill an animal that you're going to eat, the Dene people celebrate it. Then they made sure you remember, and they do it by tearing your clothes off so that you remember that first day that you hunted. You killed an animal. A human being does not kill animals. You're taught to do that. But when they teach you to do that and you actually do it, they rip your clothes off so that you remember that day forever ... they shared all of their food to make sure all of our grandfathers, our Elders here know that they have hunted an animal.<sup>131</sup>

D l n  witness Gina Dolphus confirmed Bayha's description with a story of her son, who had his best shirt torn off him by his grandfather.<sup>132</sup>

Youth involvement in community activities is not just important for their education, but also was a guarantee of quality community governance processes, as Bayha put it, "because when you bring children you make good decisions."<sup>133</sup>

This being said, SYC witness Jordan Lennie noted that few D l n  youth were present at the hearing. Bayha acknowledged this, and welcomed solutions.<sup>134</sup>

Colville witness David Codzi explained that their community has for many years had a policy of ensuring that youth learn to survive on the land, and learn disciplines of heger ch  (respect):

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<sup>128</sup> DEWG, supra, footnote 3, 18, PR 2.03.

<sup>129</sup> DEWG, ibid, 27, PR 2.03.

<sup>130</sup> HT March 2 (44:6-14), PR 5.02.

<sup>131</sup> HT March 2 (44:21-25, 45:1-24), PR 5.02.

<sup>132</sup> HT March 2 (62:23-25, 63:1-63), PR 5.02.

<sup>133</sup> HT March 2 (109:22-23), PR 5.02.

<sup>134</sup> HT March 2 (213:8-16), PR 5.02.

All our youth get to go out on the land. They all hunt for themselves. They all hunt for their their families. but they're taught at a young age to live out there. I have two nephews that are at the age of ten they were already going hunting. Nowadays, they're fifteen and sixteen. They go out there. They talk about what they hunted and how they hunted. I'm proud to say that I could hear that they have respect for what they're doing because, as hunters, you want to respect.<sup>135</sup>

In his closing remarks, SYC witness Jordan expressed frustrations about the experience of the Hearing that are indicative of ongoing challenges of supporting meaningful participation of youth in ʔekwé conservation decision-making:

I feel I was discriminated against because of my age. When I asked questions to parties, I expected answers that would help me and the rest of the people in the room understand their plans a bit better. Instead, I was given complicated answers that, after a quick analysis, weren't answers at all. If you want youth to come to these meetings and voice their concerns, quit coddling them and start treating them as more than children.<sup>136</sup>

## Funding

The community parties also presented evidence of the great challenges in renewing and maintaining the ʔedets'é k'áokerewe system in a cross-cultural and cross-regional context. Dél̓n̓ę and Colville alike offered evidence that the institutional framework established to support this system in the SDMCLCA has not been properly implemented due to a lack of adequate funding and capacity support. Colville made the case that underfunding is a basis for conflict, indicating that adequate funding support would allow ʔehdzo Got'̓n̓ę (RRCs) to fully exercise their powers in undertaking community conservation initiatives and coordinating with other parties in the integrated management system. Colville recommends “ongoing effort to increase funding for RRCs to participate in the work required including establishing monitoring plans in place at the local level, to ensure more collaboration rather than confrontation.”<sup>137</sup> The SRRB heard evidence from the community parties that adequate funding can potentially lead to greater efficiencies in wildlife management and cost savings in research, monitoring and management processes.

## Scientific Evidence

The bulk of the evidence presented at the Hearing, regarding the validity and merits of indigenous models of self-regulation to meet wildlife conservation goals, came from the Sahtú community parties and not from ENR. This makes sense, as it should be the indigenous parties in the Hearing who provide the core evidence about this option. The SRRB assessed the leading

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<sup>135</sup> HT March 2 (260:24-25, 261:1-12), PR 5.02.

<sup>136</sup> HT March 3 (218:18-25, 219:1-2), PR 5.03.

<sup>137</sup> Colville, supra, footnote 26, 16.

science analysis of self-regulation models as part of the SRRB’s consideration of the Délı̄ne plan and Sahtú community evidence.

## Knowledge and Authority

The community ʔedets’é k’áokerewe (self-regulation) approach in the Délı̄ne plan is supported by social science analysis of Sahtú Dene systems of knowledge and authority.

The Délı̄ne plan prefaced a discussion of ʔedets’é k’áokerewe with a quote from the work of anthropologist Scott Rushforth, who completed his doctoral research in Délı̄ne in the 1970s: “Every person is his or her own boss.”<sup>138</sup>

Rushforth sets this conception of autonomy in the context of the interdependence of family and community members, and recognition of the authority of experienced ʔehdzo got’ı̄ne (harvesters), as a foundation of collective and individual survival of hunter-gatherers in a harsh climate. He notes that Dene highly praise the Dene edarı́yə (capable person) “who obtains his or her knowledge, power, and hence abilities through experience.”<sup>139</sup> The opposite is the case for people who act contrary to Dene beliefs or principles; these people are subject to negative sanctions and have no authority. Rushforth observes that Délı̄ne Got’ı̄ne (referred to in his work by their traditional name of Sahtúot’ı̄ne or Bearlakers) retain many of the preferences and practices of their traditional hunter-gatherer mode of production, “despite [their] intersection with capitalism.”<sup>140</sup>

More recent research with Délı̄ne demonstrates that traditional beliefs and practices are persistent, notwithstanding the accelerated modernization of the community since the 1970s.<sup>141</sup> The ongoing use of Dene terms and concepts documented by Rushforth in the 1970s is an indicator of cultural continuity. Research examining the larger Sahtú economy highlights the strengths in the contemporary Dene “mixed economy,” which accommodates both an expanding wage economy and continued traditional practices.<sup>142</sup>

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<sup>138</sup> Rushforth notes, “As Bearlakers often say, ‘Dene ‘adiyóné ‘edeegha k’áowe,’” or spelled according to contemporary spelling standards, “Dene areyóné edı̄gha k’áowe.” S. Rushforth. 1992. The legitimation of beliefs in a hunter-gathered society: Bearlake Athapaskan knowledge and authority. *American Ethnologist* 19(3): 488-to what page?.

<sup>139</sup> “Dene ‘ehdadı́yee” – or in contemporary spelling, “Dene edarı́yə.” Rushforth, supra, footnote 138.

<sup>140</sup> Rushforth, supra, footnote 138, 489.

<sup>141</sup> See for example: Modeste, supra, footnote 56; Sarah M. Gordon. 2014. *Cultural Vitality as Social Strength in Délı̄ne, Northwest Territories, Canada*, doctoral dissertation, Indiana University. See also D. Simmons, W. Bayha, I. Fink, S. Gordon, K. Rice, and D. Taneton. 2015. “Gúlú Agot’ı̄ T’á Kə Gotsúhʔa Gha – Learning About Changes: Rethinking Indigenous Social Economy in Délı̄ne, NWT,” in *Northern Communities Working Together: The Social Economy of Canada’s North*, U Toronto P, 253-274.

<sup>142</sup> B. Harnum, J. Hanlon, T. Lim, J. Modeste, D. Simmons and A. Spring. 2014. *Best of Both Worlds: Sahtú Gonéne T’áadets’eniṭə – Depending on the Land in the Sahtú Region*, SRRB. See also the description of the mixed economy by F. Abele. 2009. The State and the Northern Social Economy: Research Prospects. *Northern Review* 30:37–56.

The Délı̨nę plan also draws upon the work of anthropologist Allice Legat, whose long term research with Tłı̨chǫ elders sheds further light on the nature of Dene authority. In particular, Dr. Legat dwells upon the concept that the limitations of Dene authority are defined by the limitations of their knowledge and experience. Rather than learning through the exercise of disciplinary power, Dene learn through a combination of stories and experiences on the land.<sup>143</sup> This experiential learning remains integral to Dene governance processes.

## Indigenous-Led Planning

The Délı̨nę plan provides a contemporary framework for ʔedets'ę k'áokerewe. The Délı̨nę submission to the SRRB explains that the planning process which produced the Délı̨nę plan was based on a “Healthy Country Planning” (HCP) approach that was adapted from the *Open Standards for the Practice of Conservation* by Aboriginal communities in Australia. The first experiment in developing the HCP approach to fit with Aboriginal cultures took place in 2008, and since that time more than 80 Australian communities have adopted the approach. The SRRB is aware that numerous community-driven plans are now being implemented, and a number of academic publications are emerging that reflect upon this phenomenon.<sup>144</sup>

The SRRB is also aware, through its specialized role as a northern co-management board, that a number of indigenous communities in Canada are undertaking significant initiatives in community-driven conservation. Examples include the Haida Watchmen program, the Innu Boreal Guardian program, and the Ungava Peninsula Caribou Aboriginal Round Table (UPCART). The annual May Gatherings of Northern Tutchone people are an example closer to home in the Yukon Territory, where a nation has renewed a tradition of gathering in spring to discuss experiences on the land and plan conservation measures for the coming year.<sup>145</sup>

In 2015, the Boreal Leadership Council sponsored a review of caribou action planning involving indigenous peoples in boreal regions of Canada, including indigenous-led initiatives documented through interviews, and document review of non-indigenous-led plans. Of the nine examples of indigenous-led action planning reviewed, none were selected from the NWT, although representatives of four nations in the Yukon Territory were interviewed.<sup>146</sup>

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<sup>143</sup> A. Legat. 2012. *Walking the Land, Feeding the Fire: Knowledge and Stewardship among the Tłı̨chǫ Dene*. UAP.

<sup>144</sup> Eg. H. Moorcroft, E. Ignjic, S. Cowell, J. Goonack, S. Mangolomara, J. Oobagooma, R. Karadada, D. Williams and N. Waina. 2012. Conservation planning in a crosscultural context: The Wunambal Gaambera Healthy Country Project in the Kimberley, Western Australia. *Ecological Management and Restoration* 13(1): 16-25.

<sup>145</sup> W. Bayha with D. Simmons. 2012. *Wildlife Management Decision-Making from the Ground Up: Notes on the Northern Tutchone May Gathering May 23-25, 2012, Pelly Crossing, YT*. SRRB.

<sup>146</sup> The researchers did review indigenous involvement in the Government of the NWT initiatives in *Barren-Ground Caribou Management Strategy* (2006-2010 and 2011-2015) and the *Action Plan for Boreal Woodland Caribou Conservation in the Northwest Territories* (2010-2015) – chosen because of their focus on collaboration with co-management boards – as well as Centre for Indigenous Environmental Resources (CIER). 2015. *Caribou Recovery in Canada: A 2015 Review of Indigenous-led Action Plans*, Boreal Leadership Council, PR 3.10.



One telling distinction found between the two types of processes was highlighted in the common response to the interview question, “Why did the community take initiative?” The authors point out that five of the seven representatives of indigenous-led planning caribou processes responded that traditional use was the reason for taking action. In contrast, the documents related to non-indigenous-led plans most often mentioned caribou status as the reason for action; none mentioned traditional use.<sup>147</sup>

The lessons highlighted in the Boreal Leadership Council’s report are directly relevant to conditions for successful *ʔedets’ ́ k’ ́akerewe* articulated by the Sahtú Dene over the course of the BNE Hearing:

- In indigenous-led initiatives, harvesters and elders noticed declines through a close connection with the land that attuned them to early warnings of changes in the environment.
- The committed inclusion of traditional knowledge in caribou initiatives is key to building a strong relationship and ensuring the best management possible.
- Strategies that truly consider all perspectives to have equal influence have the best chance at success.
- Indigenous-led initiatives were often dynamic in that plans were often subject to changes over time depending on the availability of information, the types of collaboration, and the capacity built as the initiative progressed.
- Interview witnesses noted that when caribou harvesting has been limited or eliminated in the interest of protecting the herd, the community’s ability to perpetuate components of a traditional lifestyle is affected.
- For continued improvement in indigenous inclusion and indigenous-led caribou management initiatives, more action is needed in terms of follow-up with outcomes of action plans.<sup>148</sup>

## Funding

As discussed elsewhere in this Report, a key concern raised repeatedly by the Sahtú communities was the funding required to ensure that RRCs have the capacity to deal with local wildlife harvesting responsibilities already assigned to them under the SDMCLCA.

The scientific literature rarely directly addresses the issue of funding as it affects indigenous *ʔedets’ ́ k’ ́aots’erewe* (self-regulation). However, the area of research funding as a component of indigenous involvement in governance does receive some attention. The SRRB is aware, for instance, of a study regarding experiences in the adjacent land claim area in Nunavut. Based on the experience of the Nanisiniq History Project in Arviat, Nunavut, Dutheil et al., shed light on

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<sup>147</sup> CIER, *supra*, footnote 146, 14.

<sup>148</sup> *Ibid.*, 40.

complex and evolving cross-cultural cultural and class contexts by analyzing tensions and misunderstandings in research relationships related to research funding.<sup>149</sup>

In 1996 Doug Urquhart, former Executive Director of the Porcupine Caribou Management Board, took on the question of funding as a consideration when setting priorities in ʔekwé conservation research – his focus at the time was on the new institutions of co-management and the requirements for contributing meaningful and relevant evidence for decisions. Urquhart’s analysis reflects the challenge posed by Sahtú communities at the BNE Hearing:

To successfully refocus wildlife research so that it is compatible with co-management approaches to problem solving is more of a challenge than might first appear. Many of the classic approaches must be sacrificed in favour of more down-to-earth methods that are affordable, understandable, useful and acceptable to northern communities. Whereas such methods may be judged as “unscientific” by the academic, this is of far less importance to co-management groups than having something they can understand and use.<sup>150</sup>

Urquhart also noted that the new ʔch’ádín co-management regimes would inevitably lead to new funding pressures for research. However, he concluded that “it would be silly to imagine that standard research resources could be expanded to meet escalating demands for information ... and thus it is imperative that wildlife research be completely restructured to accommodate the new ways of managing wildlife.”<sup>151</sup>

### Revisiting The Concept of “Tragedy of the Commons”

In examining the available scientific evidence on indigenous self-regulation, the SRRB is aware that underlying assumptions of ʔch’ádín as “property” or a “resource” to be managed is being challenged by indigenous groups and scholars alike.

In his book *Hunters at the Margin*, historian John Sandlos makes the case that during much of the 20<sup>th</sup> century, wildlife conservationists considered indigenous peoples of the North to be forces of destruction that must be controlled. Wildlife biologists were called upon to provide the basis for rational development of game laws that would be the salvation of valued species as a national resource. Sandlos links development of wildlife conservation laws with the expansion of

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<sup>149</sup> A. Dutheil, F. Tester and J. Konek. 2015. Unequal exchange: western economic logic and Inuit/Qablunaat research relationships. *Polar Record* 51(257):140-150.

<sup>150</sup> D. Urquhart. 1996. Caribou Co-Management Needs From Research: Simple questions - Tricky answers. *Rangifer* Special Issue, 6<sup>th</sup> North American Caribou Workshop, 9.

<sup>151</sup> Ibid.

colonial presence in the North, and a systematic effort to undermine the authority of “the people who had lived and hunted in the region for centuries.”<sup>152</sup>

In 1968, advocates of strong wildlife regulations were given added justification through publication of a hugely influential article called “The Tragedy of the Commons,”<sup>153</sup> which draws on a theory first developed in 1833 by a British economist.<sup>154</sup> The theory holds that if left to their own devices, people will exploit a common resource until it completely crashes: “freedom in a commons brings ruin to all.”<sup>155</sup> This interpretation supports state intervention as a necessary means of environmental protection.

Recently there have been a number of criticisms of this concept, and theories and counter-examples have been introduced to show the conditions in which people sharing land may conserve it for future generations. This critique has been led the Nobel-prize winning work of economist Elinor Ostrom, whose research demonstrated the effectiveness of indigenous *peket’et* and *k’áokerewe* and refuted the notion that common resources would be destroyed by overuse in indigenous communities.<sup>156</sup>

In a case study of Aboriginal fisheries, Ian Keay and Cherie Metcalf have examined the intersection of conservation logic and Aboriginal rights guaranteeing access to traditional resources as they have been addressed in Canadian courts. The courts have expressed concern about dramatic environmental impacts when Aboriginal access is unfettered, based upon assumptions that Aboriginal behaviour would be subject to a tragedy of the commons logic. Instead, Keay and Metcalf point to evidence that such behaviour only tends to appear “when the Aboriginal community is unwilling or unable to self-regulate.”<sup>157</sup>

The SRRB accepts that there is a need to think critically about the underlying assumptions regarding wildlife management – such as the “tragedy of the commons” - which may not be valid in a northern indigenous context.

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<sup>152</sup> J. Sandlos, 2007. *Hunters at the Margin: Native People and Wildlife Conservation in the Northwest Territories*. UBC Press.

<sup>153</sup> G. Hardin. 1968. *Science* 162(3859): 1243-1248. <http://science.sciencemag.org/content/162/3859/1243.full>.

<sup>154</sup> W. F. Lloyd published a pamphlet in 1833 describing an example in which cattle herders sharing a common grazing area would put too many cattle on the land, leading to overgrazing of the pasture.

<sup>155</sup> Hardin, *supra*, footnote 153, 1244.

<sup>156</sup> E. Ostrom. (1990). *Governing the Commons: The Evolution of Institutions for Collective Action*. Cambridge, UK: Cambridge UP.

<sup>157</sup> I. Keay and C. Metcalf. Aboriginal Rights, Customary Law and the Economics of Renewable Resource Exploitation. *Canadian Public Policy* 30(1):16.

## Balance of Evidence

Sandlos’s account of the history of wildlife management in the north and anthropological evidence regarding Dene governance bear remarkable similarities to the evidence and the testimony presented in the Hearing supporting community *zedets’ę k’áokerewe* (self regulation).

Moreover, ENR’s BNE *zekwé* management plan includes a complementary commitment to “work with Sahtú organizations and communities on caribou harvest management that is culturally appropriate and consistent with overall management objectives for the herd.”<sup>158</sup>

The primary evidence supporting imposed conservation measures is the fact that such measures have historically been used by wildlife management authorities in other regions of the NWT, and reflect a standard approach to conservation elsewhere in Canada. However, the SRRB has not been able to find compelling evidence about the effectiveness of such measures in achieving conservation goals in indigenous traditional territory. On the contrary, Dene *náoweré* and social science evidence demonstrate that imposed regulations can have a negative impact on the knowledge and authority that underpin traditional Dene conservationist practices. It is the SRRB’s opinion that the “tragedy of the commons” is a more likely outcome if Dene modes of knowledge transmission and stewardship are undermined.

The SRRB recognizes that community conservation planning and *zedets’ę k’áokerewe* are key instruments for *ǂehdzo Got’ıne* to exercise their powers. The SRRB also recognizes that *zedets’ę k’áokerewe* is a condition for maintaining Dene *ts’ııı* (Dene ways of being) and *asıı godı* (biodiversity). Diverse knowledge, language and practices among families and communities mean that each community must find its own pathway to conservation. Managing accordingly does not negate the need for coordination and mutual accountability among communities and regions located in BNE *zekwé* range, which is why funding programs for research and conservation planning must accommodate community-driven processes.

The SRRB recognizes the strong weight of Dene *náoweré* evidence that youth involvement is core to the success of community *zekwé* conservation planning initiatives. However, the SYC witness presented compelling evidence that involvement remains largely unrealized in practice. The Board congratulates the *Délıne ǂehdzo Got’ıne* its efforts in this regard, including the success of its youth internship program, which contributed to the *Délıne* planning process. The Board is aware that the *Délıne ǂehdzo Got’ıne* is initiating a research program on youth involvement in environmental governance in partnership with University of Alberta, and various communities have been taking initiative to support youth programs on the land. Innovative programs are required to support meaningful youth involvement in *zekwé* conservation.

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<sup>158</sup> ENR, *supra*, footnote 2, 13.

## The Components of Community Conservation Plans

In order for ɬedets'ę k'áots'erewe to function in a regional co-management context, community conservation plans must be developed and revised in a timely manner as a basis for timely conservation actions. ɬehdzo Got'ınę must be provided with the funding required to develop plans. The SRRB has identified a list of components that must be included for plans to be deemed ready for review and approval by the SRRB (see Figure 5).

FIGURE 5: COMMUNITY CONSERVATION PLAN REQUIREMENTS

### Community Conservation Plan Requirements

In order to be deemed complete and ready for review by the SRRB, community conservation plans must include, but not be limited to, the following components:

1. Identification of key issues and knowledge gaps in ɬekwę conservation with respect to:
  - a. Education
  - b. Habitat
  - c. Land Use Activities
  - d. Náts'ezé (harvesting), including promotion of Dene béré kats'ınjwe (alternative harvest)
2. Dene concepts and terminology related to conservation issues, programs, and actions
3. Research and conservation programs, actions and timelines for addressing priority issues and knowledge gaps
4. Approaches for ɬedets'ę k'áots'erewe and regional/cross-regional accountability in plan implementation, including:
  - a. Náts'ezé zones
  - b. Monitoring
  - c. Measures for supporting compliance
  - d. Youth programming
  - e. Progress evaluation
  - f. A harvest plan based on ɬedets'ę k'áots'erewe
5. Consideration of the appropriate seasons of harvest and harvest locations and zones
6. Community sharing protocols and godı kehtsı (agreements) with other users within and beyond the Sahtú, including a protocol for implementation reporting
7. Community coordination in developing plans

Where a community conservation plan has not yet been established, it must be completed within 120 days of a formal request from the SRRB. Where a revision to an existing plan is formally requested based on new evidence about herd status, it must be completed within 90 days. Plans and revisions will be approved by the SRRB, within 60 days of receipt. If plans or revisions are not completed according to these timelines, interim measures will be put in place, in consultation with affected communities, within 60 days of the original deadline; this may include implementation and enforcement of mechanisms identified in the SDMCLCA such as a Total Allowable Harvest.

## Research Priority

### *Hearing Decision 9*

The ʔehdzo Got'ınę Gots'ę Nákedı (Sahtú Renewable Resources Board) will prioritize research that both involves youth and explores youth learning and environmental leadership as a part of robust community conservation initiatives.

## Policy Priorities

### *Hearing Decision 10*

The ʔehdzo Got'ınę Gots'ę Nákedı (Sahtú Renewable Resources Board) finds that an approach of community ʔedets'ę k'áots'erewe (self-regulation) is a culturally appropriate and effective mechanism for addressing Bluenose East ʔekwę conservation as required under the SDMCLCA.

### *Hearing Decision 11*

The ʔehdzo Got'ınę Gots'ę Nákedı (Sahtú Renewable Resources Board) requests ʔehdzo Got'ınę (Sahtú Renewable Resources Councils) to develop and implement Bluenose East ʔekwę conservation plans following the timelines and including the content listed in Figure 5, page 44 of this Report.

### *Hearing Decision 12*

The ʔehdzo Got'ınę Gots'ę Nákedı (Sahtú Renewable Resources Board) requests that the Federal and Territorial governments and Sahtú Secretariat Incorporated (SSI), and any new self-government institutions, address the resources needed for ʔehdzo Got'ınę (Sahtú Renewable Resources Councils) to develop community ʔekwę conservation plans and fulfill their other current responsibilities under the SDMCLA by:

1. Providing immediate additional funding to ʔehdzo Got'ınę to fulfill those responsibilities over the next two years; and
2. Providing additional funding on an annual long term basis after an assessment, done by the SRRB, ʔehdzo Got'ınę and Sahtú Secretariat Inc. by September 2017, to determine long term ʔehdzo Got'ınę capacity needs.

### Hearing Decision 13

The ʔehdzo Got'ıne ʔots'ę Nákedı (Sahtú Renewable Resources Board) finds that there is strong consensus in the Sahtú Region that youth involvement is critical for the success of community ʔekwé conservation plans. The SRRB will prioritize support for regional and local youth environmental leadership initiatives that can support community visions for youth education and participation.

## Hearing Theme 5 – ʔełehé ʔeghálats'eda (Collaborative Management)

The *Sahtú Dene and Métis Comprehensive Land Claim Agreement* (SDMCLCA) sets up an integrated system of collaborative ʔıch'ádıı (wildlife) management that fits within larger collaborative processes in the NWT, including the ACCWM, Wildlife Act Working Group, and Species At Risk Conference of Management Authorities. ʔehdzo Got'ıne, the SRRB and ENR must ʔełehé ʔeghálats'eda (work together) and share information in research, monitoring and management within the Sahtú Region, and in turn the SRRB and ENR must collaborate with wildlife management authorities from other regions. This makes a lot of sense for a highly valued species like ʔekwé that travels across boundaries. However, the issue of ʔekwé conservation has put collaborative management system to the test. The SRRB has had to weigh evidence about whether and how community ʔedets'ę k'áokerewe (self-regulation) can coexist with ʔełehé ʔeghálats'eda at regional and cross-regional scales.

### Dene Náoweré Evidence

The SRRB heard evidence in the Hearing of how persistent resonances of the colonial experience and attendant lack of trust of outside authority described in Theme 4 – Dene hé Métis hé ʔedets'ę k'áots'ere (community self-regulation) – remain powerful factors undermining the ʔełehé ʔeghálats'eda system. As noted in Theme 4, Colville has stated that adequate support for ʔehdzo Got'ıne to exercise their mandate under the SDMCLCA will “ensure more collaboration rather than confrontation.”<sup>159</sup> At the Hearing, Colville witness Joseph Kochon asserted that with respect to co-management, Colville is “committed to fulfilling the purpose of the land claims and to achieving meaningful co-management through the implementation empowerment of the SRRB as the primary body for decision making and the RRCs as the primary bodies for local harvesting management across the region.”<sup>160</sup>

<sup>159</sup> Colville, supra, footnote 26, 16.

<sup>160</sup> HT (240:6-12), March 2, PR 5.02.

The SRRB heard considerable evidence that Dene and Métis in the Sahtú Region consider Ɂɛłéhé Ɂgháłats’eda to be a priority as a basis for effective Ɂkwé conservation. All Parties at the Hearing provided substantial input on the need for collaborative approaches to addressing caribou issues.

Directly addressing the SRRB and others around the room, Délıne elder Leon Modeste provided fulsome testimony about the meaning of Ɂɛłéhé Ɂgháłats’eda for Dene peoples, taking as a starting point the shared interests of all present as human beings, as grandparents, parents, and youth, and reminded of dire prophesies about what will happen if people do not embrace principles and practices of Ɂɛłéhé Ɂgháłats’eda – which includes dialogue and collaboration with Ɂıh’adıı (wildlife) and asıı godıı (all living things). He also referred to the story of the meeting between Ɂkwé and Díga (Wolf) – included in the Délıne plan – which is an important reference point in considering the nature of Ɂɛłéhé Ɂgháłats’eda in the Sahtú Region. We’ve reproduced his statement in abridged form here in order to provide insight into the Dene understanding of collaborative stewardship processes:

### Our Children will be Thankful

*Leon Modeste*<sup>161</sup>

We are all human. If we are going to be standing together, we're going to need to be strong. We are not just talking for today or tomorrow. We're talking for future generations.

All my elders help each other and work together. When Elders go around on this land, they were very happy together and grateful. That is how they work together.

Today you are talking about wildlife. We are asking you to come to us and work with us. When we work together, the solution also comes from us as Aboriginal people. We know what is ours. You are the ones who are working with us, and you sit here with us and help us with certain things. When things are difficult that we don't understand, then you help us. It will be there forever for us. If you don't help us, it'll be going back and forth like this. It will be like waves. It will fixed. It'll go up and down.

But when you work together, you should not be telling us, “Do this, do that.” So if you keep going back and forth, and then telling us to go do this and do that, and it will become difficult for us. We'll be thinking about it constantly. It won't be really good for our future generations. It is not only for our children, it is also including all your children.

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<sup>161</sup> Abridged and corrected statement from interpreted and transcribed speech, HT (213-225), March 1, PR 5.01.



The Prophet Ayha has prophesied that it will become very, very difficult. It will become dark. We will run out of food.

For that reason, we should work together. If we work together, it is said that we will come to live together very well. When we listen to each other, things will be good. If we don't listen to each other, both sides will suffer. When you listen to our elders and let us work together, our children will be thankful.

And if you come up with a solution, it will be there for a really long time. You young people that are sitting here, you're leaving out what the Elders are trying to say. You are to listen to that information and hold onto it and try to figure out what the Elder is trying to say.

When you're talking about the caribou and wolf, they both had a meeting together. Wolf said the caribou should not be here. And the caribou said, "No. All the people eat our food." And he also talked to Dígá and said, "You also eat my food."

Until this day, this message is still the same, and it's going to be there forever. For this message to be here forever, we have to listen and work together.

Us Dene people, as Aboriginal people, let's come together. Let us not fall to the bottom as Aboriginal people. Let us be on the same playing field and come out with how it's going to go. It's up to us.

You probably come from various different places, like Ottawa. That land is yours. That's your home. As Aboriginal people, we wouldn't go to your land, and tell you to do this, and build this way, and look after your wildlife this way. We would never do that.

As Aboriginal people, we love people, and wildlife, and everybody. Everything that lives on this land is alive, including trees, even rocks. And they'll talk to the tree and say, "Let us grow together." When the person is a hundred years old and goes back to that same tree, now it's grown. And he goes there again and becomes a child again, and he lived for two hundred years along with the tree. And all through life it didn't speak. For us as people, when we speak to animals, they won't speak back to us, even they're suffering.

My people, I am thankful for you all being here. I'm giving you this message for this reason, so that you can all work together. We think a lot about it when people come to talk to us about our food. Even children. I've listened to young people in town speaking about it. They say, "Why are they saying this? What's going to happen in the future?"

If just three people decide on a solution, then it's not going to be working really well. So I would really appreciate it if all of you have come to a conclusion, some sort of solution to work with each other. Just don't leave without making some kind of decision.

## Scientific Evidence

The SRRB also considered science evidence and analysis of the opportunities and challenges in a collaborative wildlife management process. There is a strong literature in the field of resource management studies celebrating the institutions of collaborative management that have been primarily forged through indigenous land claim agreements.<sup>162</sup> However, research on experiences in co-management also points to fundamental problems with the institution resulting from persistent inequities in power and resources.

In their submissions, Colville pointed the SRRB to Paul Nadasdy's case study of Dall's sheep co-management involving the Kluane First Nation (Yukon Territory), and his analysis of the benefits and difficulties inherent in co-management systems.<sup>163</sup> Colville's presentation at the Hearing cited Nadasdy as follows:

Improved management and local empowerment cannot be achieved through any attempt to "include" local elders and hunters into the existing state-management system simply through the production and use of TEK [traditional ecological knowledge] artifacts. Instead, it will require that local beliefs, values, and practices themselves to be accepted as a valid basis for action. This will require changes to current practices of resource management and environmental assessment to allow these people to play a meaningful role in these processes as decision-makers.<sup>164</sup>

The SRRB has recognized some of these challenges in its own work and partnered in two research projects that highlight ongoing difficulties in the SRRB's efforts to achieve the vision of co-management.

In 2003, Darwin Bateyko examined the functions of the SRRB and found four key barriers to effective co-management:

1. staff turnover;
2. lack of ownership and understanding of the SRRB's work at the community level;
3. lack of incorporation of available traditional knowledge; and
4. lack of participation by RRCs.

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<sup>162</sup> An example is D. Armitage, F. Berkes and N. Doubleday. 2007. *Adaptive Co-Management: Collaboration, Learning, and Multi-Level Governance*. UBC Press. The authors critique centralized, bureaucratic approaches to resource management and points to the intersection of co-management and adaptive management (based on monitoring, assessing, and learning) as a means of dealing with social-ecological complexity.

<sup>163</sup> P. Nadasdy. 2003. *Hunters and Bureaucrats: Power, Knowledge, and Aboriginal-State Relations in the Southwest Yukon*. UBC Press. As cited in A. Legat, supra, footnote 16, PR 3.18

<sup>164</sup> P. Nadasdy. 1999. The Politics of TEK: Power and the 'Integration' Of Knowledge. *Arctic Anthropology* 36(1-2):1-18. Republished in Nadasdy 2003, supra, footnote 16. Cited in Colville. 2016 (March 2). *Bluenose East Hearing Presentation*. 2, PR 4.01.

All four factors centre on weaknesses in SRRB-community relationships and the reality that the SRRB was viewed as “a government agency where they have little input into the decisions that are being made.”<sup>165</sup> Bateyko also noted that lack of capacity, dissatisfaction with the land claim, and the pursuit of self-government are external factors limiting the SRRB.

In 2007, Ruaraidh Carthew explored the evolution of collaborative relationships following implementation of the SDMCLCA in 1993. He found that the transition to co-management resulted in more bureaucracy, which limits the participation of ʔehdzo got’ıne (harvesters) and constrains the ability of managers to respond to change.<sup>166</sup>

More recently the late Doug Urquhart, former Executive Director of the Porcupine Management Board, reflected on the experience of co-management in a presentation at the 2010 North American Caribou Workshop. Based on his own experience and interviews with colleagues, Urquhart explored whether co-management had led to progress with respect to a number of factors affecting ʔekwé, including wolves, wounding loss, habitat loss, disturbance, industrial development, the “let the leaders pass” protocol, and harvesting. In all cases, he found that the existing co-management approach has close to no positive impact on ʔekwé conservation.

This being said, Urquhart acknowledged that co-management is here to stay, and offered a number of insights into the causes of ineffectiveness and possible solutions. One of Urquhart’s key suggested solutions is “bridging the science/TK divide” as “one of the most worthwhile areas of co-management attention.” His conclusions echo the analysis in Colville’s written submissions, offering some hope: “Getting people together is one thing – having them understand and respect each other is something else. It may not directly affect caribou but greater cooperation and less friction in the future is bound to have some benefits on the land.”<sup>167</sup>

## Balance of Evidence

All Parties at the BNE ʔekwé Hearing were of a common mind that ʔelehé ʔeghálats’eda is a desirable foundation for effective ʔekwé conservation, and all expressed willingness to work toward achieving the institutional framework for this created by the SDMCLCA.

However, community witnesses made it clear, in part by repeating assertions about the need to work together, that this goal is far from being achieved at present. The social science literature provides additional insights into causes of Dene and Métis frustrations regarding attempts to ʔelehé ʔeghálats’eda with respect to research, monitoring and decision-making. A strong starting

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<sup>165</sup> D. Bateyko. 2003. *Evaluating Co-management in the Sahtú: A Framework for Analysis*. Master’s Degree Project. University of Calgary.

<sup>166</sup> R. Carthew. 2007. *Beyond Bureaucracy: Collaborative relationships in the transition to co-management – a case study in the Sahtú Region, Northwest Territories, Canada*. Master’s Thesis. Centre for Transdisciplinary Environmental Research (CTM), University of Stockholm.

<sup>167</sup> D. Urquhart, supra, footnote 150, 111-112.

point for addressing this situation lies in the requirement for evidence-based decision-making that treats Dene náoweró and science with equal hegeríchá (respect).

Recent experiments in “co-production of knowledge” such as the caribou population research led by Jean Polfus (mentioned in Theme 2: ʔekwé K’ets’ine gha Daradé? – Population Trends) have strong potential to bridge into genuinely ʔelehé ʔeghálats’eda decision-making processes. As well, community-driven conservation planning piloted by Délne indicates that such initiatives can nurture strong trust-based ʔelehé ʔeghálats’eda processes with regional and cross-regional implications. Moreover, the evidence suggests that the path to robust ʔelehé ʔeghálats’eda goʔekwé (caribou co-management) lies less in strengthening the authority of the SRRB – which evidence shows leads to increased community resentment – and more in empowerment of community ʔehdzo Got’ine as leaders in conservation. As Colville has put it in other discussions on wildlife management, an ʔelehé ʔeghálats’eda system without strong ʔehdzo Got’ine is “like a table without legs.” The way forward for the SRRB thus involves a strong role in facilitation and coordination of community planning, research and conservation initiatives, and supporting environmental leadership development.

The SRRB agrees that new challenges in ʔekwé conservation require measures to:

1. Review the spirit and intent of the system for ʔelehé ʔeghálats’eda and integrated management defined in the SDMCLCA, and
2. Develop innovative approaches to make ʔekwé ʔeghálats’eda and integrated management more robust.

This system must be cross-regional in scope, encompassing the entire landscape of ʔekwé habitat. The SRRB will vigorously exercise its mandate to review community, cross-community and cross-regional ʔekwé conservation plans and approve completed plans, with a view to the plans’ contributions to the larger ʔelehé ʔeghálats’eda and integrated management system.

### Policy Priorities

#### *Hearing Decision 14*

The ʔehdzo Got’ine Gots’é Nákedı (Sahtú Renewable Resources Board) will prioritize support for ʔelehé ʔeghálats’eda (collaborative) research, community-driven conservation planning, and community environmental leadership development as essential components of robust ʔelehé ʔeghálats’eda goʔekwé (caribou co-management) in the Sahtú Region.

*Hearing Decision 15*

The ʔehdzo Got'ine Gots'é Nákedı (Sahtú Renewable Resources Board) will exercise its power under the SDMCLCA to review and approve community, regional and cross-regional BNE ʔekwé conservation plans, and to contribute to ʔelehé ʔeghálats'eda (collaborative) implementation of approved plans.

## Part C: Dánít'a ʔekwé k'éts'ıne gha daradé? (Causes of Decline)

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There was considerable discussion at the Bluenose East ʔekwé Hearing about the many possible causes of decline in ʔekwé populations other than Dene and Métis náts'ezé, including climate change and associated dryness and risks of wildfires, economic development, and predation. Part C themes address these concerns as follows:

Hearing Theme 6 – Sahtú Got'ıne hé ʔekwé hé Goʔılıgu Néné (Cold Climate People and Caribou)

Hearing Theme 7- ʔededáhk'á Goʔekwé (Caribou Habitat) and Narek'ó (Wildfires)

Hearing Theme 8 – ʔekwé gha Né K'éts'edı (Land Use Planning)

Hearing Theme 9 – ʔekwé Łákídókə (Predators)

The SRRB is of the view that considerable community-collaborative research is required to address questions posed about these factors in the decline of the BNE ʔekwé herd. Thus each of the four themes is linked with a Research Priority. However, the SRRB also determined that limitations in Dene náoweré and science should not prevent co-management partners from taking precautionary actions for ʔekwé conservation, and therefore four Policy Priorities were also identified.

### Hearing Theme 6 - Sahtú Got'ıne hé ʔekwé hé Goʔılıgu Néné (Cold Climate People and Caribou)

Both Dene náoweré and science evidence provided in the Hearing indicate that the shared homeland of Dene/Métis and ʔekwé is increasingly experiencing the effects of ʔehdanagokwı (climate change). The SRRB weighed the evidence regarding whether and to what extent specific measures are required with respect to ʔehdanagokwı for ʔekwé conservation.

#### Dene Náoweré Evidence

The Délıne plan indicates a community consensus that “many of the problems we are currently facing on the land are connected to climate change,”<sup>168</sup> echoing the case made by Sheila Watt-Cloutier in her recent book *The Right to Be Cold*.<sup>169</sup> The Délıne plan observed:

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<sup>168</sup> DEWG, supra, footnote 3, 19.

<sup>169</sup> S. Watt-Cloutier. 2015. *The Right to Be Cold: One Woman's Story of Protecting Her Culture, the Arctic and the Whole Planet*. Penguin Canada.

Sahtú got'ıne gha ıılıgu nene hé ıekwé gha ıılıgu nene (Sahtú people are a cold climate people and ıekwé are a cold climate animal). That is, ıekwé rely on a cold climate and the type of food that grows in their ıededáhk'ó [habitat] to sustain their way of life, and Dene rely on the maintenance of these systems. If ıekwé and Dene are to survive, then this distinct habitat type and climate must be preserved as much as possible.<sup>170</sup>

The Délıne plan listed a number of changes in ıededáhk'ó goıekwé (caribou habitat) that may be associated with ıehdanagokwı. The list includes a prophecy warning of dire consequences if action is not taken. Changes that the Délıne community members spoke of include:

- The land is drier.
- There is more risk of fire.
- There are more goregho (shrubs) on the tundra.
- Development is happening in other areas that ıekwé travel through.
- ıekwé behaviour is changing; they seem to be travelling differently on the land, possibly not travelling as far as they normally would.
- Snow and ice conditions are changing, and affect how well ıekwé can travel and access food in winter.
- There is less ıededáhk'ó (habitat) for ıekwé to survive in.
- Insects cause ıekwé stress, so any increases in insects affect caribou health.
- ıehtsó Ayha predicted that ecological and cultural integrity would be at risk in the future.
- ıejire (muskoxen) are moving back into ıekwé areas, causing them to move away from some areas.

Keeping in mind ıehtsó Ayha's prophesy, the Délıne plan outlined a series of "bigger picture" policy-related actions and local actions needed to address the causes of ıehdanagokwı.

Colville witness David Codzi pointed to the historical knowledge that Dela Got'ıne people have about ıehdanagokwı:

We have a lot of historical knowledge on the changes that are happening on the land today. You know, the land has been changing for a long time. Just recently it's been rapid, but it has been changing for a long time.<sup>171</sup>

The WRRB's Traditional Knowledge Technical Session included an observation that in spring, ıehdanagokwı creates difficult and unsafe harvesting conditions.<sup>172</sup> At the WRRB Hearing, observations and concerns regarding the impacts of ıehdanagokwı were discussed by several

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<sup>170</sup> DEWG, supra, footnote 3, 24.

<sup>171</sup> D. Codzi, HT March 2 (255:5-9), PR 5.02.

<sup>172</sup> WRRB. 2016 (March 22). BNE TK Technical Session summary, 7, WRRB PR 092.

Tł̄chq̄ community witnesses, including Tł̄chq̄ Government witnesses Dr. John B. Zoe,<sup>173</sup> Joseph Judas,<sup>174</sup> and Joe Rabesca,<sup>175</sup> and community witness Sam Simpson.<sup>176</sup>

## Scientific Evidence

The SRRB is aware of the emerging scientific consensus that climate change is causing profound, rapid changes in the physical and biological environment in the Arctic.<sup>177</sup> Research has shown that the degree of warming has been greater in the Arctic than elsewhere, a phenomenon termed “amplification.” Research further indicates environmental changes will be greater in northern latitudes. Large scale changes such as the loss of sea ice affecting weather patterns, the thawing of permafrost, earlier thawing and breakup of ice on lakes and changes in the types and abundance of plant species are expected to impact terrestrial species and ʔehdzo got’ınē (harvester) access to the land.<sup>178</sup> Many of the changes reported in the physical environment and biological communities reported nearly a decade ago by the Arctic Climate Impact Assessment (ACIA, see Figure 6, page 56 below)<sup>179</sup> correspond to those reported by Sahtú got’ınē in the SRRB Hearing and summarised in the Délınē plan.

A study of Gwich’in harvesting of Porcupine ʔekwé noted a number of changes in weather patterns and the physical environment that resulted in changes to ʔekwé migration and body condition, higher tsia (calf) survival due to earlier snow melt, and also impacts on ʔehdzo got’ınē (harvesters’) ability to access the herd.<sup>180</sup> A review of the status of 58 circumpolar ʔekwé and reindeer herds noted that major events in the population dynamics of ʔekwé, such as migration, rutting, calving, and the growth and body condition of tsída (females) and tsia depends to a great extent on the timing of environmental factors, such as the greening and growth of plants, snow melt, and insect emergence – all of which will be affected by ʔehdanagokwı.<sup>181</sup>

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<sup>173</sup> WRRB BNE HT April 6 (130:3-4), WRRB PR 166.

<sup>174</sup> WRRB BNE HT April 7 (10:16-24), WRRB PR 167.

<sup>175</sup> WRRB BNE HT April 7 (121:20-25, 122:1-5), WRRB PR 167.

<sup>176</sup> WRRB BNE HT April 8 (80:1-4), WRRB PR 168.

<sup>177</sup> ACIA. 2004. *Impacts of a warming climate. Arctic Climate Impact Assessment*. Cambridge UP.

(<http://www.acia.uaf.edu>). As cited in C.R. Macdonald. 2016. SRRB Final Technical Review - Science Advisor Colin Macdonald, PR 3.17

<sup>178</sup> IPCC. 2014. *Climate Change 2014: Synthesis Report. Contribution of Working Groups I, II and III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change*. R.K. Pachauri and L.A. Meyer (eds.) IPCC, Geneva, Switzerland, 151 pp.

<sup>179</sup> Macdonald, supra, footnote 177.

<sup>180</sup> Ibid.

<sup>181</sup> L.S. Vors and M.S. Boyce. 2009. Global declines of caribou and reindeer. *Global Change Biology* 15: 2626-2633.



FIGURE 6: THIS TABLE ILLUSTRATES CLIMATE CHANGE-DRIVEN CHANGES AND THEIR ANTICIPATED EFFECTS ON ʔEKWÉ; ADAPTED FROM THE ACIA OF 2004.

Effects in the Physical Environment	Effect	ʔehdanagok Impacts on ʔekwé
<b>Physical Environment</b>		
Permafrost	Thawing of permafrost	Migration is more difficult with thawing surface layer.
Precipitation	Warmer temperatures and loss of sea ice increases humidity in air masses moving out of the Arctic Ocean and increases on-shore precipitation.	This may result in increase of freezing rain and increased depth of snow, making winter feeding and movement more difficult for ʔekwé.
Ambient Temperature	Warming of surface temperatures above historic levels	Ambient temperature in the Arctic has increased by 1-2 degrees C in the past decades, greater than in southern regions.
Drought	Some areas may experience drier conditions due to warmer temperatures.	The quality of food may decline, while chance of nerekó (wildfire) increases.
Surface water flow	Thawing permafrost releases pore water that flows into streams, rivers, and lakes.	Water released from permafrost increases the turbidity and solids in local streams and rivers, affecting water quality.
Ice	Ice-up is later in fall and thaw occurs earlier in spring.	Migration rates and routes may be affected due to changing surface water and land conditions.
<b>Biological System</b>		
Plant green-up in spring	Time of green-up becomes earlier with increasing ambient temperature.	Early green-up provides favourable nutrition in early spring but timing in relation to calving is changed.
Plant species	Increasing numbers of grasses and shrubs	New plant species could compel changes in diet for herbivores and loss of some food species.
Invasive species	Southern species expanding their range into the NWT, or from southern to northern NWT	Invasive species of plants or animals may displace resident species.
Distribution of species	As climate changes, and conditions become less extreme, the ranges of species change.	Changes in distribution of major species, such as ʔʔts'é (moose), ʔejire (muskox), and sahcho (grizzly bear) may cause

Effects in the Physical Environment	Effect	ᑭehdanagok Impacts on ᑭekwé
		competition with and increased predation on barren-ground herds.
Insect harassment	Insect harassment increases with warmer drier conditions.	Increased insect harassment causes loss of condition in caribou.
Disease and parasitism	Warmer climate improves survival of intermediate parasite/disease stages in the environment.	Higher incidence of disease, increased parasitism, and new species of parasites reduce body condition of caribou.

The long-term impacts of changes such as these on BNE ᑭekwé are unknown, but may include changes to the annual cycles of migration and reproduction due to altered freeze/thaw cycles of lakes on the migration route, eroding permafrost, changes in weather patterns, the abundance and growth of prime food species and a myriad of other changes. A warmer, drier climate may also lead to increased wildfires on the BNE ᑭekwé range which, as noted by Barichello in the Colville submission, may remove habitat suitable for ᑭekwé and replace it with rapidly growing shrubs that provide habitat more suitable for ᑭts'é (moose).<sup>182</sup> These environmental changes are occurring at a time when the herd is under rapid decline, and the ability of BNE ᑭekwé to adapt to these conditions requires increased monitoring and research.

As ENR witness Jan Adamczewski testified at the Hearing:

It is basically beyond our control. We don't know where it's going to take us. If you think about how might a changing climate affect caribou, it could be positive. It could be negative. You might see an earlier spring on the calving grounds, which might be a good thing. You might have a really hot, dry July, and that's probably not a good thing for the feeding conditions of the caribou.

We know that the winter conditions are changing. Winters are shorter. They're not as cold as they used to be. So basically, our approach on this is to try to monitor, and also to look for relationships between some of those environmental indicators and what we're seeing with the caribou herds ....

As far as how we're going to manage that, I'm not sure that we really have an answer on that. The best we can do is try to monitor and understand where things might be going in

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<sup>182</sup> N. Barichello. 2016 (May 13). *Technical Summary Of The Key Concerns, Regarding The Proposed Management Plan For The Bluenose-East Caribou Herd*. Appendix to Colville, supra, footnote 27, 5.

the next few years. But it's not something that we can manage unless we deal with global greenhouse gases at an international scale.<sup>183</sup>

## Balance of Evidence

Dene náoweró and scientific evidence concur that ʔehdanagokwı brings many varied implications for ʔekwé and Sahtú Got'ıne alike. Possible indications of ʔehdanagokwı impacts include changes in ʔekwé health and behaviour, changes in ʔededáhk'ó goʔekwé, and changes in the conditions for náts'ezé (harvesting) and the land-based skills necessary to travel safely and find ʔekwé.

However, both Dene náoweró and science have also pointed to many uncertainties and unknowns with respect to social-ecological impacts of ʔehdanagokwı. Dene náoweró can provide some very long term historical knowledge that is not available about dynamics of environmental change in ʔededáhk'ó goʔekwé that have only begun relatively recently to be documented by scientists. Dene náoweró also offers knowledge of how people and ʔıch'ádıı may adapt to change, as well as risks that all may have to face if action is not taken to address the causes of ʔehdanagokwı.

The evidence shows that the biocultural systems that sustain ʔewké and Sahtú Got'ıne are dependent on ʔılıgu néné (a cold climate). Precautionary measures are required to prevent the collapse of these systems. Scientific and social uncertainties about the precise dynamics and impacts of ʔehdanagokwı must not prevent action to address known anthropogenic (human) causes. Major policy initiatives are required to understand and address the role of ʔehdanagokwı and to monitor the impacts on BNE ʔekwé, given that environmental change (both natural oscillations in climate conditions and human caused climate change) is a likely driver of ʔekwé declines across the Canadian north.

The SRRB accepts Délıne's plan to link with international efforts to address the causes of ʔehdanagokwı, and to reduce the ʔehdanagokwı footprint in the Délıne District. The SRRB further finds that co-management partners are responsible to participate in territorial and federal efforts with respect to climate change mitigation.

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<sup>183</sup> J. Adamczewski. ENR witness. HT March 1 (161-163), PR 5.01.

## Research Priority

### *Hearing Decision 16*

The ʔehdzo Got'ıne Gots'ę Nákedı (Sahtú Renewable Resources Board) recommends that the Governments of Canada and the NWT seek and dedicate additional funds and support for research to understand the known and unknown impacts of ʔehdanagokwı (climate change) over the short term and long term, as it relates to ʔekwé and ededáhk'ó goʔekwé (caribou habitat), and that this research involve both Dene náoweré and science perspectives in order to better understand and monitor the impacts of the changing environment on Bluenose East ʔekwé.

## Policy Priority

### *Hearing Decision 17*

The ʔehdzo Got'ıne Gots'ę Nákedı (Sahtú Renewable Resources Board) will prioritize working with NWT Environment and Natural Resources and other co-management partners to build awareness of the need to prevent collapse of the ʔı́ıgu néné (cold climate) asıı godı hé Dene ts'ıı hé (biocultural) systems that ʔekwé depend on, and to engage in community, regional, territorial and federal development and implementation of policy on ʔehdanagokwı (climate change) mitigation.

## Hearing Theme 7- ʔededáhk'ó Goʔekwé (Caribou Habitat) and Narek'ó (Wildfires)

The health of ʔededáhk'ó goʔekwé is an important consideration for ʔekwé conservation. Changes in the quality and extent of ʔededáhk'ó goʔekwé can be a factor in declining ʔekwé populations. The recent very large nerekó in other regions, as well as past experiences in the Sahtú such as the big nerekó of 1995 near Tulıt'a, have caused great concern in the region about present and future impacts on ʔekwé and ʔededáhk'ó goʔekwé. The SRRB considered evidence in the Hearing about changes in the role of nerekó as an ecological factor which may be a result of ʔehdanagokwı (climate change), and actions that may need to be taken for ʔekwé conservation.

### Dene Náoweré Evidence

Dene witnesses in the Hearing repeatedly raised concerns about the impact of narek'ó on ʔededáhk'ó goʔekwé that is critical to ʔekwé health.

The Délıne plan views the health of ʔededáhk'ó goʔekwé as linked to the health of the people. The plan points to increased dryness and risk of nerekó as well as increasing goregho (shrubs) as

of the changes observed by Dèlìné Got'ìné (people now inhabiting the community of Dèlìné) in ʔededáhk'á goʔekwé.<sup>184</sup> The risk of nerekwó as they may affect ʔekwé was mentioned a number of times by community witnesses at the Hearing, in part due to the recent increase in nerekwó in the NWT. However, the main focal point for discussion was experiences with nerekwó close to home. This is consistent with the nature of Dene náowerá, which places high value on primary experience.<sup>185,186</sup>

Fort Good Hope witness Frank T'seleie noted that in areas where there have been nerekwó around Fort Good Hope, an increase in ʔìts'é (moose) populations has been observed. Tulít'a Chief Frank Andrew spoke about changes in forest ecology since the 1995 nerekwó in the Tulít'a area, including reductions in insects, frogs, and other smaller animals, dispersal of ʔòdzì (boreal woodland caribou), and presence of ʔìts'é. Neither Chief Andrew nor T'seleie directly referred to ʔekwé (the Tulít'a and Fort Good Hope areas are not considered to be core ʔededáhk'á goʔekwé), but their evidence demonstrates that from a Dene náowerá perspective these experiences would be considered valuable for extrapolation to shed light on possible implications for ʔekwé and ʔededáhk'á goʔekwé. The Fort Good Hope ʔehdzo Got'ìné final submission recommended that fires be controlled along ʔata goʔekwé (the caribou migration corridor).<sup>187</sup>

Nerekwó was a very important issue in the WRRB BNE ʔekwé Hearing, since that region had been most recently impacted by large nerekwó in ʔededáhk'á goʔekwé. At the WRRB Traditional Knowledge Technical Session, it was agreed that caribou trails and water crossings need to be considered when discussing nerekwó management.<sup>188</sup> At the WRRB Hearing, community witness Sam Simpson spoke at length about the impacts of nerekwó on ʔekwé grazing areas, small animals, animal denning areas, and people's ability to travel on the land. He also expressed frustration about ENR nerekwó-fighting policies.<sup>189</sup> Community witness Charlie Football echoed the opinion that community members should be involved in nerekwó management.<sup>190</sup> Community witness James Lafferty spoke about the need to protect ʔededáhk'á goʔekwé from nerekwó impacts.<sup>191</sup> Interestingly, the Tìchqò *Ekwò zò gha dzò nats'édè* - "We Live Here For Caribou" report does not mention nerekwó as a significant factor with respect to cumulative impacts

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<sup>184</sup> DEWG, supra, footnote 3.

<sup>185</sup> Legat, supra, footnote 143.

<sup>186</sup> Rushforth, supra, footnote 138.

<sup>187</sup> Fort Good Hope RRC, supra, footnote 106.

<sup>188</sup> WRRB, supra, footnote 172, 5.

<sup>189</sup> WRRB HT April 8 (77-80), WRRB PR 168.

<sup>190</sup> WRRB HT April 8 (234:16-25, 235:1-2), WRRB PR 168.

<sup>191</sup> WRRB HT April 8 (218:16-25, 219:1-6), WRRB PR 168.

affecting Bathurst ʔekwé (ekwò in Tłı̨chǫ language).<sup>192</sup> Parlee and Thorpe note that very little traditional knowledge has been documented on this theme.<sup>193</sup>

## Scientific Evidence

The SRRB heard evidence in the Hearing that major questions remain about the current condition of BNE ʔededáhk’ó goʔekwé, how it is changing in response to ʔehdanagokwı (warming climate) and whether changes in the condition of ʔededáhk’ó goʔekwé is implicated in the rapid decline of the herd. As noted by Barichello in the Colville final submission, pregnancy rate, tsıa (calf) birth weight, survival and growth are closely linked with the body condition of tsıda (females), which depends to some extent on the availability and nutritional status of forage,<sup>194</sup> yet very little information is available on the condition of the BNE ʔekwé range.<sup>195</sup>

ENR presented evidence that nerekó are considered to be part of the natural ecology of ʔededáhk’ó goʔekwé and an integral part of its renewal.<sup>196</sup> Due to the preference of ʔekwé for lichens and mosses at some times of the year, and the slow re-growth and recovery of the burned areas to prime food for ʔekwé, possibly as long as several decades, the impacts of changes in quality of ʔededáhk’ó goʔekwé with nerekó frequency for BNE ʔekwé are still uncertain.

However, research has been done on ʔekwé response to nerekó elsewhere. A study of burned areas on the Bathurst ʔekwé wintering range showed a clear preference by ʔekwé for areas with a high percentage of lichen and low numbers of conifer trees, and an avoidance of burned areas.<sup>197</sup> A study of Alaskan and Yukon ʔekwé showed that increases in burned areas, and the resulting decreases in the age of lichen stands due to areas recovering from fires could alter the distribution of the herds,<sup>198</sup> which would impact the ability of ʔehdzo got’ıne (harvesters) to return to traditional areas for náts’ezé.

The condition of BNE ʔededáhk’ó goʔekwé in terms of burned and recovering areas is largely unknown. Data presented by ENR shows large areas of the winter range of the BNE ʔekwé to have undergone fires since 1965 (Figure 7, page 62<sup>199</sup>), however there is no indication of the current status of the burned areas, the levels of recovery and how suitable the areas are for BNE

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<sup>192</sup> Dedats’eetsaa: Tłı̨chǫ Research and Training Institute. 2016. *Ekwò zò gha dzq nats’edè*

“We Live Here For Caribou”: *Cumulative Impacts Study on the Bathurst Caribou*. Tłı̨chǫ Government.

<sup>193</sup> B. Parlee, N. Thorpe, and T. McNabb. 2013. *Traditional Knowledge: Barren-Ground Caribou in the Northwest Territories*. Unpublished manuscript. University of Alberta: 74.

<sup>194</sup> N. Barichello, supra, footnote 182, 4.

<sup>195</sup> ENR. 2015 *Taking care of caribou - ENR Technical Report*, 47.

<sup>196</sup> Ibid, 51.

<sup>197</sup> T.A. Barrier and C.J. Johnson. 2012. The influence of fire history of selection of foraging sites by barren-ground caribou. *Ecoscience* 19:177-188.

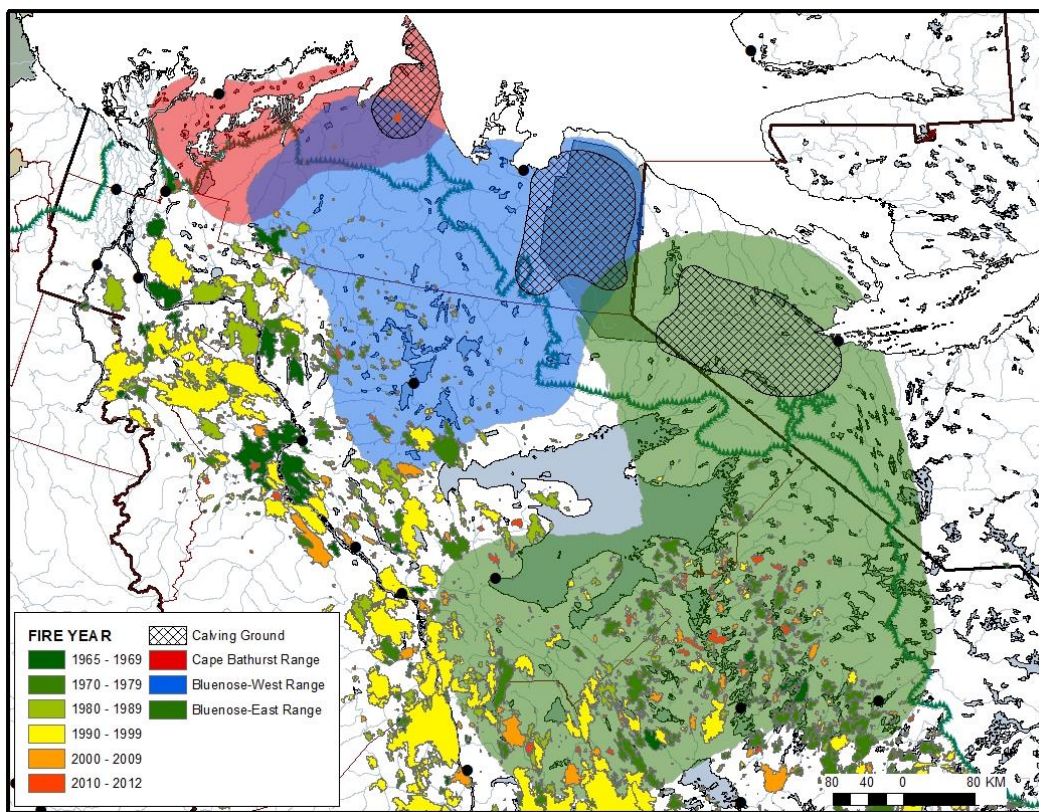
<sup>198</sup> D.D. Gustine, T.J. Brinkman, M.A. Lindgren, J.I. Schmidt, T.S. Rupp and L.G. Adams. 2014. Climate-driven effects of fire on winter habitat for caribou in the Alaskan-Yukon Arctic. *PLoS One* 9:e100588

<sup>199</sup> ENR, supra, footnote 2, 51.

zededáhk'ó gozekwé. Research conducted on burned areas in Bathurst zededáhk'ó gozekwé show that extensive losses of lichen-dominated areas can significantly reduce the number of zekwé that the range can support.<sup>200</sup> Recent research shows that areas at the treeline and on the tundra, where narek'ó were previously extremely rare, are especially vulnerable. Modelling in one study indicated that the risk of narek'ó will likely increase up to fourfold.<sup>201</sup> Recent examples of severe and unusual nerek'ó in treeline/tundra areas have been seen in Alaska (summer 2007 and 2015) and Siberia (summer 2016).

ENR has long taken a “values-at-risk” approach to fire management. Community mapping projects have provided opportunities for helping to determine valued areas to be protected. Protection of rare habitat, culturally significant areas and similar values will influence suppression decisions.<sup>202</sup>

FIGURE 7: NEREKQ HISTORY FROM 1978 TO 2012 WITHIN AND NEAR THE RANGES OF THE BLUENOSE EAST, BLUENOSE WEST AND CAPE BATHURST ZEKWÉ.



<sup>200</sup> Barrier and Johnson, supra, footnote 197.

<sup>201</sup> A. M. Young, P. E. Higuera, P. A. Duffy, F. S. Hu. 2016. Climatic thresholds shape northern high-latitude fire regimes and imply vulnerability to future climate change. *Ecography* 39: 001-012.

<sup>202</sup> <http://www.enr.gov.nt.ca/programs/fire-operations/managing-wildland-fire-nwt>

## Balance of Evidence

In weighing the evidence, the SRRB concludes this issue of the relationship between nerekó ecology and the quality of ʔededáhk'ó goʔekwé is an important and unresolved issue that requires community-collaborative research. The SDMCLCA requires that such research must involve the participation of the ʔehdzo Got'ine.<sup>203</sup>

A collaborative research approach is needed, involving Dene náoweró and science. The research must include an assessment of ʔekwé needs, the specific locations of the BNE ʔekwé within its range, and the condition of the range to support the herd. Such an assessment is needed to understand impacts to the range from natural and anthropogenic (human) disturbances.

The SRRB also recognizes that it has responsibilities under the SDMCLCA for forestry co-management, in addition to wildlife co-management.<sup>204</sup> To date, there has been limited engagement between ENR and the SRRB on ʔededáhk'ó matters, including nerek'ó concerns. The SRRB recommends that ENR work with co-management partners, including the SRRB and ʔehdzo Got'ine, to develop a “forest management” plan for the Sahtú Region with a focus on values-at-risk with respect to ʔededáhk'ó goʔekwé and encompassing the edge of the treeline to the north of Great Bear Lake, as required by sections 14.1.9 and 14.1.10 of the SDMCLCA.

## Research Priority

### *Hearing Decision 18*

The ʔehdzo Got'ine Gots'é Nákedı (Sahtú Renewable Resources Board) recommends that NWT Environment and Natural Resources, SRRB and ʔehdzo Got'ine (Renewable Resources Councils) work together to develop a plan for community-collaborative Dene náoweró and science research on ʔededáhk'ó goʔekwé (caribou habitat) and nerekó (wildfire) ecology and management.

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<sup>203</sup> SDMCLCA, sections 13.8.40, 13.9.1.

<sup>204</sup> SDMCLCA, chapter 14.



## Policy Priority

### *Hearing Decision 19*

The ʔehdzo Got'ıne Gots'ę Nákedı (Sahtú Renewable Resources Board) will work with NWT Environment and Natural Resources and ʔehdzo Got'ıne (Sahtú Renewable Resources Councils) to review the current nerekó (wildfire) management policy and develop a new “forest management” plan for the Sahtú Region, with a focus on determining values-at-risk with respect to ʔedáhk'á goʔekwé (caribou habitat) and encompassing the edge of the treeline to the north of Great Bear Lake.

## Hearing Theme 8 – ʔekwé gha Né K'ęts'edı (Land Use Planning)

The SRRB heard evidence during the Hearing of concerns about the impact of land use decisions (such as exploration and development permits and the establishment of conservation or protected areas) on the health of ʔekwé. The SRRB considered evidence that might highlight how co-management partners might support wise ʔekwé gha né k'ęts'edı (land use planning for caribou).

### Dene Náowerá Evidence

The Délıne plan noted evolving concerns about the need to protect key ʔededáhk'á and łata (ʔekwé habitat and migration corridors).<sup>205</sup> Délıne pointed out specific areas where more research regarding appropriate land use planning protections is needed:

We know the areas and types of ʔededáhk'á [habitat] that ʔekwé use and need, but more work still needs to be done on identifying important areas and understanding what will be necessary to protect them. Some of these could be considered ‘critical habitat’, and may include:

- Ts'ó néné– muskeg
- Łata – migration routes or corridors, land bridges between lakes
- ʔekwéne golek'á – calving grounds
- Other seasonal ʔededáhk'á (e.g., wintering areas, water crossings, etc.).<sup>206</sup>

Délıne also proposed that several critical ʔekwé habitat and migration corridors should be protected through revisions to regional land use plans, both within and outside the Sahtú Region:

- ʔehdałla (Caribou Point) – consider permanent protection
- Tehkaıcho Dé (Johnny Hoe River) – consider permanent protection
- Įts'éré Túé (Hottah Lake)
- ʔekwé né golek'á (Bluenose East calving Grounds)

<sup>205</sup> DEWG, supra, footnote 3, 27

<sup>206</sup> DEWG, supra, footnote 3, 20.

- Łata ʔekwé sub-zones (caribou migration corridors or ‘land bridges’)
- Kw’ijí ʔekwé sub-zones (‘mosquito berry hills’) characterized by well-drained, slightly higher terrain, covered in old growth black and white spruce forests
- Nqreʔá (caribou water crossings)
- Ts’o néné (muskeg areas)<sup>207</sup>

Community Parties in the Hearing repeatedly raised concerns about the critical need to protect the BNE ʔekwé né golek’á (calving grounds). This is consistent with the unanimous resolution passed by all the Sahtú organizations at the Special Caribou Assembly held in Colville in April 2015:

4.0 We, the undersigned, with the support of the Sahtú Secretariat, oppose the proposed Tundra Copper Exploration project until steps are taken to ensure the protection of the Bluenose East caribou calving ground; and that if caribou habitat and caribou are not properly protected, that we oppose this development.<sup>208</sup>

### Scientific Evidence

Migratory ʔekwé herds follow an annual cycle based on reproductive needs and the requirements for high quality ʔededáhk’á (habitat) that will provide nutritional requirements and protection from ʔekwé łákídókə (predators).

After wintering south and east of Great Bear Lake, BNE tsída (females) migrate to their ʔekwé né golek’á to the west of Kugluktuk, Territory of Nunavut, to calve in early June (see Figure 2, page 13). ʔekwé né golek’á provide suitable dietary requirements for the tsída but also protection from ʔekwé łákídókə (predators) at a critical time for the herd. The SRRB is aware that studies in Alaska have shown that disturbance of the herd during calving may cause the tsída to move into sub-prime ʔededáhk’á, resulting in a loss in productivity.<sup>209</sup>

While displacement of the herd may not be significant while the herd is expanding or at peak numbers, it may be a critical factor when the herd is declining and in low numbers. At such times, disturbance causing poor tsía (calf) recruitment is especially problematic.

ENR provided evidence that protection of the herd from human-caused disturbance on the calving grounds is an important component of allowing the herd to recover.<sup>210</sup>

Evidence was provided throughout the Hearing that protection of ʔekwé ʔededáhk’á elsewhere on the range from undue development, and in the presence of other factors such as drought,

<sup>207</sup> DEWG, *ibid*, 21-23.

<sup>208</sup> SSI and SRRB, *supra*, footnote 62, 9-10, PR 3.13.

<sup>209</sup> R.D. Cameron, W.T. Smith, R.G. White and B. Griffith. 2005. Central Arctic caribou and petroleum development: distributional, nutritional, and reproductive implications. *Arctic* 58:1-9.

<sup>210</sup> HT March 1 (107-109), PR 5.01

narek'ó (fires) and ʔehdanagokwı (climate change), should be an important consideration in ʔekwé gha né k'ets'edı.

## Balance of Evidence

There is wide agreement in the evidence of Sahtú community witnesses and scientists that ʔekwé né golek'ó (calving grounds) are critical ʔekwé ʔededáhk'ó and must be protected. Dene náoweró and science evidence presented during the Hearing also expressed concern that current and new development pressures that could affect critical ʔekwé né golek'ó for BNE ʔekwé and the need for land use plans that address those concerns.

The SRRB recognizes that the BNE ʔekwé né golek'ó is located in Nunavut and outside of the jurisdiction of the SRRB and the Government of the NWT. Co-management partners in the Sahtú bear a shared responsibility, however, to provide input into Nunavut Wildlife Management Board (NWMB), Nunavut Land Use Planning Board and regulatory decisions regarding the importance of mechanisms for establishing né kárıla k'ets'edı (conservation areas).

The SRRB is also aware that a five year review of the Sahtú Land Use Plan is scheduled for 2018-2019. This will provide a critical opportunity to reconsider requirements for né kárıla k'ets'edı (land protection) necessary to protect ʔededáhk'ó and ıata (caribou habitat and migration corridors).

The SRRB will prioritize working with Délıne and co-management partners to identify critical BNE ʔekwé ʔededáhk'ó and provide input on requirements for né kárıla k'ets'edı.

## Research Priority

### *Hearing Decision 20*

The ʔehdzo Got'ıne Gots'é Nákedı (Sahtú Renewable Resources Board) will support community-collaborative initiatives to identify, name and conduct baseline assessments of critical ʔededáhk'ó goʔekwé (caribou habitat) in the Sahtú Region.

## Policy Priorities

### *Hearing Decision 21*

The ʔehdzo Got'ıne Gots'é Nákedı (Sahtú Renewable Resources Board) will work with Délıne and co-management partners to provide input on requirements for establishing né kárıla k'ets'edı (conservation areas) during the Sahtú Land Use Plan five-year review scheduled for 2018-2019.

### Hearing Decision 22

The ʔehdzo Got'ine Gots'ę Nákedı (Sahtú Renewable Resources Board) will work with co-management partners in the NWT to provide input into Nunavut Wildlife Management Board, Nunavut Land Use Planning Board and Nunavut regulatory decisions regarding the importance of protecting the Bluenose East ʔekwé né golek'á (calving ground).

## Hearing Theme 9 – ʔekwé łákídákə (Predators)

The Délıne plan tells the story of ʔekwé and Díga (Wolf) godı kehtsı (making an agreement) to coexist, as an illustration of a Dene approach to understanding the relationship between ʔekwé and díga.<sup>211</sup> The ENR plan outlines a pilot predator management program planned in collaboration with the Tıchq Government (TG). In Part A of the report on its BNE ʔekwé Hearing, the WRRB recommended a “collaborative feasibility assessment of options for díga management, led by the Board” to complement the ENR-TG program.<sup>212</sup> The SRRB heard further evidence about the planned predator management program when the SRRB attended the WRRB BNE ʔekwé Hearing in Behchokq. Control of ʔekwé łákídákə is an unresolved “Hot Topic” in the *Taking Care of Caribou* plan. Consistent with other forums, during its own Hearing, the SRRB heard evidence and questions about the effectiveness of ʔekwé łákídákə management actions in general, and díga management specifically.

When the earth was created, díga (wolf) and ʔekwé held a big meeting around the Aklavik area. Díga said to ʔekwé, “ʔekwé should not be on earth any longer.” ʔekwé responded, “As long as we've been here, we've been good and we've eaten well. We've done nothing to you. We have not destroyed your food. You have lived well off us. So what's wrong with us?”

Díga said, “That's right. There's nothing wrong with ʔekwé. They don't get in anybody's way. So we shouldn't tell them what to do. Let them graze, and feed, and wander around. Let's not destroy them completely, because in the future we will need them.”

– from *Belare wıle Gots'ę ʔekwé*, 5.

<sup>211</sup> DEWG, supra, footnote 3, 5, 15.

<sup>212</sup> WRRB. 2016 (June 13). *WRRB Reasons for Decision Final Report, Part A – Bluenose-East Caribou Herd*, 50, WRRB PR 179.

## Dene Náoweré Evidence

The Délı̨ne plan says that “we can’t do much about predators because they need to achieve their own balance.”<sup>213</sup> This is consistent with the ecological narrative in the keystone story of the meeting between díga and ʔekwé that frames the plan. The plan does note that disrespectful behaviour by ʔehdzo got’ı̨ne (harvesters) like chasing ʔekwé can make them vulnerable to predators.<sup>214</sup>

At the Hearing, Colville Chief Wilbert Kochon explained at length why deliberate programs of díga control are not considered appropriate, pointing out that the best form of “control” is for people to be exercising their traditional náts’ezé (harvest) practices on the land. For Chief Kochon, the concept of control is connected to people’s presence and ʔekwé hé Dene ts’ı̨lı (sustaining relationships with ʔekwé).

Wolves are important for us, because they keep the caribou healthy. Always keeping the caribou moving. When you get rid of that balance, what happens then? When the caribou get sick, the wolves will kill it right away, and that sickness will never spread. If the caribou got sick and spread that sickness, the caribou will die faster in big numbers. So those kind of things you should really look at before you start killing so many wolves, or start putting bounties on it .... The way to control that is to be on the land. When you're on the land, the caribou comes around where you are, and the wolves stay away. Right now the wolves are just having a field day because there's nobody out there ... Maybe we have to work together more to try to control that. Not to wipe out the wolves, but control it more. And maybe try to get people out there more.<sup>215</sup>

ENR witnesses asked each community Party in turn about their perspective on díga control. In his response to one such query, Tulít’a Chief Frank Andrew echoed the view of his Colville counterpart:

The wolf are part of the caribou, from what I hear from my father way back, you know, when he said if there's a lot of caribou, there's a lot of wolves around it. It's always been like that, time immemorial, he said. So if we slaughter or kill all the wolves, then the caribou might disappear. So we have to think about this.<sup>216</sup>

SRRB Special Advisor and Tulít’a witness Leon Andrew provided supplementary testimony as a Shúhta Got’ı̨ne (Mountain Dene):

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<sup>213</sup> DEWG, supra, footnote 3, 14.

<sup>214</sup> DEWG, ibid, 28.

<sup>215</sup> HT March 1 (122:12-25, 123:1-16), PR 5.01.

<sup>216</sup> HT March 3 (55:11-21), PR 5.03.

The mountain Dene people respect the wolf in a way, because back in the ice age, the wolf kind of helped our people learn how to hunt. So that was the important role they played in the beginning of time, our life. So I really have respect for them. To go after the wolf and clean it out, or try to clean it out, I don't know. I have mixed feelings about that.<sup>217</sup>

Fort Good Hope witness Harry Harris described díga as “the doctor,” and recalled the traumatic experience of past government díga culling programs including the use of poison, which affected other t̥ch’ádí (wildlife) as well. He testified that, in his view, “we should let nature take its course.”<sup>218</sup>

Similarly, the WRRB Traditional Knowledge Technical Session included a discussion of ʔekwé lákídákə. The summary report documented agreement that “wolves and bears have relations with caribou that are bigger than just their actions as predators.”<sup>219</sup>

Likewise, the KHTO submission to the NWMB provided insights into a Kitikmeot Inuit perspective on relationships with both díga and sahcho (grizzly bears). It is notable that from a Dene náoweré perspective, Kitikmeot Inuit would be authorities on sahcho relationships with ʔekwé, since their primary interactions are reportedly at ʔekwé né golek’á (calving grounds). Like Colville witness Wilbert Kochon, the KHTO indicates that Inuit are the best positioned to ensure that ʔekwé relationships with ʔekwé lákídákə are in balance.

For years, the KHTO has expressed to the GN-DOE [Government of Nunavut-Department of Environment] the observations of the high number of predators, such as wolves and grizzly bears that are present in the range of the BNECH [BNE Caribou Herd]. Traditionally, Inuit have harvested wolves and grizzly bear in this area as part of day-to-day life on the land. Now that most Inuit spend the majority of their time in established communities, there are fewer Inuit on the land and less opportunity to harvest these animals.

Inuit have strong hunting skills in general, and there is a long history as wolf hunters. This combined with extensive traditional knowledge about wolves and grizzly bear give Inuit the ability to be very effective predator managers.<sup>220</sup>

## Science Evidence

The number of caribou lost from BNE ʔekwé annually to predation by díga, sahcho, wolverines and eagles is a major question. The SRRB is aware that studies conducted on Porcupine ʔekwé

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<sup>217</sup> HT March 3 (56:7-19), PR 5.03.

<sup>218</sup> HT March 3 (131:12-25, 132:1-2), PR 5.03.

<sup>219</sup> WRRB, supra, footnote 172, 9.

<sup>220</sup> KHTO, supra, footnote 57, 6.

(>100,000 individuals) have shown that díga kill about 7,600 bedzió (males) and tsída (females) annually, primarily during fall and winter.<sup>221</sup> Some scientists have estimated that díga densities greater than 6.5/1000 km<sup>2</sup> will cause a herd to decline, while lower densities of díga will allow the herd to increase.<sup>222</sup> An Alaskan study reported that sahcho killed from two tsía (calves) per day for males to over 6 tsía/day for females with cubs, over the two weeks of the study.<sup>223</sup>

The extent of BNE ʔekwé losses to predation is unknown, as is the timing of when most losses occur during the annual cycle of calving, migration and overwintering. A recent study of díga distribution near the Bathurst herd indicates that as the herd declined and spent more time in its northern range in the summer, the pressure from díga was reduced due to the increased distance between the díga denning areas and the herd.<sup>224</sup> ENR reported 4.43 active díga dens/1000 km in Bathurst ʔekwé habitat, based on an aerial survey flown in 2012. Díga dens were slightly more numerous than the lowest level of 3.55 dens/1000 km recorded in 2011.

A pup count in 2012 showed low numbers of pups per den, in addition to a generally low number of active dens.<sup>225</sup> If this is also the case in BNE ʔekwé habitat, then predation from díga on the tundra will also decrease as the population declines and spends more time in the northern portion of its range.

ENR has responded to calls to reduce predation losses in the Bathurst and BNE herds with a general díga harvest program. However there have been no studies proposed to evaluate the effectiveness of the program in reducing predation losses or in aiding the recovery of the herds.

## Balance of Evidence

The story about the meeting between ʔekwé and díga,<sup>226</sup> shared in the Déljné plan, appears to be consistent with evidence from Colville, Tulit’a and Fort Good Hope witnesses at the Hearing that

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<sup>221</sup> R. D. Hayes, and D.E. Russell. 2000. Predation rates by wolves on the Porcupine caribou herd. *Rangifer* Special Issue 12: 51-58. As cited in C.R. Macdonald. 2016. *SRRB Final Technical Review - Science Advisor Colin Macdonald*, PR 3.17.

<sup>222</sup> T. Bergerud. 1996. Evolving perspectives on caribou population dynamics, have we got it right yet? *Rangifer* Special Issue 9:95-115. As cited in C.R. Macdonald. 2016. *SRRB Final Technical Review - Science Advisor Colin Macdonald*, PR 3.17.

<sup>223</sup> D.D. Young, and T.R. McCabe. Grizzly bear predation rates on caribou calves in northeastern Alaska. *Journal of Wildlife Management* 61: 1056-1066. As cited in C.R. Macdonald. 2016. *SRRB Final Technical Review - Science Advisor Colin Macdonald*, PR 3.17.

<sup>224</sup> M.R. Klaczek, C.J. Johnson and H.D. Cluff. 2016. Wolf-caribou dynamics within the central Canadian Arctic. *Journal of Wildlife Management* 80:837-849. As cited in C.R. Macdonald. 2016. *SRRB Final Technical Review - Science Advisor Colin Macdonald*, PR 3.17

<sup>225</sup> ENR. 2014. *Barren-ground caribou 2012/2013 harvest & monitoring summary*. Submitted to the Barren-ground Technical Working Group.

<sup>226</sup> DEWG, supra, footnote 3, 5, 15.

Sahtú Got'ıne are carrying forward teachings of the elders about ʔekwé hé díga ts'ııı (sustaining caribou-wolf relationships).

There is support for díga management programs in other regions, but there is also acknowledgement that further Dene náoweró and scientific research is needed to understand interactions of ʔekwé and díga in the context of ʔekwé decline, and to learn about approaches to supporting the appropriate balance.

The SRRB will review and evaluate the Wek'èezhıı díga control feasibility study when it is complete, along with Dene náoweró from the Sahtú Region, as a basis for a future determination about whether a ʔekwé łákídákə management program should be put in place in the Sahtú.

### Research Priority

#### *Hearing Decision 23*

The ʔehdzo Got'ıne Gots'é Nákedı (Sahtú Renewable Resources Board) will review and evaluate the Wek'èezhıı Renewable Resources Board's díga (wolf) control feasibility study when it is complete, and then engage in dialogue with ʔehdzo Got'ıne (Sahtú Renewable Resources Councils) to identify future research needs and whether a díga program should be put in place in the Sahtú Region.



## Part D: Náts'ezé (Harvesting)

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Náts'ezé was without doubt the most contentious topic at the Hearing. The requirement for the Hearing was based on direction in the SDMCLCA: a hearing is required when náts'ezé restrictions are being considered. Both ENR and Délıne had submitted proposals with conservation actions including náts'ezé restrictions. Considerable evidence was provided related to the topic of ʔekwé kanáts'ezé (caribou harvesting) related to the following five themes:

- Hearing Theme 10 – ʔekwé Náts'ezé ʔeʔa (Harvest Management)
- Hearing Theme 11 – Yárégo Kanáts'ezé (Smaller Male Caribou Harvest)
- Hearing Theme 12 – ʔekwé Náts'ezé gha K'ínats'eneta (Caribou Harvest Monitoring)
- Hearing Theme 13 – Náts'ezé Dáhk'ó (Harvest Zones)
- Hearing Theme 14 – ʔekwé ʔeʔa Hegerıchá gha (Enforcement)

Theme 10 provides an overarching consideration of evidence related to harvest management approaches. Theme 11 considers the question of whether harvesting fewer tsída (females) can aid in recovery of the BNE ʔekwé herd. Themes 12-14 examine the three key mechanisms for harvest management.

The SRRB has identified three key areas of research related to náts'ezé. Reflecting the significance and complexity of this topic and the many concerns expressed by the Parties, the SRRB has also outlined 13 Policy Priority decisions.

### Hearing Theme 10 – ʔekwé Náts'ezé ʔeʔa (Harvest Management)

A key task for the SRRB in the BNE ʔekwé Hearing is determining the best mechanism for ʔekwé náts'ezé ʔeʔa (harvest management).

At the heart of the SDMCLCA is a carefully negotiated balance between guarantees of Dene and Métis náts'ezé (harvest) rights with the goals of Sahtú ıch'ádıı (wildlife) and ʔededáhk'ó (habitat) né kárıla k'ets'edı (conservation). The SDMCLCA guarantees Dene and Métis ıch'ádıı kanáts'ezé (wildlife harvesting) and cultural rights, along with the right to directly participate in decisions related to ıch'ádıı kanáts'ezé and náts'ezé ʔeʔa (harvest laws).<sup>227</sup> The SDMCLCA also prioritizes the objectives of ıch'ádıı and ʔekwé né kárıla k'ets'edı for present and future generations.<sup>228</sup>

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<sup>227</sup> SDMCLCA section 1.1.1 (a), (b), (c), (f) and (g) and 13.1.1 (a), (c), (d), and (e).

<sup>228</sup> SDMCLCA, section 1.1.1(h) and section 13.1.1(b) and (f).

The goal of ṯch'ádı̱ né kárı́la k'ets'edı̱ in the Sahtú Region, under the SDMCLCA, is to “manage wildlife populations and habitat to ensure the maintenance of quality and diversity including the long-term optimum productivity of those resources, and to ensure a sustainable harvest and its efficient utilization.”<sup>229</sup>

The SDMCLCA provides a detailed outline of mechanisms to achieve those goals, including the option of establishing a Total Allowable Harvest (TAH) imposing a limit on the harvest of particular ṯch'ádı̱ species.<sup>230</sup> The SRRB can only establish or modify a TAH, however, if two conditions are met: (1) it must be required for conservation, and (2) it can only occur to the extent necessary to achieve conservation.<sup>231</sup> Unless a TAH is established, the quantity of harvest by Dene and Métis may not be limited.<sup>232</sup>

### Dene Náoweré Evidence

The SRRB heard oral evidence from Délı̱ne, and received written evidence in the Délı̱ne plan, supporting a community conservation plan. Délı̱ne proposed that the community's own conservation plan is the appropriate mechanism to achieve the same or better conservation goals than those available through the mechanism of imposing a TAH.

Délı̱ne also told the SRRB that “harvest management systems that rely on imposing restrictions and penalties from outside will have limited success in our area. Instead, our approach is more about supporting people to become good stewards of ʔekwé and not relying on godedı̱ (in which wildlife officers have enforced harvest rules and make people feel like criminals and poachers).”<sup>233</sup>

The Délı̱ne plan proposed specific tools to achieve conservation goals, including a harvest target of 150 ʔekwé (mostly young males), ʔekwé gha máhsı̱ ts'ı̱ı̱we (harvest to thank the Creator for ʔekwé, or “ceremonial harvest”) and Dene béré kats'ı̱ı̱we (alternative harvest; hunting and gathering all kinds of different Dene foods). The Délı̱ne plan and oral testimony also provided evidence of other mechanisms traditionally used by the Dene to monitor ʔekwé harvesting and ensure respectful relationships with ʔekwé. The Délı̱ne submissions, and testimony from other Sahtú Dene and Métis witnesses, provided compelling evidence that, within the Sahtú, traditional family and community governance and sharing systems continue to operate as the foundation of an existing and ongoing mechanism for harvest management.

Colville, in its final submission, made the case that the evidence in the hearings did not establish “that a TAH is the only method by which the asserted conservation concern can be addressed, or

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<sup>229</sup> SMDCLCA, section 2.1.1, definition of “conservation.”

<sup>230</sup> SDMCLCA, section 13.5.1 and 13.5.2.

<sup>231</sup> SDMCLCA 13.5.2.

<sup>232</sup> SDMCLCA 13.5.2

<sup>233</sup> DEWG, supra, footnote 3, 9.

even that a TAH would be an effective way of achieving a conservation result.” Colville also argued that the SDMCLCA “imposes an obligation on those advocating for a TAH to satisfy the SRRB that all other less intrusive measures on the rights of Sahtú beneficiaries that might otherwise address the conservation issue will be ineffective.”<sup>234</sup> Colville pointed to *łákídókə* (predator) management, *ʔekwé né golek’ó* (caribou calving ground) and *ʔededáhk’ó goʔekwé* (habitat of caribou) management as examples of other conservation measures which have not yet been undertaken and which would “address the [conservation] issue without the imposition of harvest limits.”<sup>235</sup>

The SRRB heard unanimous evidence from all the Sahtú communities that they reject the “outside” imposition of a TAH. While most Dene or Métis witnesses in the Hearing supported the validity of conservation concerns (often framed as “giving the *ʔekwé* a rest”), not one spoke in favour of using a TAH as the best mechanism to achieve conservation goals.

Witnesses in the Hearing often used the term “quota” to refer to the idea of an externally imposed law restricting *ʔekwé náts’ezé* (caribou harvest), and also referred to “tags” as a symbol of a quota or TAH system. When people spoke against a quota, it was with complete conviction about the negative consequences of implementing such a mechanism. Chief Frank Andrew of Tulít’a echoed a narrative about the historical experience of quotas that has been heard repeatedly by the SRRB over the years in the Sahtú Region:

You know, I remember when I was a young kid, my father was alive then. He used to go beaver hunting in the springtime. He used to get five tags. You call it beaver seal.<sup>236</sup>

That's all you could shoot, they said. And we had a whole bunch of us. Five beaver didn't mean anything. And that's where we're going back today again. I don't think talking about tags is good. It's not going to be good for the future, for sure.<sup>237</sup>

Colville witness Joseph Kochon made it clear that the opposition to a quota system is based on guidance that has been passed down through the generations, and that there is a spiritual dimension to this belief:

I'll just provide a little quote that my grandfather left with us before he passed on. He said: "My children, as long as I'm on this earth, I don't want to live by any type of rule, any licence, or any type of quota. He didn't just meant that for himself. He spoke for us.

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<sup>234</sup> Colville, supra, footnote 27, 5.

<sup>235</sup> Colville, *ibid.*, 6.

<sup>236</sup> A “seal” was a metal tag used to mark harvested beavers as part of a quotas system historically imposed on beaver harvesting in the NWT.

<sup>237</sup> Chief F. Andrew, HT March 1 (158:18-25, 159:1-2), PR 5.01.

We're his bloodline. And that means a lot to us. However we evolve into the future, this is something that's given to us by the Creator.<sup>238</sup>

Colville Chief Wilbert Kochon confirmed his community's commitment to follow this direction from the grandfather: "We all want to do the same thing, but the one thing that we'll never agree on is the quota."<sup>239</sup>

Colville witness David Codzi further asserted that a quota or tag system should be a last resort:

It's just not for a few people to decide. Caribou tags, the current imposition of tags on Aboriginal harvesters under the regulations of the *Wildlife Act*, is rejected. There is neither traditional knowledge nor science-based evidence justifying such conservation measures. It's like you're just jumping straight to the last measure and not trying out other things.<sup>240</sup>

Déłıne witness Walter Bayha, who presented the Déłıne plan on behalf of the Déłıne ʔekwé Working Group, made it clear that the Déłıne plan does not include a quota system, and that it would never have been approved by the community had this been the case:

One of the things I've learned, and probably the biggest one: if you mention quota to them, if I ever started with that in any of our meetings, I think they would have thrown me out along with everybody else that relates to quotas. I think that is a poor way of dealing with conservation plans.<sup>241</sup>

This evidence at the hearings is consistent with the emerging and strong consensus of all the Sahtú communities. Leaders and representatives of the SSI and all five ʔehdzo Got'ıne (RRCs), Land Corporations, and Band Councils passed a series of unanimous resolutions at a special ʔekwé assembly held in Colville Lake in April 2015, including the following resolutions:

1.2 That the Sahtú region continue the traditional laws of relationship with ʔekwé through a Sahtú-developed ʔekwé plan including a process of self-regulation, driven by community-based monitoring and decisions.

3.0 The Sahtú region rejects the current imposition of tags on aboriginal harvesters by ENR under the Wildlife Act Big Game Hunting Regulations for Bluenose West and Bluenose East ʔekwé in the Sahtú region, as there is no traditional or science-based evidence of a ʔekwé population level such that conservation measures of this nature are

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<sup>238</sup> J. Kochon, HT March 2 (119:8-18), PR 5.02.

<sup>239</sup> Chief W. Kochon, HT March 2 (114:8-9), PR 5.02.

<sup>240</sup> D. Codzi, HT March 2 (241:21-25, 242:1-4), PR 5.02.

<sup>241</sup> W. Bayha, HT March 2 (83:16-23), PR 5.01.

required under the terms of the Sahtú Dene and Métis Comprehensive Land Claim Agreement.<sup>242</sup>

## Scientific Evidence

The SRRB heard evidence from ENR recommending a suggested TAH of 950 ʔekwé across the entire BNE ʔekwé herd (and a TAH of 163 BNE ʔekwé in the Sahtú Region). ENR told the SRRB that this TAH would “help slow the decline of the Bluenose East herd and promote its recovery”<sup>243</sup> and would support protection of the herd while allowing for an Aboriginal subsistence harvest, consistent with the SDMCLCA provisions.<sup>244</sup> However, as noted in Hearing Theme 12 – ʔekwé Náts’ezé gha K’ínats’eneta (Caribou Harvest Monitoring), identifying appropriate Sahtú Needs Levels and allocations, as required under the SDMCLCA<sup>245</sup>, can be a challenge in the absence of robust community-driven ʔekwé náts’ezé gha k’ínats’eneta systems.

ENR witnesses testified in the hearings that, while limiting Aboriginal harvesting rights was not the only option for achieving conservation goals, it was one of the few options (along with predator control) that could be controlled.<sup>246</sup> ENR also proposed a predator control program (discussed in Hearing Theme 9 – ʔekwé Łákídókə [Predators]).

A number of witnesses challenged ENR about what steps were being taken to consider other conservation tools such as narek’ó (wildfire) control,<sup>247</sup> industrial development affecting ʔededáhk’ó goʔekwé (caribou habitat)<sup>248</sup> and the impact of ʔehdanagokwı (climate change) on ʔededáhk’ó goʔekwé and ʔılıgu néné (the northern ecosystem).<sup>249</sup> ENR’s final submission did not address all these factors, but did discuss some habitat protection initiatives.<sup>250</sup>

ENR argued, in its final submission to the SRRB, that a TAH does not need to be “the last resort” as an appropriate mechanism for managing harvest. ENR submitted that the requirement that a TAH be imposed only “if necessary” does not require that all other means of conservation have been attempted before the SRRB can set a TAH.<sup>251</sup>

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<sup>242</sup> SSI and SRRB, supra, footnote 62, 9-10, PR 3.13.

<sup>243</sup> ENR, supra, footnote 104, 4, PR 2.13.

<sup>244</sup> Ibid.

<sup>245</sup> SDMCLCA 13.5.

<sup>246</sup> HT March 1 (41:4-15), PR 5.01

<sup>247</sup> Eg. Chief F. Andrew, HT March 2 (193:12-16), PR 5.02.

<sup>248</sup> Eg. E. Blondin-Andrew, HT March 1 (255:15-22), PR 5.01. D. Codzi, HT March 1 (105-107), PR 5.01.

<sup>249</sup> Eg. J. Lennie, HT March 1 (161:1-3), PR 5.01.

<sup>250</sup> ENR, supra, footnote 104, 10, PR 2.13.

<sup>251</sup> Ibid.

## Balance of Evidence

As discussed elsewhere in this Report, the SRRB finds that there is currently a conservation concern for the BNE ʔekwé herd. The question that the SRRB must then determine is the appropriate mechanism or tools to address that conservation concern.

Use of a TAH as a mechanism for harvest management to achieve conservation goals is one tool in the available conservation toolbox. The SDMCLCA is clear: TAH is a tool that should be used “only if required for conservation and to the extent necessary to achieve conservation.”<sup>252</sup> The SRRB must consider other conservation tools that can meet the same or better thresholds for achieving conservation goals.

The SRRB heard the strong and unanimous message from Dene witnesses and communities in the Hearing that the use of TAH as a blunt instrument of harvesting management, imposed by “outsiders,” is not necessary or appropriate. The SRRB heard evidence of other conservation tools – community conservation plans, predator management, better habitat protection – that have not yet been fully used to achieve conservation goals for BNE ʔekwé and which could achieve the same or better conservation effects than imposing a TAH.

The SRRB finds, based on the evidence in this Hearing, that the traditional Dene structures for managing wildlife continue to be as or more effective in meeting conservation needs (or, as the Délıne plan puts it, “letting ʔekwé rest”).<sup>253</sup>

The SRRB accepts the alternative tools for a conservation mechanism proposed in the Délıne plan. The conservation tools in the Délıne plan include an ʔekwé gha máhsı ts’ıııwe (ceremonial harvest target) that is consistent with suggested BNE ʔekwé harvesting levels proposed by ENR and other wildlife management boards. The SRRB acknowledges and appreciates that Délıne established a threshold or target for their ceremonial harvest that fits within the recommended sustainable harvest across the entire herd discussed in cross-regional discussions.

The SRRB also finds that the Délıne plan provides a better and more comprehensive list of additional conservation tools, compared to the two mechanisms offered in the ENR plan (TAH and predator control). The other conservation tools in the Délıne plan (discussed in more detail elsewhere in this Report) include:

- a structure and incentives for harvest of other species as an alternative to ʔekwé harvest – Dene bére kats’ıııwe (alternative harvest);
- a detailed identification of and proposals for protection of specific key ʔededáhk’ó goʔekwé areas;

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<sup>252</sup> SDMCLCA 13.5.2.

<sup>253</sup> DEWG, supra, footnote 3, 6, 8 and 28, PR 2.03.

- proposals for a number of community programs (such as awards, education, and incentives) to assist with conservation efforts;<sup>254</sup> and
- proposals for a community restorative justice model for dealing with those who contravene the community’s plan, with anticipated higher rates of success for compliance compared to the criminal justice approach normally used for enforcing harvesting restrictions.

The SRRB recognizes that using the conservation tools proposed in the Délı̄nę plan represents a shift from current assumptions about how to manage Sahtú t̄ch’áđı̄ for conservation purposes. It will be important to assess whether the community conservation plan approach is, indeed, meeting proposed conservation goals. The SRRB recognizes that the success of the community conservation plan approach in achieving conservation goals depends on the ability of the other local ʔehdzo Got’ı̄nę (RRCs) to develop their own plans (as discussed in Hearing Theme 4 – Dene hé Métis hé ʔedets’é K’áokerewe [Community Self-Regulation]).

In order to assess the conservation success of the plan, the SRRB will conduct an annual review and assessment of the Délı̄nę plan, and any other community conservation plans developed in the Sahtú Region, to determine whether the plans are addressing conservation concerns for BNE ʔekwé. If the annual review results in evidence that community conservation planning and other conservation tools are not meeting the same conservation goals that would be achieved by a TAH, the SRRB will reconsider whether a TAH is appropriate (and whether a new BNE ʔekwé Hearing is required, based on any new evidence).

### Policy Priorities

#### *Hearing Decision 24*

The ʔehdzo Got’ı̄nę Gots’é Nákedı̄ (Sahtú Renewable Resources Board) accepts Resolution 1.2 of the April 23, 2015 Sahtú Meeting that “the Sahtú region continue the traditional laws of relationship with the ʔekwé through a Sahtú-developed ʔekwé plan including a process of self-regulation, driven by community-based monitoring and decisions.” The SRRB accepts the principle that community-based monitoring and decisions are the most effective mechanism for ʔekwé management and conservation in the Sahtú region.

<sup>254</sup> See pages 26 to 31 of *Belare wı̄le Gots’é ʔekwé* for a comprehensive list of conservation tools proposed as part of the Délı̄nę plan. DEWG, supra, footnote 3.

### Hearing Decision 25

The ʔehdzo Got'ıne Gots'ę Nákedı (Sahtú Renewable Resources Board) accepts Délıne's Belare wıle Gots'ę ʔekwé plan for ʔekwé náts'ezé ʔeʔa (harvest management), náts'ezé gha k'ınats'eneta (harvest monitoring), dícho ası́ k'ets'ęne ajá t'á náze gha báts'odı (it's gone down so we're going to let it rest), and dene béré kats'ııwe (alternative harvest), including the plan for sharing náts'ezé data with the SRRB and NWT Environment and Natural Resources as required by the Sahtú Dene and Métis Comprehensive Land Claim Agreement.

### Hearing Decision 26

The ʔehdzo Got'ıne Gots'ę Nákedı (Sahtú Renewable Resources Board) finds that Délıne's Belare wıle Gots'ę ʔekwé plan for ʔekwé náts'ezé ʔeʔa (harvest management), náts'ezé gha k'ınats'eneta (harvest monitoring), dícho ası́ k'ets'ęne ajá t'á náze gha báts'odı (it's gone down so we're going to let it rest), and dene béré kats'ııwe (alternative harvest) is consistent with the intent of the cross-regional Action Plan for the Bluenose-East Caribou Herd developed by the Advisory Committee for Cooperation on Wildlife Management (ACCWM) in the Taking Care of Caribou Plan process. The SRRB recommends that the ACCWM revise the Action Plan for the Bluenose-East Caribou Herd to recognize the Délıne approach.

### Hearing Decision 27

The ʔehdzo Got'ıne Gots'ę Nákedı (Sahtú Renewable Resources Board) will undertake an annual review and assessment of the community ʔekwé conservation plans in the Sahtú region, including Délıne's *Belare wıle Gots'ę ʔekwé* plan, to determine whether the plans are addressing conservation concerns for Bluenose East ʔekwé.

### Hearing Decision 28

The ʔehdzo Got'ıne Gots'ę Nákedı (Sahtú Renewable Resources Board) will assess the need for a Total Allowable Harvest limit if an annual review and assessment of community conservation plans in the Sahtú region demonstrates that conservation concerns for Bluenose East ʔekwé are not being adequately addressed.



### Hearing Decision 29

The ʔehdzo Got'ıne Gots'ę Nákedı (Sahtú Renewable Resources Board) recommends 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 ʔehdzo Got'ıne (Renewable Resources Council), and removes the requirement for a tag for Bluenose East ʔekwé.

## Hearing Theme 11 –Yárégo Kanáts'ezé (Smaller Male Caribou Harvest)

Délıne's plan proposes a majority yárégo kanáts'ezé (smaller males), with a few tsída (females) kanáts'ezé (harvested) on an exceptional basis for ʔekwé gha máhsı ts'enıwe (ceremonial harvest). The plan outlines a method of establishing seasons and locations for náts'ezé (harvest) in order to reduce the chances that tsía will offer themselves to harvesters. ENR's plan proposes a 100% male ʔekwé harvest, with a focus on yárégo (smaller males). The SRRB considered the evidential basis for determining what kinds of ʔekwé should be harvested.

### Dene Náoweré Evidence

Délıne witness Walter Bayha provided the most in-depth discussion of evolving historical náts'ezé practices as they relate to the kinds of ʔekwé harvested, in response to a query from ENR about how the community plans to implement its ʔeʔa (Dene laws) for majority yárégo kanáts'ezé. Bayha notes that in the relatively recent past there had been a shift to harvesting in the spring, at a time and location when it was more likely that tsída would be offering themselves. He explained the seasonal and place-based ʔeʔa outlined in the Délıne plan to encourage yárégo harvest, and emphasized that strong leadership would be required to encourage a shift in community practice, a return to Denecho kə gok'éta náts'ezé (hunting the way our grandparents did).

It makes all the sense in the world to Délıne. And this is why I went back to a little history about how we hunted in the past and why we hunted. Our biggest hunt in the past ... was the fall hunt. When you hunt in the fall you get the best prime meat, the fattest caribou. The hides are good – that's when you make clothing. There's going to be a challenge, because all of our fall hunts are not successful the last ten years ... But the fall hunts, we need to bring them back as our major hunt.

And if we do that, it means we're going to harvest bulls only. All of the years that I have hunted on the north shore with my grandfather ... very rarely would people take cows then. All of the harvest are usually bulls, young bulls, some mature bulls, but they are the

ones that the people go after and they're there. That's what you hunt .... We're looking for practical ways to make sure that the cows are not taken a certain time of the year. We take the bulls.

One of the things that Délıne has done, and there's many of our people here, we're not hunting in Hottah Lake anymore, not for two years. If you don't hunt in Hottah Lake for two years, that means you're not going to be shooting very many cows, because the hunts in Hottah Lake are in March, April. So that's the way that the Dene people have done things in the past.

They don't try to teach people, you can only take this much cows and that much [bulls], because it's not very practical. You're going to have to be with with every hunting group that goes out of Délıne. We can't manage it like that. We have to manage by where we hunt.

So that means that the leadership, they're going to say, we're going to hunt in the fall time in this area and they're going to support that. It's Délıne's leadership that's going to work. They're the lead on saying, well, this is what we're going to do. And I think that's what's going to work, not me running around say[ing], enough shooting cows. Get [Chief] Leonard [Kenny] to say, Well, here, this is what we're going to hunt this year. We're going to hunt bulls in the fall time. That's our major hunt. And I think that would work a lot better in the long-term and probably be more acceptable.<sup>255</sup>

The Délıne plan provides an explanation of the need for a limited tsída gha máhsı ts'ııwe (ceremonial harvest).

The practice of ʔekwé gha máhsı ts'ııwe (ceremonial harvest) discussed in this plan reflects the Délıne Got'ıne understanding that when ʔekwé come to us they do it of their own free will. It is one way we show respect to ʔekwé and play a part in ensuring that the herd can replenish itself. This type of harvest relies on having a pregnant ʔekwé with a fetus that is too small for the elders to eat. It is then left in its sack and buried under a tree, so that the spirit of the fetus will return to replenish the herd. The harvester says the following phrase two times: “ʔedets'ėnanede háde máhsı gha – If only you would go back to your herd, then thank you.”

Because tsída (female caribou) play this critical role in thanking the ancestors, it is necessary to harvest a limited number of tsída. However, our overall conservation approach involves harvesting with a focus on yárego (younger bulls).<sup>256</sup>

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<sup>255</sup> HT March 2 (94-98), PR 5.02.

<sup>256</sup> DEWG, supra, footnote 3, 8-9.

The compilation of Sahtú information from the ACCWM's "*We have been living with the caribou all our lives...*" community engagement report provides additional Dene náoweré evidence. Concerns were expressed about the impact on the health of the herd of the former sport practice of harvesting bedzió (bigger bulls). According to the report, "It was stressed that keeping a balance of bulls and cows in the population was very important. It was also emphasized that bulls play an important role as the leaders of the herd and it is important to keep enough strong bulls around."<sup>257</sup> A Fort Good Hope witness quoted in the report supported a limited tsída harvest: "Depends on fat and time of year and cultural interest in harvesting cows to be able to eat the fetus for example."<sup>258</sup>

The WRRB Traditional Knowledge Technical Session summary confirmed that "all participants agreed there are important rituals associated with eating particular parts of both male and female caribou."<sup>259</sup>

## Scientific Evidence

Several questions have been raised about the potential impact of náts'ezé made up predominantly of bedzió (older males) and yárégo (young male) harvest on the recovery and long-term productivity of BNE ʔekwé. Given the composition of the herd in 2015, 950 bull náts'ezé recommended by ENR would be roughly 10% of the males in the population, a large proportion of any specific age/sex class. Several studies have been conducted on the conservation of herds where selective harvesting occurs due to trophy harvesting or similar practices.

Trophy harvesting of mature males is usually conducted on species such as Dall's sheep and mountain goats, where only males are taken from the population. Male-only harvests shift the sex ratios of the herd towards females. Harvesting yárégo (young males) will shift the age of the remaining males higher and it assumes that there will be little difference in the reproductive rate of the herd. Bedzió tend to mate when tsída are at their most receptive (i.e., peak estrous or fertility) while yárégo attempt to mate earlier and later in the rut.<sup>260</sup>

Evidence from studies on selective harvesting of populations show that the removal of a significant proportion of any sex or age class can significantly impact the ecological, social and genetic structure of a population.<sup>261</sup> The current view adopted by ENR is that the removal of yárégo of the BNE will have little impact on the viability of the herd and will help retain the

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<sup>257</sup> ACCWM, supra, footnote 47, 24, PR 3.22.

<sup>258</sup> ACCWM, supra, footnote 10, 25.

<sup>259</sup> WRRB, supra, footnote 172, 7.

<sup>260</sup> E.M. Tennenhouse, R.B. Weladji, Ø. Holand and M. Nieminen. 2012. Timing of reproductive effort differs between young and old dominant male reindeer. *Annales Zoologici Fennici* 49: 152-160. As cited in C.R. Macdonald. 2016. *SRRB Final Technical Review - Science Advisor Colin Macdonald*, PR 3.17.

<sup>261</sup> Macdonald, supra, footnote 77, 2, 4-5, PR 3.17.

productive adult tsída, while allowing continued ʔekwé kanáts'ezé. This view needs to be supported by field studies, and the viability of the herds must be monitored.

## Balance of Evidence

Dene náoweró and science concur that a certain balance of bedzió and tsída is required for ʔekwé to remain healthy, although there remain questions in the scientific world about the specific balance needed and the impact of yárégo kanáts'ezé as encouraged by the ENR plan.

Since BNE ʔekwé are in the orange zone per the discussion in Hearing Theme 2 – ʔekwé K'éts'ine gha Daradé? (Population Trend), there is still an opportunity to help ʔekwé recover by reducing the number of tsída harvested, while accommodating a limited tsída gha máhsı ts'enjwe that is part of ʔekwé hé Dene ts'ılı (sustaining relationships with caribou) and also a practice of respect for the elders.

The SRRB accepts the adaptive management principle that supports monitoring the effects of tsída gha máhsı ts'enjwe on the population and ʔełehé ʔeghálats'eda (working together) with ʔehdzo Got'ine to adjust the approach if BNE ʔekwé decline to the red zone (low population threshold) as defined in the *Taking Care of Caribou* plan.

## Policy Priorities

### Hearing Decision 30

The ʔehdzo Got'ine Gots'é Nákedı (Sahtú Renewable Resources Board) finds that, based on the evidence, a 0% tsída kanáts'ezé (female caribou harvest) is not appropriate at this time, but that a majority yárégo kanáts'ezé (smaller male caribou harvest) is important in order to address conservation needs. The SRRB therefore accepts the Délıne proposal for a majority yárégo kanáts'ezé, and requires Délıne to adapt its Belare wıle Gots'é ʔekwé plan to allow for a maximum of 20% tsída kanáts'ezé.

### Hearing Decision 31

The ʔehdzo Got'ine Gots'é Nákedı (Sahtú Renewable Resources Board) requests 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 ʔehdzo Got'ine (Renewable Resources Council).

## Hearing Theme 12 – ʔekwé Náts’ezé gha K’ínats’eneta (Caribou Harvest Monitoring)

A key question that the SRRB and Parties explored in the Hearing was how to monitor BNE ʔekwé kanáts’ezé to understand the health of the herd and the rate of harvest.

The Délı̨nę plan included provisions for how Délı̨nę proposes to monitor náts’ezé numbers, as well as sex and location of ʔekwé harvested.<sup>262</sup> Délı̨nę proposed an approach that implements the compulsory accountability mechanism outlined in the SDMCLCA which requires that “Renewable Resources Councils shall participate in the collection and provision, to government and the Board, of local harvesting data and other locally available data respecting wildlife and wildlife habitat.”<sup>263</sup>

The SRRB evaluated evidence about traditional and social science-based approaches to harvest monitoring, to determine steps required to appropriately implement this land claim requirement, including provision of support to communities in their ʔekwé náts’ezé gha k’ínats’eneta initiatives.

### Dene Náoweré Evidence

As noted with respect to Hearing Theme 3 – ʔekwé ʔedets’é K’áokerewe (Caribou Self-Regulation) in this Report, Dene witnesses in the Hearings in Délı̨nę and Behchokò reminded the SRRB that the Dene have their own ʔeʔa (laws) that guide relationships with ʔekwé. As Colville witness Joseph Kochon told the SRRB,

Whatever plan we develop is what our ancestors have done. We've always been here, for a long time. We have a life. We have a way of monitoring our caribou. We have a way of taking care of it. Those principles and laws are instilled in us. It's right into our hearts and into our souls. Every Dene person in this room, their ancestors have given them that knowledge.<sup>264</sup>

Both Délı̨nę and Colville testified that they have methods in place for ʔekwé náts’ezé gha k’ínats’eneta. Colville’s presentation at the Hearing provided a detailed picture of the approach that they practise:

Before harvesters depart, they inform the RRC of their intended destinations, and when they return from the land, they report to the Colville RRC the location they travelled to, the number of caribou they observed, the number of caribou harvested for subsistence,

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<sup>262</sup> DEWG, supra, 28-29, 42-45, PR 2.03.

<sup>263</sup> SDMCLCA 13.9.6.

<sup>264</sup> HT March 2 (301:13-22), PR 5.02

and any indication of caribou tracks to estimate the number of caribou not observed directly.<sup>265</sup>

The historical approach to ʔekwé náts'ezé gha k'ínats'eneta in Délı̨nę is documented in a review done in 2013 for the SRRB as part of the Sahtú Harvest Study (SHS).<sup>266</sup> In the review, Délı̨nę community member Walter Bayha described historical approaches to ʔekwé náts'ezé gha k'ínats'eneta, recorded as follows:

Walter Bayha remembers that when he was a child, his grandfathers regularly got together to talk about what they were harvesting, where they were harvesting, and how much they were getting; “In my grandfather’s time that information was gold” (pers. comm. 2013). As a [former] Renewable Resource Officer, Walter developed a program around the General Hunting Licence (GHL) that documented harvesters’ information.

The licensing system expired at certain dates, so it had to be validated and you’d get a new sticker on your licence every year. That’s the time we’d collect whatever the hunters would tell us. It was an opportunity – we’d sit like this and talk about how well they did and it was like what my grandfathers would do and the hunters liked it – they didn’t mind me writing it down, putting a little sticker on it. People had a great time. If you can do it in a way that the people will appreciate it, it’s not a problem. I really appreciated them telling me, and they appreciated me telling them what other hunters told me. Then eventually they got together and talked about what information had been shared. ... (Walter Bayha, pers. comm. 2013).

It was stated that the program was successful because it built on something that was already a Dene tradition – talking about harvesting and sharing harvesting information (Walter Bayha, pers. comm. 2013).<sup>267</sup>

## Scientific Evidence

Náts'ezé studies have been a standard component of contemporary land claim agreements, establishing the baseline data required for ʔekwé náts'ezé ʔeʔa (harvest management) decision-making when conservation measures are required. These studies varied in duration, but were designed according to the same basic model, involving a monthly one-on-one interview with known ʔehdzo got'ı̨nę (harvesters) with a focus on compiling harvest numbers – a standard social science approach.

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<sup>265</sup> Colville. BNE Hearing Presentation, March 2, 2016, 25, PR 4.01.

<sup>266</sup> Independent consultant Janet Winbourne completed the review as an internal SRRB document.

<sup>267</sup> J. Winbourne. 2013 (July 23). *Review and Assessment of the Sahtú Settlement Harvest Study, 1998-2005*, internal report for the SRRB.

In a 1996 article, Doug Urquhart noted that there was a major weakness in existing systems of data collection supporting Porcupine ʔekwé herd náts'ezé management:

Harvest information is one of the most deceptive components of wildlife management because, in theory, it should be readily obtainable but, in practice, it is rarely satisfactory. Also, for some reason, it is not considered as a valid field of serious research but rather as a nagging administrative problem to be addressed through trial and error. Thus, although many methods have been tried, apparently no one has rigorously examined their effectiveness. There is, in fact, a chronic need for serious harvest data research since, in the co-management world, harvest control is a real tool but a very tricky one to operate.<sup>268</sup>

The SRRB's own experience echoes the concerns noted by Urquhart. In order to address challenges in the process of completing the Sahtú Harvest Study and address concerns about testing the process for harvest data research, the SRRB commissioned Janet Winbourne to conduct a review and assessment of the SHS. Winbourne's report includes case studies of four harvest data collection programs in other regions. Her report recommends an adaptive approach to harvest data collection.

Following up on the 2013 review and assessment, in 2015, Winbourne facilitated a focus group with Dél̓n̓e ʔehdzo got'ín̓e to review their own data in the SHS. This was the first in a series planned with the five participating communities. Community participants noted that harvest levels appeared to be higher for most species in years 1 and 2 of the SHS (1999 and 2000). In an internal report Winbourne prepared for the Dél̓n̓e ʔehdzo Got'ín̓e following the focus group, she commented on this phenomenon: "Harvesters in the focus group suggested it is possible that the high level of study promotion in the early stages influenced peoples' involvement and interest in reporting their harvests. It is also possible that by Year 3, participants were already starting to experience interview fatigue and were less likely to report their harvests."<sup>269</sup>

In comparison, the Northern Tutchone of the Yukon Territory provide an instructive example supporting adaptive harvest monitoring approaches. The SRRB visited the annual Northern Tutchone May Gathering in 2013, where community harvest survey coordinators and a "trusted biologist" reported to Aboriginal participants on the confidential survey results as a basis for collective decision-making. The survey had been running for many years as a door-to-door campaign. The Northern Tutchone decided to adopt a more collective and qualitative approach to harvest monitoring, since participation in the structured door-to-door survey was declining.

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<sup>268</sup> Urquhart, supra, footnote 150, 269.

<sup>269</sup> J. Winbourne. 2016 (March 1). *A Focus Group Review of the Dél̓n̓e Harvest Study Results, 1999-2005*. SRRB, 11.

Coherent with this example, during the 2015 Délı̄nę harvest study focus group, Bayha advocated a traditional, collective approach moving forward:

We have a lot of ideas on how we could do this ... the new government wants its own people to have that information, because somebody has to make a decision about how we do things ... I would love for people to come here, everyone that went hunting, and talk to each other about where they hunted and what they hunted and have fun with the kids, just like the May Gathering in the Yukon. ... The information you get when all the people are together, we get the information and we decide what happens on our lands. Now, everybody goes everywhere and they don't talk to anyone. But in that gathering, when we're here, then we talk – “You don't mind if I go here, this year? Or where, or how much we harvest?”<sup>270</sup>

## Balance of Evidence

The SRRB recognizes that social science approaches to data collection are adopted because they are a systematic method for providing numbers that can be used in scientific models. However, experiences with land claim-mandated náts'ezé studies indicate that there may be problems with data quality, interview fatigue, and scope in providing results that can be used in collaborative decision-making.

This is reflected in the SRRB's own experience with the SHS. The SRRB has found that the tasks of developing and conducting quality surveys, managing data, statistical analysis and modelling require specialised expertise not available within the Sahtú Region or even the NWT, and entail considerable expense. Doing the necessary analysis has taken years – by which time the data may not be relevant for current data requirements. Moreover, in part because highly trained outsiders have played such a fundamental role in all phases of harvest studies, and in part because study results may be lacking in context, additional collaborative effort with communities is required to validate study results and explore their applicability for decision-making.

Délı̄nę and Colville have provided evidence in this Hearing, and in other recent engagement with the SRRB, that traditional Dene ʔedets'ę k'áots'erewe (governance) includes a rigorous system of ʔekwé náts'ezé gha k'ínats'eneta that is integrated with monitoring of ʔekwé dágóht'e (status and trends), systems for ensuring compliance with community ʔeʔa and practices of hegerı́chá (respect), and systems of knowledge transmission. Both Délı̄nę and Colville have explicitly indicated that these systems may be more cost-effective than standard social science methods, and have been well supported within the communities.

The SRRB is aware of recent innovations in ʔekwé náts'ezé gha k'ínats'eneta using new technologies in Nunavut and elsewhere. More research is required to fully learn the lessons of

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<sup>270</sup> Winbourne, *ibid*, 11.



previous harvest data collection experiences, and define and pilot comprehensive and cost-effective approaches that will provide results that can be considered valid by all co-management partners for use in conservation decision-making.

### Research Priority

#### *Hearing Decision 32*

The ʔehdzo Got'ine Gots'ę Nákedı (Sahtú Renewable Resources Board) will work collaboratively with ʔehdzo Got'ine (Sahtú Renewable Resources Councils) to develop an adaptive approach to ʔekwé náts'ezé gha k'inats'eneta (caribou harvest monitoring) as a basis for conservation planning.

### Policy Priorities

#### *Hearing Decision 33*

The ʔehdzo Got'ine Gots'ę Nákedı (Sahtú Renewable Resources Board) accepts Délıne's Belare wıle Gots'ę ʔekwé plan for Bluenose East ʔekwé náts'ezé gha k'inats'eneta (caribou harvest monitoring).

#### *Hearing Decision 34*

The ʔehdzo Got'ine Gots'ę Nákedı (Sahtú Renewable Resources Board) will assess whether the ʔekwé náts'ezé gha k'inats'eneta (caribou harvest monitoring) provisions in Délıne's Belare wıle Gots'ę ʔekwé plan are meeting the conservation goals of the plan as part of the SRRB's annual review of plan implementation.

## Hearing Theme 13 – Náts'ezé Dáhk'á (Harvest Zones)

The current *Big Game Hunting Regulations*<sup>271</sup> (*Regulations*) under the *Wildlife Act*<sup>272</sup> establish zones for the purpose of managing ıch'adıı kanáts'ezé (wildlife harvesting).

The SRRB heard evidence that the zones in the *Regulations* do not correspond with Dene and Métis náts'ezé dáhk'á (specific harvesting areas) or néné (homelands, territories), community-governed and place-based harvesting and naming practices, or with internal land claim district

<sup>271</sup> *Big Game Hunting Regulations*, NWT Reg 019-92, as amended.

<sup>272</sup> *Wildlife Act*, SNWT 2014, c 31.

boundaries within the Sahtú Region. The SRRB considered the changes that may be necessary to these zones and to the *Regulations* as part of its deliberations.

The zones are currently named according to the following geographic, species and habitat areas:

- land claim regions (the Sahtú Region is the “S” zone)
- Sahtú t̄ich’ád̄i (wildlife) species (ʔekwé [barren-ground caribou] are “BC”)
- ʔededáhk’ó (habitat) for specific herds (in the Sahtú, “01” is general BNW ʔededáhk’ó goʔekwé (habitat of caribou), “02” is general shúhta goʔepé ʔededáhk’ó (habitat of northern mountain caribou) and “03” is general BNE ʔededáhk’ó goʔekwé.

The BNE ʔekwé zone in the Sahtú Region in the *Regulations* is called zone S/BC/03. While traditional náts’ezé dáhk’ó (harvesting areas) do not correspond with the area defined by this zone, the boundaries of the S/BC/03 zone do correspond roughly with the known ʔededáhk’ó (habitat) of BNE within the Sahtú Region.

In 2015, the ENR Minister exercised emergency powers under the *Wildlife Act*<sup>273</sup> to impose harvesting restrictions on BNE ʔekwé in zone S/BC/03. These restrictions require the use of tags and a male-only harvest.

The ENR Minister amended the *Regulations* on an emergency basis to reflect these harvesting restrictions,<sup>274</sup> although the SRRB had not yet made a determination about whether náts’ezé restrictions were required for conservation reasons, and although the SRRB had not yet completed the process required under the SDMCLCA for imposing any harvesting restrictions.<sup>275</sup> The 2016 BNE ʔekwé Hearing provided the SRRB with the opportunity to review this amendment to the *Regulations*.

## Dene Náoweré Evidence

Délnę witness Walter Bayha and others gave evidence at the Hearing that knowledge of ʔededáhk’ó goʔekwé is based on family histories of land use, and the geography of this knowledge is represented by placenames. Délnę Got’ınę extended families or clans are referred to by the nęnęwhere they traditionally spent most of their time.<sup>276</sup> There are also specific areas which are critical ʔededáhk’ó goʔekwé at certain times of year, where families would gather from different communities and regions for náts’ezé.

The Délnę plan does not include a map of these areas, but it does refer to specific gathering areas represented by placenames referring to significant landscape features (penninsulas, rivers,

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<sup>273</sup> *Wildlife Act*, section 99.

<sup>274</sup> Part 5A of the Schedule to the *Big Game Hunting Regulations*.

<sup>275</sup> Section 13.5.2 of the SDMCLCA requires that, “Unless a total allowable harvest is established, the quantity of harvest by participants may not be limited.”

<sup>276</sup> Eg. W. Bayha, HT March 2 (53:25, 54:1-6), PR 5.02.

lakes) that are considered critical for both Dene and BNE ʔekwé, including ʔehdaɪla (Caribou Point), Tehkaicho Dá (Johnny Hoe River), and ɪts'éré Túé (Hottah Lake, which is in the Wek'èezhì Region and thus in the jurisdiction of the WRRB).<sup>277</sup>

The SRRB heard evidence from Dene and Métis people from different communities and across the different modern land claim areas. They shared knowledge and náts'ezé history related to ʔededáhk'á goʔekwé within the area now defined as Zone S/BC/03 under the current *Regulations*.

For instance, the Délıne plan does not consider the ʔarakə Túé (Horton Lake) area as BNE ʔededáhk'á. However, Colville concurred with ENR's evidence that BNE ʔekwé may overlap with the BNW herd in this area,<sup>278</sup> and Colville gave considerable evidence that ʔarakə Túé is “a primary harvesting area” used by Colville.<sup>279</sup>

The Colville RRC's supplementary submission also provided insights into the biocultural significance of ʔededáhk'á goʔekwé for Dene:

Annually, each September for the past twenty six years (since 1990), people from our community have travelled to ʔarakə Túé to teach our youth how to harvest caribou according to traditional Dela Got'ıne laws, estimate the caribou population, harvest caribou to determine the health of the herd, check the conditions of the land (vegetation, water, and insects), monitor the predator population and monitor other animals that use the same land as the caribou, such as the muskox. This is a continuation of the ancient practice of our people travelling to this region to manage and hunt caribou.<sup>280</sup>

Evidence was presented in the Hearing that there is active discussion between Colville and Délıne with respect to the determination of néné jurisdiction in the ʔarakə Túé area of the Délıne District, and that a formal agreement between Délıne and Colville has not yet been reached on this important issue.<sup>281</sup>

The Délıne plan acknowledged that work still needs to be done to identify important ʔededáhk'á goʔekwé.<sup>282</sup> The history of use of BNE ʔededáhk'á goʔekwé and areas of seasonal overlap between BNE and BNW by other communities, including Fort Good Hope, Tulít'a, and Norman Wells, requires further research as part of community conservation planning. The Dene Mapping

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<sup>277</sup> DEWG, supra, footnote 3, 21-24.

<sup>278</sup> ENR. 2016 (March 1). “Barren-ground Caribou - Movement Animations,” in “Status and Proposed Management 2016-2019 for Bluenose-East Caribou Herd GNWT, Environment & Natural Resources,” slide presentation, [http://www.caslys.ca/SRRB\\_CaribouAnimations/main.html](http://www.caslys.ca/SRRB_CaribouAnimations/main.html), PR 2.12.

<sup>279</sup> Colville, supra, footnote 27, 11-12, PR 4.02. See also Colville RRC. 2016 (July 19). “Supplementary Submission - Exemption for Arake Tue,” PR 4.04.

<sup>280</sup> Colville, supra, footnote 26, 2.

<sup>281</sup> Ibid.

<sup>282</sup> DEWG, supra, footnote 3, 20.

Project sponsored by the Dene Nation in the 1970s,<sup>283</sup> the Sahtú Land Use Planning Board's recent Land Use mapping project, and the SRRB's Sahtú Harvest Study, are three important datasets that would be rendered more meaningful and useful for planning through structured community-collaborative research.

## Scientific Evidence

ENR did not provide scientific evidence to justify the approach taken regarding the definition of harvest zones. The SRRB is aware that the current zoning process reflects existing ENR practice based on known data regarding the range of the BNE ʔekwé.

The annual range of BNE ʔekwé covers roughly 300,000 km<sup>2</sup> (see Figure 2, page 13) and includes the calving area to the west of Kugluktuk in Nunavut, summering and rutting areas north and east of Great Bear Lake, and wintering ground to the south of the lake.<sup>284</sup> Within these areas are specific sites that ʔekwé return to annually. ʔarakə Túé, ʔehdaɪla and ʔits'ere Túé have been defined as Important Wildlife Areas by ENR based on discussions with Sahtú communities.<sup>285</sup>

As the Délı̄nę plan pointed out, two of the ʔededáhk'á goʔekwé areas that are within the Sahtú Region are identified as Conservation Zones in the regional Sahtú Land Use Plan.<sup>286</sup> Although there is movement of a small number of BNE ʔekwé tsída (females) between herds in the Sahtú<sup>287</sup> large scale changes in the location of ʔekwé né golek'á (calving grounds) may also occur when the herd is small.<sup>288</sup>

## Balance of Evidence

The SRRB finds that the current approach to identifying and naming zones under the *Regulations* is problematic for several reasons:

1. The zone naming system and structure in the *Regulations* is difficult for community members to understand;
2. The current zone structure creates confusion about náts'ezé rights of different communities where land claim district boundaries do not align with náts'ezé zones; and

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<sup>283</sup> For more information on the Dene Mapping Project, see [http://www.srrb.nt.ca/index.php?option=com\\_k2&view=item&id=435:Dene-mapping-project-Dene-metis-mapping-project&Itemid=985](http://www.srrb.nt.ca/index.php?option=com_k2&view=item&id=435:Dene-mapping-project-Dene-metis-mapping-project&Itemid=985)

<sup>284</sup> ENR, supra, footnote 278, PR 2.12.

<sup>285</sup> J.M. Wilson and C. A. Haas. 2012. Important wildlife areas in the western Northwest Territories. Manuscript Report No. 221. *Environment and Natural Resources*. Yellowknife.

<sup>286</sup> Sahtú Land Use Planning Board. 2013 (April 29). *Sahtú Land Use Plan*.

<sup>287</sup> Macdonald, supra, footnote 41.

<sup>288</sup> ACCWM, supra, footnote 10.

3. The zone structure does not reflect the placenames used by the Dene and Métis to identify and manage specific harvesting areas or areas important to caribou.

A review of the final version of the Délı̨ne plan in conjunction with the existing zones under the *Wildlife Act* shows that the community conservation plan proposed by Délı̨ne would apply only to the current S/BC/03 zone, which is the general habitat of BNE ʔekwé. This current zone and restrictions on BNE náts'ezé does not apply in the ʔarakə Túé area of S/BC/01, which is where the Dela Got'ı̨ne (Colville and Fort Good Hope communities) harvest primarily BNW ʔekwé.

The SRRB recognizes that there is a process in place whereby Délı̨ne and Colville are discussing jurisdiction in the ʔarakə Túé area of the Délı̨ne District. The current zone structure (which does not include ʔarakə Túé in the S/BC/03 BNE zone) does not affect Colville harvesting in that area. ʔarakə Túé zoning issues can be part of a broader discussion regarding modifying the existing zone system to deal with overlap issues.

The SRRB accepts that evidence about Dene practices of traditional conservation areas and shared ʔededáhk'ə goʔekwé areas should inform decisions about náts'ezé dáhk'ə. The SRRB also accepts that Dene names should be used for identifying special ʔededáhk'ə goʔekwé and náts'ezé dáhk'ə, and that the existing zone system should be modified to both reflect Dene names and possibly include sub-zones for the purpose of making better management decisions. Further research is needed to establish the basis for community, regional and cross-regional decision-making about zoning for ʔekwé conservation purposes.

### Research Priority

#### *Hearing Decision 35*

The ʔehdzo Got'ı̨ne Gots'ə Nákedı̨ (Sahtú Renewable Resources Board) will prioritize community-collaborative research working with and building on existing Dene náowerə map datasets and stories to understand the social-ecological history of Bluenose East ʔededáhk'ə goʔekwé (caribou habitat) within and beyond the boundaries of the Sahtú Region as a basis for community conservation planning.

### Policy Priority

#### *Hearing Decision 36*

The ʔehdzo Got'ı̨ne Gots'ə Nákedı̨ (Sahtú Renewable Resources Board) will work with NWT Environment and Natural Resources and co-management partners in the Sahtú and Wek'èezhı̨ Regions to address concerns regarding the current Big Game Hunting Regulations zones for caribou, including overlap issues, Dene naming issues, the potential need for subzones and any necessary changes to zone definitions in the Regulations.

## Hearing Theme 14 – ʔekwé ʔeʔa Hegerjchá gha (Enforcement)

One aspect of a successful conservation plan is the ability to ensure that it is hegerjchá (respected). Intended to deal with situations where someone does not respect a community consensus regarding náts'ezé ʔeʔa (harvesting policies) such as preventing wastage or ʔekwé hegerjchá (treating caribou with respect), the Déljné plan included provisions for a community ʔedets'é k'áots'erewe (self-regulation) process for enforcement<sup>289</sup> and restorative justice<sup>290</sup>. The SRRB also heard evidence and concerns from ENR about ensuring that effective mechanisms will exist to deal with situations where individuals do not comply with the community's own restorative justice program. ENR requested information from Déljné about how this restorative justice approach would work and Déljné responded:

Enforcement by ENR officers will be a stage in the restorative justice approach to enforcing the náts'ezé policy laid out in the plan. At the first stage, instances of non-compliance will be handled at the level of the individual family – for example, requesting that no more náts'ezé [(harvesting)] occurs in a particular area. The second stage of the process will be a sentencing circle, relying on elders and other figures of authority in the community to request compliance. A third stage or instance of non-compliance would involve the ENR officer and territorial legislation.<sup>291</sup>

In response to an additional Information Request from the SRRB about how the proposed Déljné restorative justice process could work in conjunction with existing options that allow for alternative justice approaches under the *Wildlife Act*,<sup>292</sup> the Déljné ʔehdzo Got'jné indicated that they are “willing to work with the GNWT to explore whether an alternative enforcement measures program authorized by the GNWT Minister of Justice would be feasible or desirable from the standpoint of the Plan's ʔedets'é k'áots'erewe approach.”<sup>293</sup>

In its final submissions, ENR indicated that “ENR recognizes the reservations expressed by Sahtú hearing participants about harvest quotas and looks forward to working with Déljné and other Sahtú communities on flexible harvest management that achieves overall conservation goals while respecting community concerns and consistency with traditional ways.”<sup>294</sup>

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<sup>289</sup> DEWG, supra, footnote 3, 28-29, 42-45.

<sup>290</sup> DEWG, *ibid*, 8.

<sup>291</sup> DEWG, “Déljné ʔehdzo Got'jné Responses – ENR BNE Information Requests Round 2,” 2, PR 2.8.

<sup>292</sup> Section 167 of the *Wildlife Act* sets out an “Alternative Measures” option for enforcement under certain conditions.

<sup>293</sup> DEWG, *Déljné ʔehdzo Got'jné Responses - SRRB Questions*, 2, PR 2.10.

<sup>294</sup> ENR, supra, footnote 104, 8, PR 2.12.

## Dene Náoweré Evidence

The SRRB heard evidence in the Hearing about how the Dene historically dealt with situations where someone did not follow the community's traditional *ɁɁa* (laws). Déḻṉ witness Walter Bayha explained, "When I was growing up, if I did something our elders didn't like, or the community [didn't like], they asked the family to deal with it."<sup>295</sup> Colville witness Joseph Kochon also noted that, traditionally, "whenever there's problems, then we deal with it directly. We don't punish people. We just talk to them and ensure that whatever problems happen doesn't happen again."<sup>296</sup>

As mentioned on the previous page, the SRRB heard evidence from Déḻṉ about a proposed restorative justice program referred to as "Dícho así k'ets'Ɂṉ ajá t'á náze gha báts'odi" (it's gone down, so we're going to let it rest), or the Déḻṉ Code. The Déḻṉ Code expects the Ɂhdzo Got'Ɂṉ will follow the traditional Dene approach to ensuring that people follow the plan.<sup>297</sup>

At the Hearing, Bayha reiterated: "the family has that responsibility and if the family has issues with it, and they can't move on it, then it goes to the RRC. The RRCs would pick somebody. They might pick a leader or two people, or three people, and they're going to deal with these issues, whatever a harvester is doing if not complying with this plan."<sup>298</sup>

The SRRB also heard unanimous evidence from all the Sahtú Ɂhdzo Got'Ɂṉ that an externally imposed *Ɂekw̱ ɁɁa hegeṟchá gha* process is less likely to succeed in ensuring *Ɂhdzo got'Ɂṉ* (harvesters) comply with *náts'ezé* targets than a community-driven process for enforcement. The Déḻṉ plan defines the Dene term *godedí* as "wildlife officers enforce harvest rules and make people feel like criminals and poachers" – precisely what that the community aims to prevent in developing the plan. Bayha affirmed, "We're not going to make criminals out of our people. That's what we try to stay away from."<sup>299</sup> He further explained, "From our history in Déḻṉ, the courts haven't helped us very much. Laws don't help us very much... And the present laws that we have do not comply with the way the Dene people have always been doing things."<sup>300</sup> Theme 4 – Dene hé Métis hé Ɂedets'Ɂ K'áokerewe (Community Self-Regulation) in this Report provides additional Dene náoweré evidence that externally imposed enforcement systems are ineffective.

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<sup>295</sup> HT March 2 (46:24 – 47:2), PR 5.02.

<sup>296</sup> HT March 2 (310:4-7), PR 5.02.

<sup>297</sup> DEWG, *supra*, footnote 3, 49-50.

<sup>298</sup> HT March 2 (47:7-14), PR 5.02

<sup>299</sup> WRRB HT April 8, 2016, WRRB BNE PR 168.

<sup>300</sup> HT March 2 (48:8-17), PR 5.02.

## Science Evidence

The SRRB is aware that alternative justice models, including sentencing circles, are being used in much of the country, mostly at the provincial/territorial court level and in cases involving Aboriginal people and situations which are not serious Criminal Code offences.<sup>301</sup>

This is a response, in part, to the directive of the Supreme Court in *R. v. Gladue* that restorative justice and alternative sentencing programs should be used wherever it is reasonable to do so in dealing with Aboriginal people:

It is unnecessary to engage here in an extensive discussion of the relatively recent evolution of innovative sentencing practices, such as healing and sentencing circles, and Aboriginal community council projects, which are available especially to Aboriginal offenders. What is important to note is that the different conceptions of sentencing held by many Aboriginal people share a common underlying principle: that is, the importance of community-based sanctions... [T]he point is that one of the unique circumstances of Aboriginal offenders is that community-based sanctions coincide with the Aboriginal concept of sentencing and the needs of Aboriginal people and communities... Where these sanctions are reasonable in the circumstances, they should be implemented. In all instances, it is appropriate to attempt to craft the sentencing process and the sanctions imposed in accordance with the Aboriginal perspective.<sup>302</sup>

The SRRB is also aware that the recently released final report of the national Truth and Reconciliation Commission called for the implementation of community-based sanctions as a more effective alternative for dealing with justice issues in Aboriginal communities:

31. We call upon the federal, provincial, and territorial governments to provide sufficient and stable funding to implement and evaluate community sanctions that will provide realistic alternatives to imprisonment for Aboriginal offenders and respond to the underlying causes of offending.<sup>303</sup>

## Balance of Evidence

The SRRB accepts the evidence that the best current option for achieving success in community adherence to a BNE ʔekwé conservation plan is if compliance with that plan is monitored and enforced by the community itself.

The Délı̄nę plan proposed the Délı̄nę Code (Code), an approach to community ʔedets'é k'áots'ere we that includes ʔekwé ʔeʔa hegerı̄chá gha, through the use of traditional solutions for

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<sup>301</sup> See for instance Justice Canada's summary at <http://www.justice.gc.ca/eng/csj-sjc/ccs-ajc/04.html>

<sup>302</sup> *R. v. Gladue*, 1999. 1 S.C.R. 688 at para. 74.

<sup>303</sup> Truth and Reconciliation Commission of Canada, *Calls to Action*, p. 3 (available at [http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Calls\\_to\\_Action\\_English2.pdf](http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Calls_to_Action_English2.pdf)).



situations where individuals do not comply with *ᚖᚖᚐᚐ* and norms decided upon by the rest of the community. Délıne’s response to Information Requests and its final submission made it clear that Délıne sees the Délıne plan as a living document and process, one which will involve changes in order to keep strengthening the capacity of the plan to achieve conservation and cultural protection goals.

Délıne’s oral evidence and submissions also made it clear that Délıne is not entirely certain about how the Code’s *ᚖᚖᚖᚖ ᚖᚖᚐᚐ hegerıchá gha* provisions could interact with the alternative justice options under the *Wildlife Act*. Both Délıne and ENR expressed willingness to work together to examine how and whether enforcement under the Délıne plan can occur in conjunction with alternatives under the *Wildlife Act*.

The SRRB finds that there is convergence between Délıne’s proposed restorative justice approach (including the use of sentencing circles) and existing alternatives available under the *Wildlife Act* that would allow the ENR to enforce náts’ezé restrictions if the Délıne community enforcement process is ultimately unsuccessful in a given instance.

Délıne and the Government of the NWT will need to work together to ensure the success of the proposed restorative justice approach. Discussions will be needed about the specifics of the process by which the Délıne RRC can turn matters over to the ENR for enforcement should the sentencing circle process not resolve situations of non-compliance. Both parties will need to undertake training and skill building in the circle process and determine how to customize the process to fit local Délıne resources and culture.

The SRRB recognizes that the implementation of the Délıne approach to restorative justice must be highly flexible, because the circle process will evolve over time based on the community's knowledge and experience.

The SRRB will review whether and how successful the Délıne *ᚖᚖᚖᚖ ᚖᚖᚐᚐ hegerıchá gha* approach is, when the SRRB annually reviews progress on meeting the Délıne plan’s conservation goals.

### Policy Priorities

#### *Hearing Decision 37*

The *ᚖᚖᚔᚔᚐᚐ ᚖᚖᚔᚔᚐᚐ ᚖᚖᚔᚔᚐᚐ* (Sahtú Renewable Resources Board) accepts Délıne’s *Belare wıle ᚖᚖᚔᚔᚐᚐ ᚖᚖᚔᚔᚐᚐ* plan for *ᚖᚖᚖᚖ ᚖᚖᚐᚐ hegerıchá gha* (enforcement of) *Bluenose East ᚖᚖᚖᚖ kanáts’ezé* (caribou harvesting).

*Hearing Decision 38*

Délıne and the Government of the NWT are requested to immediately begin a process for determining whether and how the restorative justice code for ʔekwé ʔeʔa hegerıchá gha góʔo (enforcement) in Délıne’s Belare wıle Gots’é ʔekwé plan will be recognized as an “Alternative Measures” option under the Wildlife Act.

*Hearing Decision 39*

The ʔehdzo Got’ıne Gots’é Nákedı (Sahtú Renewable Resources Board) will assess whether the restorative justice code for ʔekwé ʔeʔa hegerıchá gha góʔo (enforcement) in Délıne’s Belare wıle Gots’é ʔekwé plan are meeting the conservation goals of the plan as part of the SRRB’s annual review of plan implementation.

## Conclusion

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Concerns about ɫɫch'ádıı (wildlife) and Dene and Métis ways of life on the land were of utmost importance to the leaders who negotiated the SDMCLCA more than two decades ago. At the core of the SDMCLCA, therefore, is a system that guarantees Sahtú communities' náts'ezé (harvesting) rights and their right to participate in any significant decisions about ɫɫch'ádıı conservation and náts'ezé. The requirement for a public hearing is one of the safeguards to ensure that no group of people can make decisions on their own. At the same time, it is a way of bringing together as much evidence for making decisions as possible, including both Dene náoweré (traditional knowledge) and science.

The BNE ɫekwé (Caribou) Hearing is the second event of its kind in the Sahtú Region. The first, the BNW ɫekwé Hearing, took place in Fort Good Hope in 2007. Since that time, a lot has happened both within the region, at the territorial level, nationally, and even internationally, that has informed the SRRB's approach to the present Hearing. Délıne has achieved self-government, and other Sahtú communities are working toward their own self-government agreements. The Government of the NWT has enacted a new *Wildlife Act* that properly recognizes land claim agreements and aboriginal harvesting rights. At the federal level, the courts have made significant strides in recognizing responsibilities owed to Aboriginal peoples not only to consult, but also to accommodate their input in decisions affecting their traditional lands, wildlife, and ways of life. And internationally, progress has been made in recognizing the critical linkages between environmental conservation and preservation of indigenous ways of life.

The BNE ɫekwé Hearing has highlighted the ongoing commitment of Sahtú communities to play a leadership role in ɫekwé conservation. It has demonstrated the commitment of ENR to consider community-collaborative approaches that may not fit within standard "wildlife management" rubrics. And at the same time, the Hearing shone a spotlight on the weaknesses of the regional co-management system for ɫɫch'ádıı established by the SDMCLCA, exposing the failures of the system to properly support and accommodate collaborative, cross-cultural processes and local structures for ɫɫch'ádıı management. Hearing witnesses from Sahtú communities repeatedly pointed out that they have been saying the same things for many years, but their voices have not been heard or reflected in decisions.

The SRRB recognizes that perhaps the biggest challenge in ɫekwé conservation is also a major opportunity to renovate a system invented more than two decades ago so that it reflects the current and rapidly evolving realities in governance and environmental stewardship. The risks of failing to address this challenge are great – we all fear the prospect that ɫekwé populations will decline even further if collective action isn't taken. The SRRB is grateful to Hearing witnesses for sharing a common vision of healthy ɫekwé populations and culturally vibrant communities,

and for being open to considering solutions for moving forward, ʔełehé ʔeghálats'eda (working together).

The 39 decisions that the SRRB presents in this report are an effort both to define the current situation as articulated through Dene náoweró (traditional knowledge) and science evidence presented during the Hearing; and to chart a path for ʔełehé ʔeghálats'eda and ʔekwé conservation. The SRRB recognizes that implementing action items embodied in these decisions will entail a lot of work for all the co-management partners. Some of the work involves building a solid foundation of trusting relationships – if this can be achieved, the rest of the work will no doubt be inspiring, innovative, and beneficial for both people and ʔekwé.

# Appendix 1: Key Terms and Acronyms

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Key terms and acronyms are used to identify agencies, species, and a number of other frequently-referenced subjects in this Report. These subject-acronym/term pairs are defined once, upon first instance of occurrence. They are then consistently and exclusively identified as acronyms or terms throughout the rest of the Report. However, acronyms and terms are spelled out in all Hearing decisions, to ensure full clarity.

ʔehdzo Got'ine	Renewable Resources Council (see also RRC)
ʔekwé	barren-ground caribou
ACCWM	Advisory Committee for Cooperation on Wildlife Management
ACIA	Arctic Climate Impact Assessment
BNE	Bluenose East ʔekwé (caribou)
BNW	Bluenose West ʔekwé
COSEWIC	Committee on the Status of Endangered Wildlife in Canada
Déline plan	Refers to <i>Belare wile Gots'é ʔekwé – Caribou for All Time: A Déline Got'ine Action Plan</i> , DEWG <sup>304</sup>
Dene náoweró	traditional knowledge
DEWG	Déline ʔekwé Working Group; footnoted references are all to <i>Belare wile Gots'é ʔekwé – Caribou for All Time: A Déline Got'ine Action Plan</i> , 2 <sup>nd</sup> edition, May 20, 2016, available online at PR, folder 2, item 3.
ENR	NWT Environment and Natural Resources
GNWT	Government of the Northwest Territories
HCP	Healthy Country Planning
HT	Hearing Transcript, available on the PR, folder 5; references include page number and line number(s) in parentheses.
KHTO	Kugluktuk Hunters and Trappers Organisation
NWMB	Nunavut Wildlife Management Board
NWT	Northwest Territories

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<sup>304</sup> Note that the DEWG spells Belarewile as one word, whereas the SRRB is spelling the term as two words. The SRRB recognizes that spellings will evolve as terminology research continues.

PR	Public Registry, available online at <a href="http://www.srrb.nt.ca">www.srrb.nt.ca</a> ; documents on the PR are referenced by folder and item number. All references are to SRRB BNE Hearing PR 2016, except where WRRB is referenced.
RRC	Renewable Resources Council (see also ʔehdzo Got'ine)
SDMCLCA	<i>Sahtú Dene and Métis Comprehensive Land Claim Agreement</i> of 1993
SHS	Sahtú Harvest Study
SRRB	Sahtú Renewable Resources Board
SSI	Sahtú Secretariat, Incorporated
SYC	Sahtú Youth Connection
TAH	Total Allowable Harvest
TG	Tłıchǫ Government
WRRB	Wek'èezhii Renewable Resources Board

## Appendix 2: Dene Gokedá (Dene Language Glossary)

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The terminology used in this document does not attempt to reflect the various dialects of the Sahtú. Rather, it draws upon concepts used in Délı̨ne’s *Belare wile Gots’é ʔekwé* plan, as well as some terms contributed by SRRB Board members in completing this Report. The terminology from the January 8, 2016 edition of the Délı̨ne plan was verified by Jane Modeste.<sup>305</sup> University of Toronto linguist Keren Rice reviewed the SRRB’s expanded version for consistency.

Terms and spellings in this Report represent the Board’s best knowledge at this time. The SRRB recognizes that more research is required to continue developing Dene terms, concepts and standardized spelling related to ʔekwé conservation.

Note that the prepositions go- and ka- mean “of” and are used with several words; these are listed by the root word. The “technical” English translation is listed first, followed by a more literal translation or explanation. The root word or the word preceded by preposition will be used in the Report as is syntactically appropriate. English translations will be provided for first instances, within each section, of both a root and a preposition+root.

Several Dene terms, because of their frequency of use and fundamental significance to incorporating Dene into this discussion are not translated throughout the Report. These terms are:

- ʔekwé (caribou)
- Dene náoweré (traditional knowledge)
- ʔehdzo Got’ı̨ne (Renewable Resources Council - also occasionally referred to in documents and by witnesses as RRC)

Otherwise, Dene words and phrases are translated upon the first instance of occurrence in each section of the Report, and then are used consistently and exclusively in Dene throughout the rest of that section. However, Dene words and phrases are translated in all Hearing decisions, to ensure full clarity. The “technical” translation only is provided in the main text. This glossary includes more literal translations or explanations. An alphabet and pronunciation key is provided as an appendix to the Délı̨ne plan.

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<sup>305</sup> Délı̨ne First Nation, Délı̨ne Land Corporation, and Délı̨ne ʔehdzo Got’ı̨ne. 2016 (January 8), PR 2.02.

Dene	English
ʔarakə Túé	Horton Lake
ʔeʔa	laws, principles, policies
ʔededáhk'ó	habitat, range; a good home, where people can find food
ʔededáhk'ó goʔekwé	caribou habitat; habitat of caribou, where caribou can find food
ʔedets'é k'áokerewe	governance; they are own their bosses, but they have to follow the law, self-regulation
ʔedets'énanede hádé máhsı gha.	If only you would go back to your herd, then thank you.
ʔehdaɬla	Caribou Point
ʔehdanagokwı	climate change; changing weather from a long period of certain climate to another period of warmer or colder climate
ʔehdzo got'ıne	harvester(s); hunter(s), trapper(s)
ʔehdzo Got'ıne	Renewable Resources Council(s) when capitalized
ʔehdzo Got'ıne Gots'é Nákedı	Sahtú Renewable Resources Board; helper of the ʔehdzo got'ıne
ʔehtsáə kə	grandparents
ʔehtsáə; ʔehtsáo	Prophet; a grandfather of great stature
ʔejıre	muskox
ʔekwé, goʔekwé	barren-ground caribou, of barren-ground caribou
ʔekwé ʔeʔa hegerıchá gha góʔo	enforcement; we all have to respect the laws of the caribou
ʔekwé hé dágóht'e	caribou status and trends; how caribou are doing
ʔekwé hé Dene ts'ııı	sustaining relationships with caribou; being caribou and Dene together
ʔekwé hé díga ts'ııı	sustaining caribou-wolf relationships; being caribou and wolf together
ʔekwé gha máhsı ts'enıwe	ceremonial harvest; We thank the Creator for ʔekwé.
ʔekwé gha né k'éts'edı	land use planning; taking care of the land for the caribou
ʔekwé k'éts'ıne gha daradé?	population trend; Are the caribou declining?
ʔekwé łákídákə	ʔekwé predators; they kill the caribou
ʔekwé náts'ezé ʔeʔa	harvest management; policies about harvesting caribou



ʔekwé náts'ezé gha k'ínats'eneta	caribou harvest monitoring; watching or keeping an eye on caribou hunting
ʔekwé né golek'ó	calving ground
ʔilígu néné; goʔilígu néné	cold climate, northern ecosystem; cold land, of a cold land
ʔeléhé ʔeghálats'eda	collaborative, co-management; working together
ʔıts'é	moose
ʔıts'ere Túé	Hottah Lake
asıı godı	biodiversity; all living things
asıı godı hé Dene ts'ııı hé	biocultural
Ayıı ʔekwé ʔt'e?	herd definition; What do we mean by barren-ground caribou?
bedzıo	adult male caribou (big)
belare wıle gots'é ʔekwé	caribou for all time
dánıt'a	why
Dánıt'a ʔekwé k'éts'ıne gha daradé?	population trends; Why are the caribou populations declining?
Dela Got'ıne	People now inhabiting the community of Colville Lake
Délıne Got'ıne	People now inhabiting the community of Délıne
Dene ʔareyóné ʔedegha k'áowe.	Every person is his or her own boss.
Dene béré kats'enıwe	alternative harvest (we hunt and gather all kinds of different Dene foods) – linked to the totality of the Sahtú Needs Level
Dene edarıya	a capable person, a capable person, who gains who obtains his or her knowledge, power, and hence abilities through experience
Dene gokedó	Dene language
Dene náoweró	traditional knowledge; Dene knowledge
Dene ts'ııı	Dene ways of being; being Dene; the whole concept of what being Dene (being who we are) means to our grandparents
denecho	grandparents
Denecho kə gok'éta náts'ezé.	We have to hunt like our grandparents did.

Dícho asín k'ets'ęnę ajá t'á náze gha báts'odi	It's gone down so we're going to let it rest.
díga	wolf
godı kehtsı	agreement
gogha horıla	at risk; in danger
Goꝝó begho gots'ede nıdé dzá qt'e.	When people talk about them [caribou] too much, it's not good.
goregho	shrubs
hé	and, with
hegerıchá	respect; respectful behaviour
K'áhsho Got'ıne	Encompasses people now inhabiting the Sahtú District, including the communities of Fort Good Hope and Colville Lake
k'inats'eneta	monitoring; watching or keeping an eye on
godedı	wildlife officers enforce harvest rules and make people feel like criminals and poachers
łata goꝝekwé	caribou migration corridor
máhsı cho	thank you very much, welcome, hello
móla	non-Dene people
móla gokedó	English language; non-Dene people's language
náoweró, gonáoweró	knowledge, of knowledge
náts'ezé, kanáts'ezé	harvesting or hunting; hunting something
náts'ezé dáhk'ó	harvesting zones
né kárıla k'ets'edı	land protection, conservation areas; lands set aside, we're protecting them
néné	land; homeland; territory
narek'ó	wildfire, forest fire
sahcho	grizzly bear
Sahtú	In this document, mainly refers to the Sahtú Region defined in the SDMCLCA (in other contexts refers to Great Bear Lake)

Sahtú Got'ıne	the people of the Sahtú Region; has historically referred to the people of Great Bear Lake)
Sahtú Got'ıne hé ʔekwé hé gozilıgu néné	cold climate people and caribou
shúhta goʔepé	northern mountain caribou
Shúhta Got'ıne	People who historically inhabited the Mackenzie Mountains, and now are primarily located in Tulıt'a and Norman Wells
Tehkaıcho Dó	Johnny Hoe River
tıch'ádıı, gotıch'ádıı	wildlife, wildlife of, or of wildlife – eg. Sahtú gotıch'ádıı (wildlife of the Sahtú), management gotıch'ádıı (wildlife management)
tıdzı	boreal woodland caribou
tsıa	caribou calf (can also refer to yearling)
tsıda	female caribou
yárego	young male (smaller) caribou

## Appendix 3: List of Hearing Appearances

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<b>Affiliation</b>	<b>Name</b>
Colville Chief	Chief Wilbert Kochon
Colville legal counsel	Jennifer Duncan
Colville legal counsel	Larry Innes
Colville Science Advisor	Norman Barichello
Colville witness	Barthy Cotchilly
Colville witness	David Codzi
Colville witness	Hyacinth Kochon
Colville witness	John Blancho
Colville witness	Joseph Kochon
Déłıne community member	Gordon Taneton
Déłıne community member	Leon Modeste
Déłıne community member	Raymond Taneton
Déłıne witness	Gina Dolphus
Déłıne witness	Morris Neyelle
Déłıne witness	Walter Bayha
ENR legal counsel	Sarah Kay
ENR witness	Brett Elkin
ENR witness	Bruno Croft
ENR witness	Heather Sayine-Crawford
ENR witness	Jan Adamczewski
ENR witness	John Boulanger
ENR witness	Lynda Yonge
Fort Good Hope witness	Bella T'seleie
Fort Good Hope witness	Frank T'seleie
Fort Good Hope witness	Harry Harris
Sahtú Secretariat, Inc.	Ethel Blondin-Andrew
Sahtú Youth Connection witness	Jordan Lennie
SRRB Board Chair	Michael Neyelle
SRRB Board member	Camilla Rabisca
SRRB Board member	Chief Leonard Kenny
SRRB Board member	George Barnaby
SRRB Board member	Jeffery Walker
SRRB Board member	Lesley Allen
SRRB Board member	Paul Latour
SRRB legal counsel	Lorraine Land
SRRB Science Advisor	Colin Macdonald
SRRB Special Advisor	Frederick Andrew
SRRB Special Advisor	Keith Hickling
SRRB Special Advisor	Leon Andrew
SRRB staff	Daniel T'seleie
SRRB staff	Deborah Simmons
SRRB staff	Joe Hanlon
SRRB staff	Lori Ann Lennie
Tłıchq Government observer	Joseph Judas
Tulít'a Chief	Chief Frank Andrew
Tulít'a witness	Joe Bernard
Tulít'a witness	Jonas Peter