

Sahtú Ragóᓂa (Hunting Law) and Approaches to Wildlife Harvesting

Colville 2020 Public Listening (Hearing) Session

SUMMARY - SECOND REPORT



Colville 2020
Public Listening



Submitted to the Honourable Shane Thompson
Minister of Environment and Natural Resources
Legislative Assembly of the Northwest Territories

March 30, 2021

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Sahtú Renewable Resources Board (ʔehdzo Got'Inę Gots'ę Nákedı), *Sahtú Ragóʔa (Hunting Law) and Approaches to Wildlife Harvesting: Colville 2020 Public Listening (Hearing) Session Second Report Summary*, March 30, 2021, Tulít'a, NT.

The ʔehdzo Got'Inę Gots'ę Nákedı (Sahtú Renewable Resources Board) is the co-management board established by the *Sahtú Dene and Métis 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'Inę, the Trap People.” We work together with ʔehdzo got'Inę (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.

This report presents a Hı́dó Gogha Śnégots'ı́ʔá Policy Statement, as well as reply to the Government of the NWT Minister, and updated decisions and recommendations of the Board members.

Report Submitted: March 30, 2021

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as the October 30 SRRB Report, the January 29 Minister’s Response and the March 30 SRRB Second Report.

The SRRB is established by the *Sahtú Dene and Métis Comprehensive Land Claim Agreement* (SDMCLCA) as the main instrument of wildlife management in the Sahtú region. The Minister retains ultimate responsibility for wildlife management, so the SRRB’s decisions are sent to the Minister.

The SRRB met and considered the January 29 Minister’s Response. The SRRB also invited hearing parties to comment on legal issues not previously raised before preparing its second report. The SRRB sought to fulfill its mandate by presenting reliable evidence, sound analysis and justified positions.

The March 30 SRRB Report contains two parts: 1) a policy statement on H̱dó Gogha S̱négots’íwá (Community Conservation Planning - CCP); and 2) the SRRB’s analysis and reply specifically with respect to October 30 decisions and recommendations that the Minister proposed be varied or set aside and replaced.

In light of the Minister’s January 29 Response, the SRRB has decided to establish a policy on H̱dó Gogha S̱négots’íwá. This includes an explanation of the principles the SRRB applies to Community Conservation Planning (CCP) and the CCP Components. This second report also addresses issues raised in the January 29 Minister’s Response, while inviting further engagement on a number of these via the planned 2021-2024 Public Listening Sessions.

Policy Statement on H̱dó Gogha S̱négots’íwá (Community Conservation Plans)



This report is shaped by the policy statement that **ẖdó gogha s̱négots’íwá (community conservation plans) are viable conservation approaches that can be more effective, more rights-compliant and more community-led, and should be considered before and in place of total allowable harvest limits, which are only to be used when required and to the extent necessary.**

H̱dó Gogha S̱négots’íwá Components

As part of the H̱dó Gogha S̱négots’íwá Policy the SRRB has defined an initial list of CCP Components as a starting point to assess whether a community conservation plan contains minimum required elements to be considered complete and ready for review and possible approval. As the PLS process is designed, the SRRB expects that the five-part PLS series will lead

to further development of CCP by the five Sahtú communities, and a revised list of CCP components that evolves during the process.

1. Identification of key issues and knowledge gaps in conservation
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 Ɂedets'ę k'áots'erewe (self-regulation) and regional/cross-regional accountability in plan implementation, including:
 - a. Consideration of the appropriate seasons of harvest and harvest locations and zones
 - b. Community sharing protocols and godı kehtsı (agreements) with other users within and beyond the Sahtú, including a protocol for implementation reporting
5. Coordination, including engagement and decision-making within communities in developing plans

Hıdó Gogha Sęnégots'ıá Principles

The present policy is centred on three interdependent principles that guide community-led plans in the Sahtú region.

1. **Ɂasıı Godı hé Dene Ts'ııı hé (Biocultural Diversity)** - Dene expect decisions that affect them to account for Ɂasıı godı hé Dene ts'ııı hé (all living things and Dene ways of being).
2. **Ɂedets'ę K'áokerewe (Self-Regulation)** - In Dene ɁeɁá (law) people and wildlife are called upon to respect each other's autonomy as a basis for social cohesion and survival in a harsh environment through Ɂedets'ę k'áots'erewe.
3. **Godı Kehtsı (Ethical Space)** - Dene and Métis participation in conservation efforts with Government depends on godı kehtsı (fair consideration or coming together of diverse perspectives), including science and Indigenous knowledge through Ɂeıexé Ɂeghálats'eda (collaborative) systems of accountability.

SRRB Analysis and Reply to the Minister



A number of decisions and recommendations from the Colville 2020 PLS Hearing Report were accepted. This report is focused on the decisions and recommendations that were varied or set aside and replaced by the Minister in the January 29 Minister’s Response. The ENR Minister’s positions reflect what is codified in current regulations or formed part of ENR submissions made during the Colville 2020 PLS. On the basis of the January 29 Minister’s Response, the SRRB understands that more work is required to clarify the authority and jurisdiction of ʔehdzo Got’Inę (Renewable Resources Councils) with respect to wildlife harvesting. Opportunities to undertake this work are provided by the forthcoming PLS series, 2021-2024.

The following table lists items accepted by the Minister, and the outcomes of the SRRB analysis of items for which ENR has proposed variance. The analysis that accompanies these positions are critical to understanding them.

Table 1: Decisions, Recommendations, and Deferrals

1. The Conservation Picture: Caribou, People, and Planning		
Decisions	D1.1	<p>Harvest regulation and Community Conservation Planning</p> <p><i>Revised:</i> Harvest regulation for all caribou populations within the Sahtú region will reflect community conservation planning measures. When ready for submission and review, community conservation plans will be assessed against the SRRB’s Hjdó Gogha Sęnégots’íǰá (Community Conservation Plan) Components, and when approved, forwarded to the Minister.</p>
	D1.2	<p>Primary responsibility for stewardship</p> <p><i>Deferred:</i> The SRRB respectfully disagrees with the Minister and invites further engagement on this issue via the Public Listening Sessions. The Minister’s response does not take adequate account of evidence presented in the Colville 2020 Hearing Report or the role of Dene ǰeǰá. The Minister’s position is already codified in current regulation or outlined in previous ENR submissions to the Colville 2020 PLS. The SRRB understands more work is required to clarify the authority and jurisdiction of ʔehdzo Got’Inę (Renewable Resources Councils) with respect to the management of wildlife harvesting.</p>
	D1.3	<p>Youth roles in Public Listening Sessions</p> <p><i>Accepted:</i> The SRRB has decided that youth will be invited to play meaningful roles in the entire process for future public listening sessions.</p>
Recommendations	R1.1	<p>Shúhta Goǰepé Harvest Regulation</p> <p><i>The Minister has accepted the SRRB’s recommendation, as follows:</i></p> <p>The SRRB recommends that a proposal for harvest regulation of shúhta goǰepé (mountain caribou) be co-developed by Tulít’a and Norman Wells and submitted to the SRRB for consideration as part of the 2021-2024 series of public listening sessions.</p>

	R1.2	<p>Recommendation 1.2 Dene béré (country food) campaign</p> <p><i>The Minister has accepted the SRRB's recommendation, as follows:</i></p> <p>The SRRB recommends that a Dene béré (country food) campaign be collaboratively developed by the Nę K'ə Dene Ts'ı̨ Forum in accordance with the NWT's Sustainable Livelihoods Action Plan, 2019-2023, as well as conservation objectives embodied in community caribou plans.</p>
	R1.3	<p>Nę K'ədı Ke (Keepers of the Land) programs</p> <p><i>The Minister has accepted the SRRB's recommendation, as follows:</i></p> <p>The SRRB recommends that communities and the Sahtú Dene Council continue to develop Nę K'ədı Ke (Keepers of the Land) programs to support implementation of community conservation plans.</p>
<p>2. Dehlá Got'ıne ʔada Plan and Ts'ıduweh ʔada ʔeʔá (Colville Lake)</p>		
Decision	D2.1	<p>Colville's Plan as a Sahtú Community Conservation Plan</p> <p><i>Revised:</i> When ready for submission and review, community conservation plans will be assessed against the SRRB's Hı́dó Gogha Sė́nė́gots'ı́á (Community Conservation Plan) Components, and when approved, forwarded to the Minister for acceptance.</p>
<p>3. Belare Wı́le Gots'ė́ ʔekwė́ and Dene Bė́ré Belare Wı́le Plans (Dė́lınė́)</p>		
Decision	D3.1	<p>2019 edition of Dė́lınė́'s plan</p> <p><i>Revised:</i> When ready for submission and review, community conservation plans will be assessed against the SRRB's Hı́dó Gogha Sė́nė́gots'ı́á (Community Conservation Plan) Components, and when approved, forwarded to the Minister.</p>
<p>4. Authorizations</p>		
Recommendations	R4.1	<p>Colville Lake Renewable Resources Council powers</p> <p><i>Deferred:</i> The SRRB respectfully disagrees with the Minister and invites further engagement on this issue via the Public Listening Sessions. The Minister's response does not take adequate account of evidence presented in the Colville 2020 Hearing Report or the role of Dene ʔeʔá. The Minister's position depends on restrictions in current regulation or ENR submissions. The SRRB understands more work is required to clarify the authority and jurisdiction of ʔehdzo Got'ıne (Renewable Resources Councils) with respect to the management of wildlife harvesting.</p>
	R4.2	<p>Hı́dó Gogha Sė́nė́gots'ı́á ʔeʔá (Community Conservation Plan Regulation)</p> <p><i>Deferred:</i> The SRRB respectfully disagrees with the Minister and invites further engagement on this issue via the Public Listening Sessions. The Minister's response does not take adequate account of evidence presented in the Colville 2020 Hearing Report or the role of Dene ʔeʔá. The Minister's position depends on restrictions in current regulation or previous ENR submissions to the Colville 2020 PLS. The SRRB understands more work is required to clarify the authority and jurisdiction of ʔehdzo Got'ıne (Renewable Resources Councils) with respect to the management of wildlife harvesting.</p> <p>The Minister is being invited to consider and prepare a specific <i>Hı́dó Gogha Sė́nė́gots'ı́á ʔeʔá (Community Conservation Plan Regulation)</i>.</p>

Recommendations	R4.3	<p>Colville-ENR Interim Management Agreement</p> <p><i>Revised:</i> The Interim Management Agreement between Colville Lake and the Department of Environment and Natural Resources is recommended to continue to be in effect until it is replaced with an approved Hı́dó Gogha Sė́nė́gots'ı́á (Community Conservation Plan).</p>
	R.4.4	<p>Colville-ENR Interim Management Agreement 2</p> <p><i>Revised:</i> In the event that the Colville Plan is not in place by the Interim Management Agreement's current date of expiry (May 31, 2021), the SRRB recommends that the parties meet to review and decide to extend the agreement.</p>
	R4.5	<p>Dė́lınė́ and ENR Interim Agreement</p> <p><i>The SRRB accepts the Minister's proposed revision to this recommendation:</i> Dė́lınė́ and the Department of Environment and Natural Resources should meet to discuss the workplan for implementing Dė́lınė́'s <i>Belare Wile Gots'ė́ ę́ekwė́ (Caribou for All Time)</i> plan.</p>
5. Enforcement Mechanisms		
Recommendations	R5.1	<p>Alternative Measures</p> <p><i>Revised:</i> Alternative measures, as set out in the Wildlife Act, that are consistent with culturally appropriate restorative justice processes provided for in the Colville Lake and Dė́lınė́ community conservation plans will be presented for authorization as alternative measures to the Minister of Justice.</p>
	R5.2	<p>Colville and ENR Interim Management Agreement and Enforcement</p> <p><i>The SRRB accepts the Minister's proposed revision to this recommendation, as follows:</i> Colville Lake and the Department of Environment and Natural Resources should meet to discuss enforcement of community conservation plans. The SRRB is willing to participate if invited.</p>
6. Total Allowable Harvest		
Decision	D6.1	<p>Total allowable harvest</p> <p><i>Deferred:</i> The SRRB respectfully disagrees with the Minister and invites further engagement on this issue via the Public Listening Sessions. The Minister's response does not take adequate account of evidence presented in the Colville 2020 Hearing Report or the role of Dene ę́eá. The Minister's position depends on restrictions in current regulation or previous ENR submissions to the Colville 2020 PLS. The SRRB understands more work is required to clarify the authority and jurisdiction of ę́ehdzo Got'ınė́ (Renewable Resources Councils) with respect to the management of wildlife harvesting.</p>
Recommendation	R6.1	<p>Tag requirement in S/BC/01 and S/BC/03</p> <p><i>Deferred:</i> The SRRB respectfully disagrees with the Minister and invites further engagement on this issue via the Public Listening Sessions. The Minister's response does not take adequate account of evidence presented in the Colville 2020 Hearing Report or the role of Dene ę́eá. The Minister's position depends on restrictions in current regulation or previous ENR submissions to the Colville 2020 PLS. The SRRB</p>

		understands more work is required to clarify the authority and jurisdiction of ʔehdzo Got'ıne (Renewable Resources Councils) with respect to the management of wildlife harvesting.
	R6.2	<p>Colville to work with neighbouring groups</p> <p><i>The Minister has accepted the SRRB's recommendation, as follows:</i></p> <p>The SRRB recommends that Colville Lake work with harvester groups in neighbouring regions in developing and adapting their community conservation plan to address shared conservation goals.</p>
7. Zoning Issues		
Recommendations	R7.1	<p>Dene name for S/BC/01</p> <p><i>The Minister has accepted the SRRB's recommendation, as follows:</i></p> <p>The SRRB recommends that Sahtú Barren-ground Caribou Area 01 (S/BC/01) be renamed Gow'ı ʔədə Nënë (Barren-ground Caribou Land), with the name change reflected in the Wildlife Management Zones and Areas Regulations and in any other enactment that references this area.</p>
	R7.2	<p>Dene name for S/BC/02</p> <p><i>The Minister has accepted the SRRB's recommendation, as follows:</i></p> <p>The SRRB recommends that Sahtú Barren-ground Caribou Area 02 (S/BC/02) be renamed Tuyeta ʔədə Nënë (Caribou Land), with the change reflected in the <i>Wildlife Management Zones and Areas Regulations</i> and in any other enactment that references this area.</p>
	R7.3	<p>Dene name for S/BC/03</p> <p><i>The Minister has accepted the SRRB's recommendation, as follows:</i></p> <p>The SRRB recommends that Sahtú Barren-ground Caribou Area 03 (S/BC/03) be renamed ʔehdaɭla ʔekwé Nënë (Caribou Point Caribou Land), with the change reflected in the <i>Wildlife Management Zones and Areas Regulations</i> and in any other enactment that references this area.</p>
	R7.4	<p>Collaborative research in S/BC/02</p> <p><i>The Minister has accepted the SRRB's recommendation, as follows:</i></p> <p>The SRRB recommends that Fort Good Hope and Colville Lake Renewable Resources Councils, SRRB, NWT Environment and Natural Resources, and Environment and Climate Change Canada collaboratively develop a workplan to address knowledge gaps regarding Sahtú Barren-ground Caribou Area 02 (S/BC/02) (to be renamed the Tuyeta ʔədə Nënë [Caribou Land]) through non-invasive Indigenous knowledge and science.</p>
Recommendt	R7.5	<p>Community Conservation Plan for S/BC/02</p> <p><i>Revised:</i> It is recommended that the Ts'udá Nıɭné Tuyeta Management Board take part in meetings on the development of a community conservation plan for caribou in Sahtú Barren-ground Caribou Area 02 (S/BC/02) (to be renamed the Tuyeta ʔədə Nënë [Caribou Land]).</p>

8. Wildlife Act Residency and Hunter Education Requirements		
Decision	D8.1	<p>Wildlife Act Residency and 2021 Public Listening Session</p> <p><i>The Minister has accepted the SRRB’s decision, as follows:</i></p> <p>The SRRB has decided that the 2021 public listening session will include a full discussion of the role that residency requirements and hunter education play in fostering or inhibiting respect for Dene protocols in the Sahtú region.</p>
9. Special Harvesting Areas		
Recommendation	R9.1	<p>Special harvesting areas implementation</p> <p><i>The Minister has accepted the SRRB’s recommendation, as follows:</i></p> <p>The SRRB recommends that ɬehdzo got'ɬneᑦ (renewable resources councils), NWT Environment and Natural Resources, and the SRRB undertake community conservation planning workshops in each of the three Sahtú districts (K'áhsho Got'ɬneᑦ District; Tulít'a District; and Délɬneᑦ District) to develop proposals for implementation of special harvesting areas, including any required regulations, prior to the 2024 public listening session.</p>
10. Capacity Support for Community Conservation Planning		
Decision	D10.1	<p>Capacity support and program funding for CCP and plan implementation</p> <p><i>The Minister has accepted the SRRB’s recommendation, as follows:</i></p> <p>The SRRB has decided that there needs to be further capacity support and program funding for community conservation planning and plan implementation in the Sahtú region.</p>

ɬets'ewéhɬo /ɬets'ewéhk'w'ę - We are Listening



This report marks formal establishment of the SRRB’s *Hɬdó Gogha Sėnégots'ıá (Community Conservation Plan) Policy*. The report also offers analysis and revised decisions and recommendations based on comments received from the Minister and parties to the Colville 2020 PLS on the October 30 SRRB Report and Reasons for Decision.

This second component of the two-part report is focused on a key topic in community conservation planning, harvest regulation, which was the topic of the Colville 2020 PLS. While accepting a number of the October 30 SRRB decisions and recommendations, the January 29 Minister’s Response gave rise to a number of questions that can only be addressed if certain priority issues are resolved. The SRRB has put forward revised decisions and recommendations on priority issues. The SRRB has also invited further engagement on unresolved questions through the planned 2021-2024 PLS series. The SRRB looks forward to continuing to draw upon contributions of the parties in working toward solutions that are based on reliable evidence, sound analysis and justified positions.

For the Sahtú Dene and Métis harvesters, and community parties who participated in the Colville 2020 PLS, the SRRB understands that conservation practices will carry on as they have. Work on conservation planning and Sahtú ragóᑦa (hunting laws) should go ahead. The importance of this work does not change if the Minister agrees or not on a particular issue at this stage. We all want to work toward the responsible harvest and conservation of caribou. If you believe community conservation planning can help, then do not stop your work. The SRRB is listening. Others are watching.

A note on Public Listening Sessions



The SRRB continues to work on its five-part PLS approach to determine **“What is the most effective way to conserve caribou?”** In this report, the SRRB is focused on the question of the Colville 2020 PLS, **“What is the most effective way to regulate the harvest of caribou?”** The SRRB created space in its 2019 *Rules for Hearings* for PLS to serve as a form of public hearing “in order to encourage increased participation.” The PLS are intended to provide godi kehtsı (ethical space) where there is support for participation of affected rights-holders and fair consideration of both Indigenous knowledge and science.

The SRRB elaborated the PLS approach in its December 6, 2019, response to ENR’s procedural questions. The SRRB clarified that the five-part PLS marked a departure from a typical herd-by-herd, zone-by-zone conservation analysis in order to account for a wide range of conservation pressures that are not being sufficiently considered, where wider “hot topics” in caribou conservation affecting all three ecotypes of caribou present in the Sahtú region can be addressed. The PLS is designed to include hearing procedures to accommodate Dene and Métis participation and achieve godi kehtsı (ethical space) for all knowledge sources.

The four forthcoming PLS will each have a thematic focus on:

- Predators and Competitors;
- Knowledge about Caribou and Landscapes;
- Wildfires and Climate Change; and
- Economy and Caribou Conservation.

The SRRB intends to make a Hearing Report with reasons for its decisions after each PLS, as it did with the Colville 2020 PLS on October 30, 2020. The Minister provided the January 29 Response, which is followed by the SRRB’s March 30 Report. The second PLS was postponed to facilitate this process.

The SRRB understands the complexity of the current wildlife management system, and seeks to achieve its aims without discounting promises to protect the cultural rights of Indigenous

peoples. Co-management is a system designed in modern treaties to bring Indigenous people and Government authorities together with shared objectives. The SDMCLCA on Wildlife Harvesting and Management (Chapter 13) has eight objectives. There are two objectives about the importance of future use and the application of conservation principles and practices. These objectives are given significant weight. Chapter 13 includes four separate objectives addressing respect for Sahtú Dene and Métis harvest management customs and practices, preferential rights, ongoing needs, and direct and meaningful involvement in wildlife planning and management. Chapter 13 objectives also address the rights and interests of neighbouring Indigenous harvesters and non-participants. The SRRB aims to satisfy its mandate through the fulfillment of the Chapter 13 objectives.

Wildlife is of central importance to Sahtú Dene and Métis. Harvesting was given emphasis in both Treaty 11 and the SDMCLCA. Current SDMCLCA implementation practices do not resolve the tensions that can arise between Indigenous knowledge and science in conservation processes. It is unstated which approach should be considered in priority, yet clearly both of these approaches are considered relevant and should be taken into account. The work of the co-management body has to account for the full extent of its mandate and the objectives of the wildlife management system, and must include appropriate accommodation of cultural rights.

As the SRRB stated in December 2019:

Each hearing by a wildlife management authority has conventionally looked at a wide range of issues for that specific herd. Herd-specific hearings, based on requests for a total allowable harvest, typically deal with the status of the caribou population based on science and Indigenous knowledge, herd health and population dynamics, the various potential triggers for population decline (including natural population cycles, impacts of industrial development, climate change, wildfire ecology and others), and the various options for addressing pressures affecting caribou (various forms of harvest regulation, limits in land use planning, predator control, and many more). For each herd, this wide range of topics is typically canvassed and the outcome is typically decisions focused on applying a Total Allowable Harvest to control Indigenous harvesters as the primary conservation mechanism.¹

The PLS takes a step back, looking at a wide range of conservation pressures that are not being sufficiently considered, where wider “hot topics” in caribou conservation affecting all three ecotypes of caribou present in the Sahtú region can be addressed. The SRRB acknowledges that caribou do not recognize boundaries, so there is no intention to trigger negative conservation impacts with CCP. CCP is something that should be considered at community, regional and

¹ SRRB, *SRRB Letter to ENR's Assistant Deputy Minister re Responses to ENR Questions and Comments; Colville 2020 Public Listening Session on Sahtú Ragóʔa (Hunting Laws) and Approaches to Wildlife Harvesting* (2019). 2.

cross-regional levels. There are Indigenous groups throughout the migratory ranges of the Bluenose (now designated as Cape Bathurst, Bluenose-West, and Bluenose-East) and Bathurst herds subject to SDMCLCA 13.6 that have also had conservation management approaches honed over millennia of living with caribou. The Colville 2020 PLS, and its decisions and recommendations, are based on evidence provided about those approaches documented through a community conservation plan development process, as well as evidence regarding contemporary conservation practices as those approaches adapt to the modern era. Community leadership in conservation management should be promoted.

The SRRB is committed to a five-part PLS series that will address the question “*What are the most effective ways to conserve caribou?*” The SRRB acknowledges the PLS is an innovative approach to public hearings. Much has been learned during the Colville 2020 PLS. The SRRB understands additional clarity on decision-making for the rest of the PLS in this series would be helpful. The SRRB looks forward to working with parties again soon in the 2021 Déłıne PLS on *Tłch'ádıı hé Gots'edı (Living with Wildlife) – Predators and Competitors*



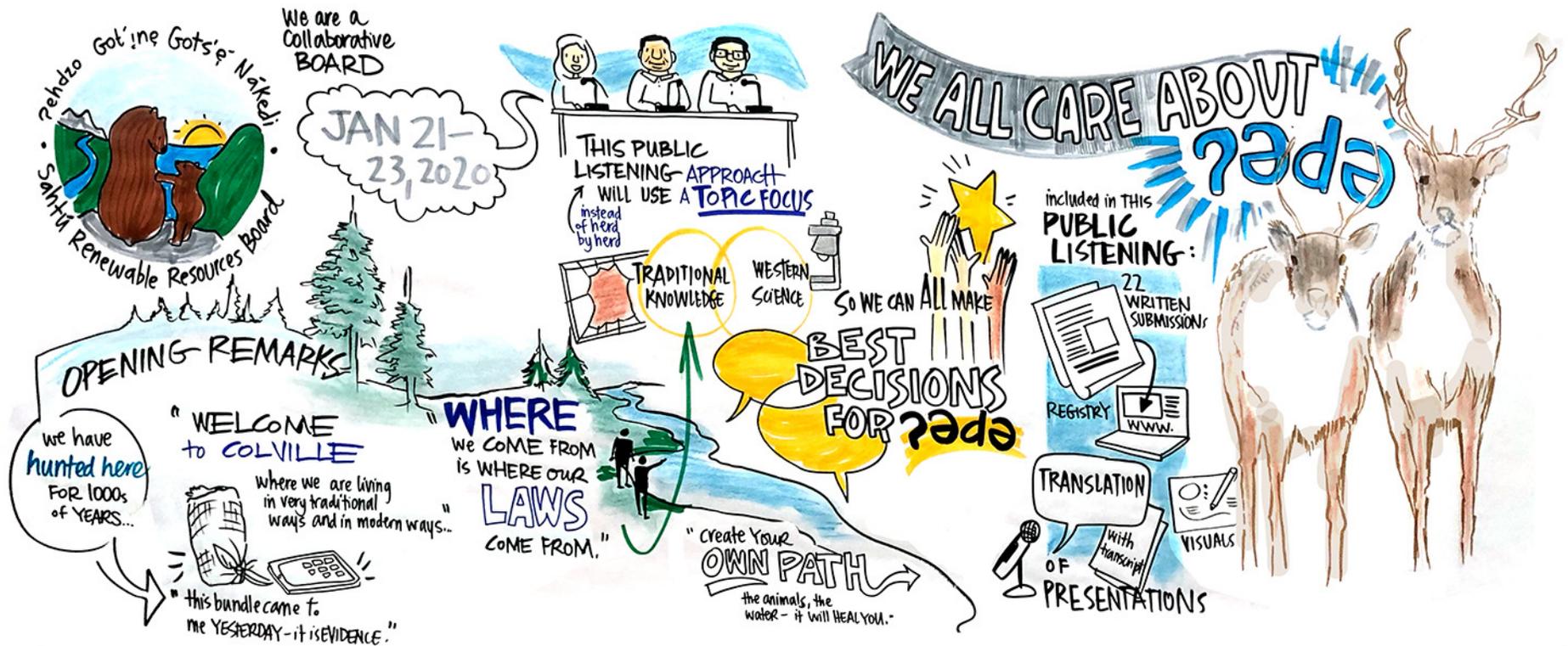
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COLVILLE 2020 PUBLIC LISTENING

SAHTÚ RAGÓ?A (HUNTING LAWS) AND APPROACHES TO WILDLIFE HARVESTING



Colville 2020: Public Listening: on Dene Ragó?a (Hunting Laws) and Sahtú Approaches to Wildlife Harvesting January 21-23, 2020

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