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COLVILLE LAKE RENEWABLE RESOURCES COUNCIL

P.O Box 53, Colville Lake, NT X0E 1L0

February 12, 2016

Delivered via email

Michael Neyelle, Chair
?ehdzo Got'ine Gots'e Nakedi
Sahtu Renewable Resources Board
PO Box 134, Tulita, NT, X0E 0K0

Dear ?ehdzo Got'ine Gots'e Nakedi:

Re: Information Request – SRRB Bluenose East Caribou Hearing

The Colville Renewable Resources Council, Behdzi Ahda" First Nation and Ayoni Keh Land Corporation submit the following Information Request to the Department of Environment and Natural Resources, Government of the Northwest Territories ("ENR").

We have considered questions under 4 categories: (1) management strategy and methods; (2) commitments under the Sahtu Dene and Metis Comprehensive Land Claim Agreement and NWT Wildlife Act; (3) caribou and (4) other factors.

I. Management strategy & methods

1. Why does ENR manage by herd, rather than manage by areas surrounding each community? In your response to SRRB questions, you indicated that management by herd was the "standard and appropriate practice" of management, and herds were the "appropriate units of management", but you gave no explanation why this approach is favoured. What comparative evidence (if any) is ENR relying on to make the determination that a herd-based management approach is appropriate in this instance?
2. Has ENR considered an area based approach? For example, if each community were to set up a monitoring program, many of the indicators that you claim are important could be measured, along with annual trends in distribution and abundance, and harvest

patterns. Harvest rates could be adjusted by the community based on traditional knowledge assessments of caribou abundance, health and other factors. Such a model would also meet some of your obligations under the SDMCLC. If ENR has considered area based approaches, on what basis did it determine that such an approach is inappropriate?

3. Why is the Bluenose caribou herd considered two herds, and not one herd or three herds? ENR concludes that caribou are faithful to a core calving area, and that there is some inter-annual movements between calving areas based on collar data, but have provided no other information as to the mixing of caribou from these calving areas during other times of the year. Is it not possible that the same herd can use two calving areas?
4. The Wildlife Act prohibits harassment of animals. Why then does ENR exempt its staff and agents, through a special permit, from being charged with harassing caribou when they deploy radio collars? Dene Elders consider collaring to be an extreme form of harassment and abuse. In what ways does ENR consider or give weight to Dene traditional knowledge and values in relation to this practice?
5. What alternatives has ENR considered to replace the use of radio-collars? In your response to the SRRB you indicate that you are investigating fecal monitoring, and that satellite imagery might offer a possibility if the resolution improves, but have you considered other options such as drones with cameras, or the deployment of motion sensitive or remotely operated cameras at strategic sites?
6. Why is it that ENR's management approach rests almost entirely on a point-in-time estimate of population size, and yet your models and caribou biologists maintain that there are "complex relationships between caribou, climatic variation and their forage" that influence caribou population trends?
7. Why does ENR's management response focus almost entirely on regulating indigenous harvesting when there are other "complex relationships" that affect caribou survival? What consideration has ENR given to alternative means of reducing caribou mortality, including predator control, habitat protection, fire suppression? Has ENR developed models that can predict the outcomes of such approaches? If so, are such approaches more or less successful in reducing caribou mortality?

II. Implementation of the SDMCLC and the NWT Wildlife Act

8. ENR appears to only be interested in harvest data from the communities. In what ways is ENR intending to meet its Wildlife Act obligations to develop policies and programs that promote cooperative and coordinated approaches to wildlife management?

9. The Sahtu Dene Metis Comprehensive Land Claim Agreement provides the Sahtu Dene and Metis with the right to participate in decision-making concerning wildlife management, and in the collection of data respecting wildlife and wildlife habitat. Section 13.8.40 expressly requires RRCs and participants to be directly involved in research to the greatest extent possible. To what extent has the ENR met these obligations?
10. Was the current research and monitoring data relied on by the ENR developed through joint decision-making, and designed and carried out with RRCs and participants to greatest extent possible?
11. Was ENR's caribou management model developed with participants in a direct and meaningful manner, and to what extent does it account for the traditional knowledge, cultural values and approaches of the Sahtu Dene and Metis?
12. Biologists Donald Thomas and James Schaefer in a report they wrote in 1991, said "*in the late 1970's it became obvious to government managers that the native people must be part of the solution to management...*", and that "*co-management could not work until both parties had an understanding of the value of each others' contributions*". Does ENR believe that it has a full and complete understanding of the value of Sahtu Dene and Metis knowledge and contributions?

III. Caribou

13. How does ENR estimate population size? Has this changed over time? If so, what other models or methods have been used? Do other jurisdictions use different methods? If so, why does ENR use the current method instead of the alternative methods? Is the ENR method more reliable?
14. What is the extent of error in the population estimates? How has this been determined? Has ENR ever counted the entire herd?
15. Do caribou change calving areas?
16. Do barren-ground caribou calve in the Sahtu region?
17. Does the seasonal distribution of caribou change from year to year?
18. Does ENR have any other evidence, besides the population census on the post-calving grounds, that the population has changed to the extent ENR claims it has?

19. What factors does ENR believe impact the birth rates of caribou? Is this an exhaustive list? Is there a statistically valid model against which these factors can be weighted in terms of importance to birth rates?
20. Has ENR measured changes in the age structure of the herd, and built this into its model?
21. The climate assessment model (Don Russell's analysis) that ENR provided to the SRRB, indicates that accumulated heat available for plant growth was > 120 for 6 years preceding year 2000 (when ENR says caribou were abundant) and < 100 for years 2001-2005 (when ENR says the caribou declined). ENR referenced studies that indicate that a composite index of summer range productivity was correlated with body condition and pregnancy rates, and that this affected recruitment rates. If there was a reduction in the number of young produced and surviving their first year for the 5 years of poor summer range (as the model suggests):
- has ENR modeled the effect of fewer young entering the population on the age structure and future production of caribou (total young produced, not the ratio);
 - is it possible that low production for consecutive years would lead to an age structure shifted toward older less fecund cows?
 - if so, would ENR not expect a slow recovery of the population as the population estimates suggest?
22. Harvest restrictions under the Sahtu Dene and Metis Comprehensive Land Claim Agreement are triggered based on conservation. How does ENR define conservation?
23. What evidence do you have that harvest limits are necessary for conservation?
24. ENR's data presented in the Bluenose Caribou Management Plan – Taking Care of Caribou, shows that the population of the Bluenose West Herd from 2005 to 2012 has been stable. Why does ENR believe further harvest restrictions are required for a stable population?
25. In response to the SRRB questions, ENR presented information from the Bluenose West Herd and the Cape Bathurst Herd, and claimed that harvest was eliminated or reduced substantively in these herds that had been "declining rapidly". ENR's own population information in the Bluenose Caribou Management Plan indicates the BNW population was stable from 2005 to 2007 before harvest restrictions were imposed. Please describe the basis and criteria for characterizing a population in "rapid decline."
26. In response to the SRRB questions, ENR indicates that for the Bluenose West Herd that calf recruitment had been low, but increased substantively when harvest was reduced in 2007. ENR's population data for the BNW indicates that the herd was relatively stable

from 2005 to 2013. Please describe the basis and criteria for characterizing a “substantive increase” in calf recruitment.

27. In your response to SRRB questions, you indicate that in several herds when harvesting was reduced, there was an increase in recruitment rate (calves/100 cows), and possibly an increase in natural cow survival and pregnancy rates. How does harvesting affect the ratio of calves to cows, natural cow survival rates, and pregnancy rates?
28. The BNE harvest was reported at 2700, but ENR claims the true harvest to be 4000 based on “field estimates” that the result was underreported by 25-50%.” Why did ENR choose to apply the upper bound of this field estimate (48.2%) instead of the lower bound of 25%?
29. ENR also claims that the true harvest was 4000 not 2700 because it appears to fit your population model. On what basis does ENR believe that a population model can be used to generate a harvest estimate?
30. ENR has indicated to SRRB that a number of factors are considered in developing a TAH (Total Allowable Harvest) and in a harvest allotment among regions. Please provide specific factors and weighting on describing how the TAH is determined, and how the harvest is allocated.
31. One of the goals of the caribou plan – Taking Care of Caribou - is to maintain herds within known natural range of variation. What evidence do you have that the herd, which you believe naturally fluctuates significantly over decades, is not within the range of natural variation? If the herd is within its natural cyclic variation, what evidence do you have that this is a critical conservation issue that requires the extreme action of Dene harvest restrictions?

IV. Other factors

32. Why do you need a scientific study to determine if fire is adverse to caribou? When severe fires destroy lichen stands and other caribou food, is it not obvious that such outcomes are adverse to caribou?
33. Is fire fighting on caribou winter range a management option?
34. Does the climate change model predict changes in ungulate distribution and abundance?

35. Does the climate model predict changes in predator population or seasonal patterns of range use? Is there any effort to monitor such changes on the land?
36. ENR indicates that a balanced sex ratio is desired, and that 42 bulls per 100 cows is acceptable. Does ENR have an estimate of sex ratio? At what point does the bull to cow ratio become undesirable?
37. How will ENR achieve a balanced sex ratio when ENR is promoting a bull only harvest?
38. If conservation indicators are of enough concern to invoke restrictions on harvesting customs, what constraints will be placed on industry?
39. ENR acknowledges the importance of key habitats and agrees that core calving areas must be protected. Are the core calving grounds protected from industrial development?
40. If the calving grounds were fully protected, what would the impacts be on the population? What steps can ENR take to protect the calving grounds?
41. Are there applications for exploration projects on the calving grounds? Are any current industrial activities on the calving grounds? Will any future activities be approved?

Sincerely,



Wilbert Kochon
Chief
Behdzi Ahda" First Nation



David Codzi
President
Ayoni Keh Land Corporation



for: Joseph Kochon
Interim President
Colville RRC