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ᐱᕐᕈᕈᕐ ᑕᑕᕐᕈᕈᕐ ᑕᑕᕐᕈᕈᕐ ᑕᑕᕐᕈᕈᕐ (Sahtú Renewable Resources Board - SRRB)
PO Box 134, Tulít'a, NT X0E 0K0

May 20, 2016

Re: ᐱᕐᕈᕈᕐ ᑕᑕᕐᕈᕈᕐ ᑕᑕᕐᕈᕈᕐ ᑕᑕᕐᕈᕈᕐ Final Submission for the Public Hearing on Management of
Bluenose East ᐱᕐᕈᕈᕐ

To the ᐱᕐᕈᕈᕐ ᑕᑕᕐᕈᕈᕐ ᑕᑕᕐᕈᕈᕐ ᑕᑕᕐᕈᕈᕐ:

In response to news of ᐱᕐᕈᕈᕐ declines, the Délᕈᕈᕐ ᐱᕐᕈᕈᕐ ᑕᑕᕐᕈᕈᕐ (Renewable Resources Council) decided to exercise some of its resource stewardship responsibilities as outlined in the Sahtú Dene and Métis Comprehensive Land Claim Agreement (SDMCLCA 1993), by leading the development and implementation of a community-driven caribou conservation plan. In November 2015, a finalized first iteration of the plan – *Belarewile Gots'ᕐ ᐱᕐᕈᕈᕐ: Caribou for All Time* was approved in principle and signed by the heads of the three main Délᕈᕈᕐ governance organizations.

The plan took a lot of work to prepare, with the help of a technical group, a Working Group, the leadership and the broader Délᕈᕈᕐ ᑕᑕᕐᕈᕈᕐ community. The plan will be used to help us make wise decisions, based in the knowledge of Dene ᐱᕐᕈᕈᕐ (our grandparents). They help us remember that it is necessary to follow ᐱᕐᕈᕈᕐ ᐱᕐᕈᕈᕐ (caribou law) and not people's law in our actions and planning. We realized it was necessary to put our ideas and action on paper as a starting point for discussion about how we can best follow ᐱᕐᕈᕈᕐ ᐱᕐᕈᕈᕐ at this time, and so that we can share our ideas with other communities. We hope that by having the Délᕈᕈᕐ ᐱᕐᕈᕈᕐ ᑕᑕᕐᕈᕈᕐ working with our community to make changes in this way, ᐱᕐᕈᕈᕐ will decide to come back.

Belarewile Gots'ᕐ ᐱᕐᕈᕈᕐ is a living document. It is expected that it will continue to be revised and updated over time. The first edition was presented at the March 1-3, 2016 Bluenose East Sahtú Renewable Resources Board hearing in Délᕈᕈᕐ, and at the April 6-8, 2016 Wek'èezhii Renewable Resources Board hearing in Behchokò. Although we had limited legal advice during the early of planning, we made the decision to prioritize putting our own vision into writing so did not request a thorough legal review of the plan. This is truly a community-driven document, and thus breaks new ground in ᐱᕐᕈᕈᕐ conservation in the NWT and beyond. We will doubtless benefit from future discussions about the legal implications of our plan.

Since the first edition of the plan was drafted, the Délı̨nę ʔekwé Working Group has met several times to work on key concepts in the plan, address any questions that have been raised, and more fully develop some of the program areas. Responses to questions from and undertakings to the Parties in the Sahtú and Wek'èezhìı Renewable Resources Board Bluenose East hearings (appended to this final submission) have been opportunities to develop our thinking about the plan.

A second, revised edition of the plan is now ready to be shared and form part of the evidence for the Sahtú Renewable Resources Board to consider in their determination of appropriate management proposals through the Bluenose East ʔekwé (Barren-ground Caribou) Public Hearing.

A summary of key considerations related to final submissions by the Parties, as well as the NWT Environment and Natural Resources proposal, is provided below, followed by a list of key additions and changes to the second version of the plan. We have also compiled our written submissions to both the ʔehdzo Got'ı̨nę Gots'é Nákedı̨ and the Wek'èezhìı Renewable Resources Board as appendices to this document.

The Délı̨nę ʔehdzo Got'ı̨nę is requesting that the Board support *Belarewı̨le Gots'é ʔekwé* and the system of self-regulation, habitat protection, and development of appropriate Dene governance and knowledge programs proposed within as the framework for caribou conservation in the Délı̨nę District. Délı̨nę would like this opportunity to exercise its rights under the Land Claim and make decisions based in Dene culture and concepts to determine how to maintain our relationship with ʔekwé.

Our Plan in the Bigger Picture – Key Considerations

The Délı̨nę ʔehdzo Got'ı̨nę thanks Colville, the Fort Good Hope Renewable Resources Council (ʔehdzo Got'ı̨nę), and the Tulı́t'a RRC for their final submissions, which shed light on the broader context for the *Belarewı̨le Gots'é ʔekwé* plan. We also thank NWT Environment and Natural Resources for positive dialogue about how our plan can be implemented in the context of larger Bluenose East conservation processes. We wish to point out the following key considerations in relation to these contributions:

- Délı̨nę believes that a multi-pronged and evidence-based approach to ʔekwé conservation is necessary, including not only harvest management, but also vigorous measures in protection of ʔekwé habitat, and renewal of Dene Ts'ı̨lı̨ - our land-based way of life.
- Through the hearing process, Délı̨nę has clarified that our plan does not advocate for a Total Allowable Harvest, but rather forms the basis for self-regulation. Délı̨nę has chosen one of the two conservation paths supported by the collaborative management system in the SDMCLCA. Like other community Parties in the Sahtú Bluenose East ʔekwé Hearing, we strongly believe that self-regulation is the most effective approach to conservation. The TAH mechanism should be a last resort if self-regulation is proven not to work.
- Délı̨nę appreciates the Tulı́t'a RRC's support for our plan, and their recognition that trust and dialogue is the basis for positive harvesting and sharing relationships.
- Délı̨nę supports the Fort Good Hope RRC's vision for self-regulation and community-driven conservation initiatives.
- Délı̨nę recognizes that Colville has posed important issues about jurisdiction with respect to harvesting. We are confident that through future dialogue in the Dene way, these issues will be resolved.

Belarewile Gots'ę ʔekwé Version 2 Revisions

The following is a summary of changes made in Version 2 of the *Belarewile Gots'ę ʔekwé* plan, as agreed at a meeting of the Déljñę ʔekwé Working Group. It is expected that Version 2 will give rise to new questions from community members as well as other user groups and decision-makers, and new solutions for addressing the questions will need to be added. This is all part of the learning curve that is integral to conservation planning.

New section added: *Conservation Approach*

- Explains some key Dene harvesting and governance concepts that underlie the plan
- Describes areas in which Dene approach conservation in a different way than other systems of resource management

New section added: *Our Plan for Action*

- Revised former **Workplanning** section, moving detailed actions into **Appendix D** and describing broader conservation goals and strategies by program area in new section of plan body

New program area details added: *ʔededáhk'á (Habitat)*

- Addressed community interest in having plan include more about 'big picture' issues like climate change and habitat protection
- Added specific sites recommended for protection and actions to address climate change

ʔekwé Nátsezé ʔeᓂa moved into relevant action program area from Appendix B

- Information formerly in appendix was revised and added to the relevant program area in the plan

New Appendix A added: *Déljñę Got'jñę Community Members Participating in Belarewile Gots'ę ʔekwé Planning Process*

- List of community members involved in Working Group meetings to date

New Appendix C added: *RRC Responsibilities Under the Land Claim*

- Contains relevant clauses from the *Sahtú Dene and Métis Comprehensive Land Claim Agreement (1993)* pertaining to Renewable Resource Council responsibilities for wildlife and wildlife habitat

Déljñę ʔekwé Code (former Appendix C) revised and moved to Appendix E

- Refined ideas around who the Harvest Code applies to and how it impacts Sahtú participants and people from other communities

Removed Appendix D: *Practicing Our ʔekwé Nátsezé ʔeᓂa*

- Former appendix detailing Working Group responses to ENR questions about how the Harvest Policy would work in practice removed

More Dene language and concepts incorporated throughout plan

- Did additional language work to better understand Dene ecological concepts

- Added many Dene words and phrases to better reflect Dene perspective

Administrative/Other

- Updated working group members with additional names since latest meetings
- Updated process sections to include hearings and recent meetings.

List of Appendices

DRRC Responses - ENR BNE Information Requests Round 2 - 16-02-27

DRRC Responses - SRRB BNE Information Requests Round 2 - 16-02-27

DRRC Responses - WRRB Information Request - 16-02-27

DRRC Final Submission for WRRB BNE Hearing 16-04-21

Déłıne Undertaking to Sahtu Youth Connection 16-04-29

Déłıne Undertakings to Colville 16-04-29

Déłıne Responses to SRRB Questions 16-05-04



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Responses to NWT Environment and Natural Resources Information Requests - Belarewílé Gots'ę ʔekwé – Caribou for All Time Proposal

General Comments

Thank you for your interest and questions regarding *Belarewílé Gots'ę ʔekwé – Caribou for All Time: A Délıne Got'ıne Plan of Action for Caribou Conservation* (2015). The Délıne plan is the first of its kind in the Sahtú region, and as such, we welcome opportunities to further explore and explain how we see the actions and ideas unfolding in the coming years. It is important to stress that the plan is designed to be iterative, and we are fully committed to a continuation of the working group process that shaped the plan as a means of improving it further.

At this stage of local ʔekwé conservation planning, we recognize there are gaps that still need to be addressed; ENR's questions will help to identify and possibly address some of those gaps. While we have attempted to answer each question here, we acknowledge that there is still more work to be done on resolving challenges that may arise, and further discussion is likely to be needed. Délıne has prepared this plan as a first iteration for review by Sahtú communities, co-management partners, and other regional wildlife management authorities. We welcome feedback, including through the hearing process, and will address inputs in the upcoming phase of plan review and revision.

Délıne also acknowledges that it was not possible to fully implement all aspects of the plan given the compressed timeline between plan development and implementation during the 2015/16 harvest season. We recognize that a lot of advance planning is required to address not only feedback from other parties, but also lessons learned this year that can be applied during the next harvest season.

Specific responses to ENR Information Requests

Information Request 1

The Deline plan is based on following Dene law, community self-regulation and the use of traditional restorative means of supporting respect for the community caribou hunting rules. However, the plan also indicates that, if necessary, referral to ENR will be used as a last resort.

1a) Can you please explain the relationship between the Deline Gotine Plan of Action and territorial laws, including the Wildlife Act and Regulations.

The Délı̄në plan is not expected to address topics related to any territorial legislation other than the Wildlife Act, and does not aim to contradict or conflict with any laws under the Act in any way. The Wildlife Act and Regulations do not impinge upon Aboriginal harvesting rights – these remain operational as defined by the various land claims. The plan is by Délı̄në Got'ı̄në and specifically for Délı̄në Got'ı̄në, working within the larger legal framework of the NWT. Both the plan and the Act are founded upon the same principles of behaving respectfully towards wildlife as a means of conservation. Further, because the plan is based in Dene hunting traditions of respect, it is hoped that with successful education and communication campaigns about the plan, non-compliance will be rare.

It is expected that the Délı̄në plan and the NWT Wildlife Act will work in active cooperation on issues of enforcement. If there are cases in which the enforcement process laid out in *Belarewı̄lé Gots'ę ęekwë* is exhausted and compliance is still not achieved, then enforcement under the Wildlife Act will be another important tool.

As there has not yet been a detailed analysis of the Délı̄në plan of action and territorial laws or the Wildlife Act, it is possible that more work will be required on this topic in the future work and resources to attain legal counsel may be required.

1b) How will the Deline plan work with the Wildlife Act to regulate caribou harvesting?

Both the Délı̄në plan and the Wildlife Act rely on regulations based on harvest restrictions, and specific hunting areas or zones. ENR will continue to set the regulations for ęekwë harvesting in the territory; as outlined in the preceding section, the plan will follow the Wildlife Act and adhere to harvest restrictions established by the GNWT.

1c) What will be the role of ENR enforcement officers be under the plan?

Enforcement by ENR officers will be a stage in the restorative justice approach to enforcing the harvesting 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 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.

1d) The Caribou Code proposes a Sentencing Circle for any Participant under the Sahtu Dene and Metis Land Claims Agreement who does not comply with the code. Please explain who would decide to move a matter into the Sentencing Circle. How would this be conducted? Have there been discussions with other Sahtu communities about how this would work? Has there been agreement from other Sahtu communities? From the SRRB?

The president of the Déljné ʔehdzo Got'jné, in consultation with the chief of the Déljné First Nation and the president of the Déljné Land Corporation, will be responsible for matters related to the sentencing circle until such time as a new Déljné Got'jné government is in place.

To date, discussions in Déljné with respect to *Belarewilé Gots'ę ʔekwé* plan have been focused on its applications to Déljné harvesters. While there has been initial support for the plan from other communities in the Sahtú, the ʔehdzo Got'jné is looking forward to learning more about how other Sahtú communities view the plan, and clarifying this relationship.

In regards to enforcement, it is possible that the Déljné ʔehdzo Got'jné could offer a choice to harvesters in contravention of the plan if the person is not from Déljné – for example, the harvester could perhaps choose between the sentencing circle or a referral to ENR. However, this topic requires further exploration and is expected to arise and be discussed during the ʔekwé hearing.

1e) What is meant by referral to ENR as a last resort? What is envisioned and how would it work?

As outlined above (see 1b and 1c), ENR enforcement will be a final step in the restorative justice approach laid out in the plan. We foresee requesting that ENR invoke their legislation to enforce a regulation in cases of persistent non-compliance, or in cases where the community approach is not expected to work for some reason.

Information Request 2

Under the Deline plan, it appears that Deline harvesters do not require tags or authorizations to harvest caribou. They are required to provide sample kits for every animal that they harvest. If they do not provide a sample kit they still need to report their harvest.

2a) When harvesters are on the land harvesting, how will they be able to prove to an officer that they are authorized to harvest?

For the most part, it is expected that within the Déljné District, the local ENR officer will be familiar with most of the local harvesters. This is currently the case. Nonetheless, this question will be worked on more in the future by the Déljné ʔekwé Working Group and by the Sahtú Secretariat Incorporated (SSI). It is possible that either a list of authorized community harvesters may be provided to officers, and/or that authorization cards will be issued for non-community members. We are also looking to examples of Aboriginal authorization systems used in other areas, such as that of the Yellowknives Dene and the Haida Nation.

2b) How will officers be able to identify harvesters that are not authorized to harvest?

Again, it is expected that the ENR officer in the Délı̨ne District will be able to identify and communicate with harvesters to establish harvesting authority, and work is being done to learn about other methods for formalizing this process. In addition, Délı̨ne will aim to include harvest information by other beneficiaries/other communities within the Délı̨ne District so that those harvests are accounted for in the tally for the Sahtú Region. In times of conservation concern, it is not expected that there will be high numbers of harvesters arriving from other communities/other areas.

Information Request 3

The Deline plan indicates that only young bulls will be harvested. The most recent harvest included a fairly large proportion of cows. How will Deline ensure that the harvest will be 100% bulls?

Dene people believe that ɬekwé give themselves to people. However, people can plan their harvest in a certain way and manage it in a certain way to help ɬekwé. Traditionally, Délı̨ne harvesters did most of their ɬekwé hunting during the fall season. This meant that the majority of the harvest was yárégo (young males). It has only been in recent times that a spring hunt has become more important, and that a higher proportion of tsída has been taken.

There is a lot of interest in re-establishing the traditional fall hunt; there will be a strong emphasis on an awareness-building campaign that focuses on harvest timing to achieve this. If this campaign is successful, it is expected that in times where conservation is necessary, most of the quota will be used during the fall hunt, leaving little to no quota for other times of the year when yárégo and tsída are mixed (winter months) or when tsída are more prevalent (spring).

Education and mentorship are two main components of the Délı̨ne plan, and both are based strongly on Dene harvesting traditions. There will be efforts to encourage, coordinate and support programs to ensure that younger or inexperienced hunters are not shooting cows. There will also need to be work done to better understand changing herd behaviour in order to plan harvests appropriately.

Information Request 4

The monitoring efforts under the Deline plan rely largely on self-reporting by harvesters. Would Deline consider adopting some of the harvest reporting methods used by other Aboriginal groups such as the Tlicho Government? Would Deline consider using community monitors to collect harvest information, including information on harvest location?

Traditionally, community members in Délı̨ne enjoy sharing information about their harvests, and little harvesting goes on without others knowing about it. Délı̨ne is very much open to learning from other Aboriginal groups and to developing practices that really work through an iterative process of plan implementation and revision. The community monitoring program will

require good program design and support. We support the idea that we all need the information to make good decisions for ʔekwé conservation.

Information Request 5

The Bluenose-east herd is shared by many communities across jurisdictions. How will Deline work with other communities in the Sahtu and communities in other regions, including Nunavut, to ensure that overall harvest management for the herd and other actions taken to conserve this herd are accomplished and coordinated at a herd-wide scale?

To date, Délı̨nę has been a strong advocate for user group discussions, both among Sahtú communities and across regions. We believe there should be annual harvester gatherings to review the status of the herd from both traditional knowledge and scientific perspectives, and to discuss conservation planning. There was support for such gatherings in resolution about regional meetings passed by consensus at the Sahtú leadership meeting held in Colville Lake in April, as follows:

1.3 That the Sahtú communities assemble together regularly to share knowledge and plans related to caribou in the Sahtú region, including celebrating our culture through traditional stories, music, dancing and cultural exchange. Alvin Orlias/Grand Chief Frank Andrew

The Délı̨nę ʔehdzo Got'ı̨nę works closely with the SRRB, and the SRRB in turn draws upon community inputs in contributions to the cross-regional Advisory Committee for Cooperation on Wildlife Management (ACCWM) action-planning process for the Bluenose-East herd.

There is important work that also takes place at the community level. Délı̨nę has a long-standing, reciprocal hunting relationship with Kugluktuk for example, maintained through meetings and shared events. We recognize that this is the start of how cooperation with other communities begins – it is important to have a good relationship with them and to do things together to build and maintain respect.

Information Request 6

The Sahtu Renewable Resource Board (SRRB) is the main instrument of wildlife management under the Sahtu land claim agreement. Harvest limits set in wildlife legislation are informed by recommendations made by the SRRB. Once a harvest limit is set, it is allocated among Sahtu communities by the SRRB. How does the Deline plan fit within the co-management process in place in the Sahtu region under the land claim agreement? How will differences between SRRB direction and the Deline plan be resolved?

Délı̨nę has worked cooperatively with its co-management partners (the SRRB and ENR) to develop *Belarewı̨lé Gots'ę ʔekwé*. The Délı̨nę ʔehdzo Got'ı̨nę is playing a lead part – exercising its powers as mandated by the Sahtú Dene and Métis Comprehensive Land Claim Agreement¹ –

¹ A Renewable Resources Council shall have the following powers: (a) to allocate any Sahtu Needs Level for that community among the participants; (b) 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; (c) to establish or amend group trapping areas in the settlement area, subject to the approval of the Board, provided that

and has submitted the plan for review during the Bluenose-East Ɂekwé hearings. Again, we view the current plan as an early iteration in a long-term process of a living document, and are willing to work cooperatively with our partners to revise the plan so it's acceptable to all parties.

It is our understanding that the *Taking Care of Caribou* Management Plan provides a framework agreed-to by all of the co-management boards with an interest in the Bluenose East, Bluenose West and Cape Bathurst Ɂekwé. Under that plan, monitoring and thresholds inform status decisions, then appropriate management actions are suggested according to status. Délıneę accepts this broader framework and commits to staying within the recommended guidelines, and harvest limits under a particular status.

The Délıneę plan does not contradict what is laid out in *Taking Care of Caribou*, but is presented in a way that is more fitting for the Dene culture, and should be more understandable and empowering for Délıneę harvesters and leaders. In this way we ultimately anticipate greater compliance and support for both plans.

the portion of the Fort Good Hope - Colville Lake Group Trapping Area which is in the settlement area may not be reduced in size without the consent of the designated Sahtu organizations in Fort Good Hope and Colville Lake; (d) to exercise powers given to Renewable Resources Councils under this agreement; and (e) to advise the Board with respect to harvesting by the participants and other matters of local concern within the jurisdiction of the Board.



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Responses to ʔehdzo Got'Inę Gotsé Nákedı Information Requests - Belarewílé Gots'ę ʔekwé – Caribou for All Time Proposal

February 27, 2016

The Délıne ʔehdzo Got'Inę thanks the ʔehdzo Got'Inę Gotsé Nákedı (Sahtú Renewable Resources Board – SRRB) for the opportunity to provide further information about our perspectives related to the *Belarewílé Gots'ę ʔekwé – Caribou for All Time* proposal. Below please find responses to the Board's Information Requests.

Information Request 1 - Understanding the environment in which ʔekwé live

Sahtu Dene and Metis know ʔekwé behaviour and habitat as well as other detailed knowledge, and rules and laws governing people's relations with ʔekwé. Please explain what types of information you would like from the scientists about the environment that might help in future community planning.

Response

Délıne is currently developing a research and monitoring program related to the newly-approved Tsá Túé International Biosphere Reserve. A meeting to develop the strategy was held during February 9-11, 2016 and included discussions specifically about ʔekwé research and monitoring. The report on the strategy will be forthcoming shortly.

The Délıne plan will be complemented by a research and monitoring strategy being drafted by the Sahtú Environmental Research and Monitoring Forum. This strategy will also include an ʔekwé research and monitoring component. A meeting of the Forum to discuss the strategy is planned for the last week of March – and it is expected that this will be reviewed by all interested parties, including Délıne.

Délıne has opposed invasive ʔekwé research and monitoring techniques, including collaring. The Délıne ʔehdzo Got'Inę has supported related regional consensus resolutions, including Resolution 2 of the Renewable Resources Council Gathering, Fort Good Hope, September 18,

2012¹, and Resolution 5 of the Sahtú leadership meeting, Colville Lake, April 23, 2015². The community supports non-invasive research that addresses community questions.

Délįnę has already partnered in non-invasive ɔekwé populations research with Jean Polfus and Micheline Manseau involving genetic research as well as traditional knowledge to understand population distribution and relationships. The Délįnę ɔehdzo Got'įnę is also sponsoring research on contaminants in Dene béré (country foods), including ɔekwé, as well as a human biomonitoring to learn about any health risks of eating Dene béré.

A number of additional issues requiring further social and natural science research are identified in *Belarewíle Gots'ę ɔekwé*, including:

- Processes and implications of changes in ɔekwé habitat
- Impacts of fire and fire management
- Díga (wolf) and ɔekwé relationships
- Food security and alternative harvesting practices
- Socio-cultural implications of ɔekwé decline and conservation practices
- Harvest monitoring approaches and methods
- Community governance as it applies to ɔekwé conservation

Information Request 2 - Keeping the land healthy

One of the points under your section “Dene há ɔekwé há - What makes people and ɔekwé healthy?” is to keep the land healthy. Please explain Délįnę views on how the land is kept healthy.

Response

Délįnę Got'įnę (the people of Délįnę) believe that Dene nęné (our land) and all living things must be kept healthy as a self-regulating system, just as the people must be self-regulating. This view is reflected in the guiding vision for *Belarewíle Gots'ę ɔekwé*, “Dene and ɔekwé are free to maintain their relationships through their own ɔeɔa.” This is also the vision underpinning the new Tsá Túé International Biosphere Reserve.

Although Délįnę Got'įnę may curtail ɔekwé harvesting for conservation purposes, it is critical that we find ways to continue our land-based knowledge and practices, our role and relationships as part of the ecological system. The ɔeɔa (laws or principles) and actions outlined in the Délįnę plan aim to support this. Of special note are the following:

¹ The SRRB and RRCs should jointly support caribou traditional knowledge and harvesting research as well as appropriate scientific research that does not disrespect the animals or harm them in any way, benefits both the caribou and the communities, and helps to maintain and strengthen our relationships with caribou.

² 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.

- Dene béré kats’ı̄nı̄we (harvesting a wide variety of country foods)
- ʔekwé gha máhsı̄ ts’ı̄nı̄we (ceremonial harvest), including respectful harvesting practices
- Dene ts’ı̄lı̄ (Being Dene) awards, celebrating Dene land-based practices, including teaching and sharing.

Information Request 3 - Defining ʔekwé populations

The Deline plan acknowledges the ACCWM’s *Taking Care of Caribou* plan which separates caribou into three separately managed herds – Bluenose East, Bluenose West and Cape Bathurst. The *Taking Care of Caribou* plan recognizes that the definition of herds is a hot topic that needs to be resolved. Please clarify whether Délı̄nı̄ wishes to see decisions made about the Bluenose East and Bluenose West herds separately or as one population.

Response

Belarewı̄lé Gots’é ʔekwé acknowledges and accommodates the definition of ʔekwé populations as defined in the *Taking Care of Caribou* plan and agreed to by the ACCWM. However, this does not necessarily constitute agreement with this definition. *Taking Care of Caribou* recognizes the definition of ʔekwé populations as a “hot topic” bearing further research.

The Délı̄nı̄ Got’ı̄nı̄k’ə gokədá has one word for the kind of caribou who travel to gokw’ı̄ (the barren-grounds) – ʔekwé (otherwise referred to as ʔekwéwá, “the real caribou). People do talk about ʔekwé in relation to the territory that they’re travelling through at certain times, just as they talk about people in relation to their seasonal harvesting areas. However, focused traditional knowledge research is required on Délı̄nı̄ Got’ı̄nı̄ understandings of ʔekwé populations in relation to their habitat to be able to respond with confidence to this question posed by the SRRB.

Information Request 4 – Ecotourism program

One of the objectives associated with the plan for stewardship (conservation) is an ecotourism program to be self-sustaining by 2020. Please explain why the ecotourism program important to your ʔekwé conservation plan? How is it linked to ʔekwé conservation?

Response

Belarewı̄lé Gots’é ʔekwé is a plan to conserve ʔekwé while maintaining and strengthening Dene Ts’ı̄lı̄. Innovative programs are required to provide opportunities for Délı̄nı̄ Got’ı̄nı̄ to keep our land-based knowledge and practices alive when the environment is changing. Ecotourism is one of a variety of means for people to maintain our relationship with the land and to mitigate the economic impacts of reduced access to Dene béré. Moreover, a vital ecotourism program can be a basis for protection of the migration corridors that are necessary for ʔekwé survival and self-regulation.

Information Request 5 - Working together

Your proposal mentions that the allocation of regional Ɂekwé harvesting quotas is causing competition among regions, communities and families. What do you think could happen that would address this problem?

Response

One of the ɁɁa described in *Belarewílé Gots'é Ɂekwé* is areyɁné etóot'Ɂné ats'Ɂt'e (we are all one family). Building strong co-management relationships with our neighbours is critical for successful Ɂekwé conservation. This requires strong community and regional governance. Local harvesting committees such as Ɂehdzo Got'Ɂné must have proper support in order to have the capacity to exercise its mandate in the co-management system. The DélɁné Ɂehdzo Got'Ɂné has also supported annual regional and cross-regional user group gatherings to share knowledge and experiences build consensus on caribou knowledge and conservation approaches³. The *Ɂekwé ghɁ Łánats'edá - Gathering for the Caribou* sponsored by the SRRB and hosted by DélɁné on January 27-29, 2015 was a good starting point for this kind of discussion.

Information Request 6 – Reviewing and revising the plan

Your proposal points out that it's helpful in planning: “to change the process when it needs changing.” The proposal also notes that “it's important to review the plan often to see what's working, what's not working, how we are progressing on our objectives, and plan our next steps.” How will DélɁné Got'Ɂné know when the plan needs changing? What is the process for making changes?

Response

Belarewílé Gots'é Ɂekwé envisions regular review and revision as part of the planning cycle. The plan has often been referred to as an iterative or “living document” that is responsive to the need for changes. Changes will be required when difficulties are identified in achieving plan objectives or tasks; when the context for the objectives changes, requiring an adjustment of the objectives; or when milestones are achieved, allowing for the identification of new objectives.

DélɁné has already undertaken a six month review of the plan in January (the planning process began in July), and already a number of issues have been identified that will necessitate improvements in the plan. The review has involved a meeting of the Ɂekwé Working Group to scope issues and possible solutions; a door-to-door campaign and presentations at the school

³ Per the Sahtú leadership resolution 1.3 that the Sahtú communities assemble together regularly to share knowledge and plans related to caribou in the Sahtú region, including celebrating our culture through traditional stories, music, dancing and cultural exchange (Colville Lake, April 23, 2016).

and adult learning centre, polling community members about the plan; and a harvesters meeting to review issues and recommendations of the Working Group.

The Délı̨nę ʔehdzo Got'ı̨nę acknowledges that while the starting point for this process is within the community, review of plan implementation and identification of changes needed must take place at different scales – including regional and cross-regional forums. For example, there will need to be regular dialogue with user groups (per IR 5), the SRRB, the Sahtú Secretariat Inc. and NWT Environment and Natural Resources (ENR) to reflect on the effectiveness of the plan from a larger perspective, given the large distances that encompass ʔekwé goʔededáhk'á (habitat). The 2016 Bluenose East ʔekwé hearing is an opportunity for such a feedback process that can support positive changes to the plan driven from within the community. Questions posed by ENR and the SRRB about the plan have already exposed gaps and areas requiring more detailed planning.



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Responses to Wek'èezhì Renewable Resources Board Information Requests - Belarewílé Gots'é ʔekwé – Caribou for All Time Proposal

February 27, 2016

The Délı̄nə ʔehdzo Got'ı̄nə thanks the Wek'èezhì Renewable Resources Board (WRRB) for the opportunity to provide further information about our perspective related to the *Belarewílé Gots'é ʔekwé – Caribou for All Time* proposal. Below please find our response to the Board's Information Request.

Information Request 10

The new Wildlife Act for the Northwest Territories came into force in November 2014. There are a number of actions and approaches for the purpose of ensuring compliance for caribou harvest.

What role has your organization played in the compliance and public education programs run by ENR for the Bluenose-East caribou herd?

Response

The primary emphasis for Délı̄nə ʔehdzo Got'ı̄nə collaboration with NWT Environment and Natural Resources (ENR) as a co-management partner during this first season of implementation of the *Belarewílé Gots'é ʔekwé* plan (winter 2015-2016) has been not so much on Délı̄nə participation ENR compliance and public education programs, but the reverse – Délı̄nə has invited ENR to participate in its plan implementation activities.

Belarewílé Gots'é ʔekwé plan combines research, monitoring, training, public education and communication in a single program area entitled Dene Náowerá (Dene knowledge). In this first year of implementation, this was the primary focus of community efforts, with a minimal objective of achieving public awareness and consensus about the plan, and agreement to accept the community decision to end the hunt when the limit of 150 had been reached.

The issue of compliance is addressed under the rubric of the Nátsezé (harvesting) program area, and in the *Déljñę ʔekwé Code*. Activities specific to compliance have not been undertaken by the community at this early phase, although there has been preliminary discussion about the need for future implementation of on-the-land monitoring, a buddy system for younger hunters, and the three step community plan to address non-compliance outlined in the *Code*. For more details, see our response to ENR Information Requests, posted on the Public Registry at www.srrb.nt.ca.

This first round of collaborative implementation with ENR has been remarkably successful, with some weak areas that we feel have strong potential to be successful in the 2016-2017 harvest season, with advance planning, coordination, training and funding support. It should be noted that ENR has provided invaluable assistance in documenting our collaborative activities. The following is a table listing and assessing four key activities that ENR was invited to participate in:

Déljñę Collaborative Activities with ENR

Activity	Description
1. ʔekwé Working Group	Déljñę was supported by the NWT Species At Risk Stewardship Program to initiate ʔekwé conservation planning. The initial planning work was done in July 2015, and ENR was invited to participate in early November, just prior to and including the public meeting at which the plan was presented and approved. Since that time, the Sahtú Region Manager of Wildlife for ENR has been a regular participant in Working Group processes, and Déljñę has requested that the local ENR officer become more involved. ENR played a valuable role in posing questions to Working Group members that led to formulation of community responses, thereby adding more detail about procedures for plan implementation.
2. Health sample program	Déljñę strongly supported the use of health sample kits as a way to strengthen the knowledge base for ʔekwé conservation. However, this program was not a success. In our view the problem was lack of advance planning and adequate training and coordination. The Déljñę ʔehdzo Got'jñę has hopes that with a major planning effort over the coming months and a campaign prior to the 2016-2017 harvest season including training, awareness-building and incentives, this program will be more successful on the second round, with an objective of achieving as close to a 100% return rate on harvested ʔekwé as possible.
3. Harvest monitoring and management	Déljñę established a monthly routine starting in early January 2016 of meeting with ENR and the ʔehdzo Got'jñę Gotsé Nákedı (Sahtú Renewable Resources Board – SRRB) to review harvest practices and numbers and plan any actions to be taken. The meetings each led to consensus among the three parties about the status of the harvest, improvements in monitoring methods, and significant decisions taken by the Déljñę ʔehdzo Got'jñę and Working Group regarding harvest

Activity	Description
	<p>management measures. The January meeting identified that the harvesting threshold had been reached as defined in the plan of 100 yárégo (young males) and no tsída (females) – triggering a public meeting to discuss ending the harvest that ENR participated in. The February meeting identified that the harvest limit of 150 had been reached, with ENR involvement.</p> <p>Délįnę also envisioned a harvest and ǰekwé monitoring program on the land in collaboration with ENR - including locating kill sights, collecting hides and fecal samples for genetic analysis. But by the time the <i>Belarewílé Gots'é ǰekwé</i> plan was approved it was too late to plan, secure funding, hire monitors and coordinate training to fulfill this objective. The hope is that with advance planning a successful program can be undertaken in 2016-2018.</p>
4. Public awareness	<p>ENR was invited to assist in distribution of community brochures regarding the <i>Belarewílé Gots'é ǰekwé</i> plan and the community decision to end the harvest, as well as the effort to put up signs on the winter road. We have not yet received a report on this initiative from ENR (ideally in the future Délįnę community members will participate, so reporting including feedback on the effectiveness of communication materials can be jointly provided to the Délįnę ǰehdzo Got'įnę).</p>

ENR did invite Délįnę ǰehdzo Got'įnę to participate in their compliance patrols on February 9 and there was interest in participating, however this was not possible due to lack of advance planning and capacity support.

There are a number of additional ENR compliance and public education activities that the Délįnę ǰehdzo Got'įnę believes could greatly benefit from a more collaborative approach in the future, including but not limited to:

- School education program
- Development of communication materials (with the inclusion of culturally appropriate messages and Dene terminology, and drawing from the *Belarewílé Gots'é ǰekwé* plan).
- Sight your rifle and hunter education activities.
- Caribou



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April 21, 2016

Grant Pryznyk
Chairperson
Wek'èezhì Renewable Resources Board
PO BOX 67 Wekweeti NT X0E 1W0

Re: Déljné ʔehdzo Got'jné (Renewable Resources Council) Final Written Submission for Wek'èezhì Renewable Resources Board Public Hearing on Bluenose East Caribou Herd Management Proposal 2016-19

The Déljné ʔehdzo Got'jné (Déljné Renewable Resources Council, DRRC) appreciates the opportunity to participate in this process, and to present own management proposal for the Bluenose East caribou, ***Belarewíle Gots'è ʔekwé - Caribou for All Time: A Déljné Got'jné Plan of Action***.

We have reviewed the “*Government of the Northwest Territories and Tłjchq Government Joint Proposal on Caribou Management Actions for the Bluenose East Herd: 2016-2019*” (“the Proposal”), and related materials posted on the Public Registry of the Wek'èezhì Renewable Resources Board (WRRB). The DRRC will not be commenting on any specific aspects of the Joint Proposal, but would like to respectfully submit our Final Written Arguments regarding the role of the Déljné Plan of Action as part of the broader management context for this herd.

Our objective in presenting at the WRRB hearing was to be able to share with our relatives and neighbours in the Tłjchq Region what we have learned in our first year of planning and implementation. We wanted to demonstrate how a community-driven conservation plan like Déljné's can fit into the larger picture of cross-regional and cross-cultural caribou stewardship. The Plan is an effort to document and renew the conservation approach of our grandparents. We have a long common history and shared landscape with the Tłjchq people, and implementing and developing our Plan moving forward will require renewing and maintaining our relationships with them.

The Déljné community leadership organisations decided to establish a Working Group of knowledgeable elders, current harvesters and youth to develop the Déljné Plan in order to achieve recognition of and support for our approach to caribou conservation by our co-management partners. In undertaking this we drew upon successful experiences in indigenous community conservation initiatives elsewhere in Canada and in Australia. But the Déljné Plan is an expression of Dene Tsjlì (who we are as Dene), and represents one avenue among the diverse approaches that are needed for caribou conservation.

We are thankful to our community for their strong support and commitment in its first year, and to the Sahtú and Wek'èezhì Renewable Resources Boards as well as ENR for their consideration. We look forward to continuing dialogue within and beyond the Sahtú. We still have a lot to learn from our own experience and from others, and therefore consider the Plan to be a living document that will evolve and grow stronger over time.

Délı̄nẹ looks forward to supporting and cooperating with the Tłı̄chọ people and leadership, no matter what path they choose for their territory, as we all have a shared goal of ensuring that there are *Caribou for All Time*.

Should you have any questions, please do not hesitate to **contact** Walter Bezha, 867-589-8100 ext. 1004, or dlc_lands@gov.deline.ca.



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Sahtú Renewable Resources Board Bluenose-East Caribou Herd Public Hearing – Sahtú Youth Connection Undertaking

April 29, 2016

This correspondence is the Délı̨nę ʔehdzo Got'ı̨nę (Renewable Resources Council) response to an undertaking for Deline to the Sahtú Youth Connection taken on March 2, 2016 at the Bluenose-East Caribou Herd Public Hearing, regarding *Belarewı̨le Gots'ę ʔekwé –Caribou for All Time: A Délı̨nę Got'ı̨nę Plan of Action* (the Plan). The undertaking is as follows:

- Provide information about how Deline defines the area of "the locations where Deline has traditionally harvested in the Bluenose West area" as referenced on page 30 of the Deline Plan.

At the time of the Sahtú Renewable Resources Board hearing, Appendix C of *Belarewı̨le Gots'ę ʔekwé* outlined the Délı̨nę ʔekwé Code for náts'ezé (harvesting). At p. 30, the application of the Code by area was stated as follows (the portion relevant to this undertaking is shown in bold font):

4. This Code applies

- a) in respect of Délı̨nę Got'ı̨nę harvesting ʔekwé in
 - i. the Bluenose East Area.
 - ii. the Bluenose West Area.
- b) in respect of Sahtú Participants from outside Délı̨nę who harvest:
 - i. ʔekwé in the Bluenose East Area.
 - ii. **ʔekwé in locations where Délı̨nę Got'ı̨nę have traditionally harvested in the Bluenose West Area.**
- c) in respect of Délı̨nę Got'ı̨nę participating in the Dene Béré Kats'ı̨ı̨we.

Based on feedback and questions that arose during public meetings and the hearings, we have since revised the Délı̨nę ʔekwé Code to read as follows:

4. This Code applies

- a) in respect of Déljné Got'jné and Sahtú participants from outside Déljné harvesting ɔekwé in
 - i. the Bluenose East Area of the Déljné District.
 - ii. the Bluenose West Area of the Déljné District.
- b) in respect of Déljné Got'jné participating in the Dene béré kats'jnjwe in the Déljné District.
- c) in respect of Déljné Got'jné participating in the Dene béré kats'jnjwe.

Due to these recent revisions, the question posed by the Sahtú Youth Connection is no longer applicable.

Thank you for your question and for your interest in the Plan.



Ed Reeves, Manager
Déljné ɔendzo Got'jné (Renewable Resources Council)



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Sahtú Renewable Resources Board Bluenose-East Caribou Herd Public Hearing – Undertakings No. 1-5

April 29, 2016

Please find attached the Dǎlǎnǎ ʔehdzo Got'ǎnǎ (Renewable Resources Council or DRRC) responses to Undertakings No. 1 through 5 taken on March 2, 2016 at the Bluenose-East Caribou Herd Public Hearing, regarding *Belarewile Gots'ǎ ʔekwǎ Caribou for All Time: A Dǎlǎnǎ Got'ǎnǎ Plan of Action* (or the Dǎlǎnǎ Caribou Conservation Plan). The undertakings are as follows:

1. Is Dǎlǎnǎ asking to establish a Total Allowable Harvest (TAH) for Dǎlǎnǎ as a whole that reflects what is written in the Code?
2. With respect to s. 7 of the Dǎlǎnǎ plan which refers to harvesting 150 Bluenose-East and [50] Bluenose-West – is Dǎlǎnǎ asking the Board to make a locally applicable harvest for Dǎlǎnǎ or a locally applicable TAH of those numbers of caribou within the Dǎlǎnǎ district as a whole?
3. If Dǎlǎnǎ is requesting a TAH established through the community of Dǎlǎnǎ or within the Dǎlǎnǎ district, is Dǎlǎnǎ requesting that the harvest can only be carried out within the Dǎlǎnǎ district; must that quota of caribou only be harvested in the Dǎlǎnǎ district or does it travel with the Dǎlǎnǎ participant to other areas of the Sahtú?
4. Regarding other Sahtú beneficiaries – is Dǎlǎnǎ requesting the Board to limit the rights of Sahtú participants to harvest any caribou in addition to the 150 BNE and 50 BNW caribou in the Dǎlǎnǎ district?
5. Is Dǎlǎnǎ requesting the Board to limit the exercise of rights on the part of Dǎlǎnǎ participants to harvest BNE and BNW only in the Dǎlǎnǎ district?

Sincerely,

Ed Reeves

Dǎlǎnǎ ʔehdzo Got'ǎnǎ (Renewable Resources Council)

Preamble to Undertakings – Déljné to Colville Lake

Each of the five Colville Lake undertakings centers on questions around potential implications of the Harvest Policy (ʔekwé Náts'ezé ʔeʔa) and the Déljné ʔekwé Code as outlined in *Belarewile Gots'é ʔekwé – Caribou for All Time: A Déljné Got'jné Plan of Action* (referred to here as the Déljné Plan or the Plan) on Total Allowable Harvests (TAH) for the Bluenose-East (BNE) herd and harvesting rights of Sahtú beneficiaries, both from Déljné and from other communities.

It is important to stress that the Plan was developed by Déljné as a guide only, and as such does not affect TAH allocations, nor impinge on náts'ezé (harvesting) rights of any individual as outlined in the Sahtú Dene and Métis Comprehensive Land Claim Agreement (SDMCLCA, 1993). The Plan is a response to concerns among Déljné Got'jné that ʔekwé (barren-ground caribou) populations are declining; we see a need to put forward conservation actions based on Dene understandings of our relationship with ʔekwé and the land. We recognize that the decline in ʔekwé has not been caused by harvesting, and we are developing further conservation measures in the ʔededáhk'á (habitat) program area of the plan. However, because we are concerned that the populations are going down, we are invoking the practice of our grandparents, dícho k'ets'ene ajá t'á (giving them a rest), so there will be peace and quiet on the land until ʔekwé njah (caribou make a thundering sound when they return).

The Déljné ʔehdzo Got'jné recognizes that the land claim agreement provides a mechanism for protecting Dene and Métis náts'ezé rights through a formula that establishes the Sahtú Minimum Needs Level. However, the community wishes to ensure that ʔekwé are there for future generations, and for this reason supports a reduced and coordinated ʔekwé gha máhsi ts'jnjwe (ceremonial harvest) instead of subsistence náts'ezé to serve “minimum needs.” (*Belarewile Gots'é ʔekwé*, p. 21)

The Plan proposes a protocol for ʔekwé gha máhsi ts'jnjwe (ceremonial harvest) of Bluenose-East caribou. This is based on the Dene concept added for clarification to the forthcoming revised version of the plan, dícho así k'ets'ene ajá t'á náze gha báts'odi (it went down so we're going to leave it), and **does not represent a quota nor a subsistence harvest**. Instead, the sole purpose of ʔekwé gha máhsi ts'jnjwe is “to maintain the relationship of Déljné Got'jné with ʔekwé, and where the methods, seasons and locations of said harvest are outlined in this Code,” (*Belarewile Gots'é ʔekwé*, p. 31), and to support and encourage Dene béré kats'jnjwe (the harvest of alternate food sources).

SDMCLCA Section 13.9.4(b) provides that the ʔehdzo Got'jné has the authority to manage “the local exercise of participants' harvesting rights, including the methods, seasons and location of ʔekwé harvests” (1993: 63). *Belarewile Gots'é ʔekwé* is Déljné's way of exercising those rights and at the same time rebuilding our traditional relationship with caribou. **Actions described in the Plan are not intended to impact Aboriginal rights**. The information included in the five undertakings below is based on our understanding of these key aspects of the Plan. However, it is also important to stress that the Plan is a “living document” that has changed and will continue to change as this process unfolds.

Undertaking 1: Is Déljñę asking to establish a Total Allowable Harvest for Déljñę as a whole that reflects what is written in the Code?

The Déljñę Plan does not seek to establish a Total Allowable Harvest (TAH) for Déljñę harvesters or for Déljñę as a whole. Instead, the Plan proposes an alternative to the TAH approach that supports a protocol for Ɂekwé gha máhsı ts'ıñjwe that is agreed upon by consensus in the community, as a means of conserving Ɂekwé (caribou) while allowing Dene and Ɂekwé to maintain their relationships through their own ɁeɁa (laws). The Ɂekwé gha máhsı ts'ıñjwe protocol is a way to respect the animals' needs, giving them a rest from harvesting and human activity. When Dene behave respectfully toward Ɂekwé, they know that Ɂekwé will return – Ɂekwé ıñɁah.

Undertaking 2: With respect to s. 7 of the Déljñę plan which refers to harvesting 150 Bluenose-East and [50] Bluenose-West – is Déljñę asking the Board to make a locally applicable harvest for Déljñę or a locally applicable TAH of those numbers of caribou within the Déljñę district as a whole?

As outlined above, Déljñę is not seeking to establish a Total Allowable Harvest, and so is not asking the Board to support a locally applicable TAH either for Déljñę harvesters or for the Déljñę district as a whole. Instead, the Déljñę Plan approaches harvest management via a system of self-regulation that relies on a protocol decided upon by the community. The Plan is a guide that only applies within the Déljñę district, where the DRRC has the jurisdiction to manage the local exercise of participants' harvesting rights as laid out in SDMCLCA Section 13.9.4(b)).

It is important to reiterate that the Plan is currently under revision, based on the questions and feedback that arose in public meetings and during the recent hearings. We recognize that there will be further work needed, especially as we continue to communicate with other user groups that rely on the Bluenose-East herd.

Undertaking 3: If Déljñę is requesting a TAH established through the community of Déljñę or within the Déljñę district, is Déljñę requesting that the harvest can only be carried out within the Déljñę district; must that quota of caribou only be harvested in the Déljñę district or does it travel with the Déljñę participant to other areas of the Sahtú?

Because Déljñę is not requesting a TAH in any form, this question is not applicable.

Undertaking 4: Regarding other Sahtú beneficiaries – is Déljñę requesting the Board to limit the rights of Sahtú participants to harvest any caribou in addition to the 150 BNE and 50 BNW caribou in the Déljñę district?

No, Déljñę is not seeking to limit the rights of Sahtú participants. As outlined in our response to Undertaking No. 2, we are seeking to manage the local exercise of participants' harvesting rights as laid out in the land claim agreement, and it is Déljñę's view that this is not a limit on the rights of Sahtú participants. An important next step in implementing and developing the Plan as a living document will be further dialogue within the community and with other communities in the Sahtú Region, especially regarding the meaning of dícho ası K'ets'ęne ajá t'á náze gha báts'odi (they've gone down, so we need to give them a rest) and Ɂekwé gha máhsı ts'ıñjwe (the ceremonial harvest).

What this is likely to entail is developing an understanding of the protocols for the ceremonial harvest or determining when and where it is that the caribou need a rest. As also outlined in No. 2, Déljñę

recognizes that the concept of self-regulation needs to encompass dialogue with other communities and agreement on the process. Délıne envisions that other communities and/or user groups will be developing their own plans and as time goes on, we expect that it will be possible to develop a consistent approach to the conservation of caribou through this kind of dialogue.

Undertaking 5: Is Délıne requesting the Board to limit the exercise of rights on the part of Délıne participants to harvest BNE and BNW only in the Délıne district?

No, Délıne is not requesting the Board limits the exercise of rights on the part of Délıne participants to harvest BNE and BNW only in the Délıne district. Instead we ask the Board to support our Plan for a community-based approach to conservation through traditional Dene methods of self-regulation as well as other stewardship actions. Délıne is requesting recognition of its jurisdiction under SDMCLCA 13.9.4(b) to manage “the local exercise of participants’ harvesting rights, including the methods, seasons and location of Ɂekwé harvests” through conservation planning and self-regulation, that includes a broad suite of other conservation actions that would be collaboratively undertaken with the Wildlife Management Authority and other communities.

While the Náts’ezé (Hunting) area of the Plan has received the most work to date, there are three other program areas that we are currently developing in a phased planning process. Later versions of the Plan will include more details on these other program areas.



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Sahtú Renewable Resources Board Bluenose-East Caribou Herd Public Hearing

ʔehdzo Got'ı̄ne Gotsé Nákedı Questions

May 3, 2016

This correspondence contains responses by the Délı̄ne ʔehdzo Got'ı̄ne (Renewable Resources Council) to the two additional questions submitted by the ʔehdzo Got'ı̄ne Gotsé Nákedı (Sahtú Renewable Resources Board – SRRB) in a letter dated April 21, 2016.

Please don't hesitate to contact us if you require further information.


Ed Reeves, Manager
Délı̄ne ʔehdzo Got'ı̄ne (Renewable Resources Council)

SRRB Question 1

There was evidence at the SRRB and WRRB hearings about how different user groups from the Tı̄chq, Nunavut and Sahtú all use the Bluenose East herd. You have had time to think about the questions raised by Colville Lake in the March 1-3 hearings, and the evidence from the regions in the April 6-8 hearings in Behchokq. Do you have more thoughts about how you see the plan interacting with plans developed for other user groups, such as the Tı̄chq and other Sahtu communities?

Response

Délı̄ne sees the phase of Bluenose East conservation planning over the past year as an initial step in an ongoing process of plan development that must necessarily include dialogue with other user groups. Délı̄ne understands that the Tı̄chq have collaboratively developed a proposed plan with NWT Environment and Natural Resources that is now being considered by the Wek'èezhı̄ Renewable Resources Board (WRRB), and that other communities within the Sahtú Region wish to develop their own conservation plans.

As noted in our April 21 Final Submission to the WRRB, “implementing and developing our Plan moving forward will require renewing and maintaining our relationships” with our neighbours. Our April 29 response to Colville’s fourth undertaking further points out that this collaborative process will entail a

lot of learning for everyone: “as time goes on, we expect that it will be possible to develop a consistent approach to the conservation of caribou through this kind of dialogue.” Délıne has clarified that the scope of the *Belarewıle Gots’ę ęekwę – Caribou for All Time* plan is limited to the Délıne District, which is the scope of the Délıne ęehdzo Got’ıne powers under the Sahtú Dene and Métis Comprehensive Land Claim Agreement.

Délıne strongly supports other jurisdictions in establishing their own paths to caribou conservation, and is eager to participate in collaborative conservation processes across districts and regions, as we all have a shared vision for *Belarewıle Gots’ę ęekwę – Caribou for All Time*.

SRRB Question 2

This question is about how you see the Plan and Code relating to enforcement under the Wildlife Act, if people do not follow the harvesting thresholds you have set out.

Délıne’s Code proposes an alternative community-based enforcement process for dealing with people who do not follow the caribou harvesting code. That process, as we understand it, starts with the person’s family speaking directly to the person who is not abiding by the Code, then moves to a Sentencing Circle process and then, if it is not resolved, referral of the matter to GNWT for enforcement under the Wildlife Act. Enforcement is an area outside the SRRB’s jurisdiction but the ability of Délıne to demonstrate that the Code will be effective is an important consideration in understanding the conservation implications of the Plan and Code. The Board is aware that there are mechanisms under the Wildlife Act that allow for alternative enforcement programs. For instance, the Wildlife Act allows alternative enforcement measures can be used to deal with offences under the Wildlife Act if certain conditions are met. One of those conditions, for example, is that an alternative enforcement program would have to be authorized by the Minister of Justice.

Do you see the entire three-step Délıne Code enforcement program being an alternative under the existing Wildlife Act, or do you see the Délıne enforcement program as a process completely outside the Wildlife Act that is recognized by the Wildlife Act as an alternative only at the third and last step in the proposed process?

Would Délıne be willing to work with the GNWT to develop an alternative enforcement measures program authorized by the GNWT Minister of Justice?

Response

Thanks to the SRRB for pointing out Section 167 in the *Wildlife Act* regarding the use of “Alternative Measures” for enforcement (this section along with associated Section 157 are included with this letter as Appendices A and B for easy reference). The question regarding the applicability of Section 167 Alternative Measures has not been discussed by the Délıne ęekwę Working Group or the Délıne ęehdzo Got’ıne, so it is not possible to provide a determination at this time.

The Délıne Working Group will be addressing this and other issues related to implementation of the *Belarewıle Gots’ę ęekwę* Plan and Code in the 2016-2017 planning phase. Section 167 may provide a supporting framework for the enforcement component of the Code, but this bears further investigation. Délıne would be 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 self-regulation approach.

Appendix 1: Wildlife Act Section 167 - Alternative Measures

Certificate of Superintendent	<p>(3) In any proceedings under this Act or the regulations, a certificate signed by the Superintendent stating that wildlife</p> <ul style="list-style-type: none"> (a) has been examined by a person qualified to judge and classify wildlife, and (b) is of a certain species or sex or is in a certain condition, <p>is, in the absence of evidence to the contrary, proof of the facts stated in the certificate and of the authority of the Superintendent without further proof of the appointment or signature of the Superintendent.</p>	<p>(3) Dans une instance sous le régime de la présente loi ou de ses règlements, fait foi jusqu'à preuve du contraire de son contenu et des pouvoirs du surintendant sans qu'il soit nécessaire de prouver la nomination ou la signature du surintendant, le certificat signé par le surintendant indiquant qu'un animal de la faune :</p> <ul style="list-style-type: none"> a) a été examiné par une personne possédant les qualités requises pour juger et classer un animal de la faune; b) est de telle espèce, de tel sexe ou dans tel état. 	Certificat du surintendant
Burden of proving exception	<p>166. (1) In a prosecution under this Act or the regulations, the burden of proving that an exemption, exclusion, exception, excuse or qualification under this Act or the regulations operates in favour of the accused is on the accused, and the prosecutor is not required to prove the contrary except by way of rebuttal.</p>	<p>166. (1) Dans toute poursuite sous le régime de la présente loi ou de ses règlements, il incombe à l'accusé de prouver qu'une exemption, une exclusion, une exception, une excuse ou une qualité requise prévue par la présente loi ou ses règlements s'applique en sa faveur; le poursuivant n'est pas tenu, sauf à titre de preuve contraire, de prouver l'inverse.</p>	Preuve de l'exception
Burden of proving permit, licence	<p>(2) If holding a licence, permit or other authorization is a defence to a prosecution of an offence under this Act, the accused has the burden of proving that he or she held the licence, permit or authorization at the material time.</p>	<p>(2) Si le fait d'être titulaire d'un permis, d'une licence ou d'une autre autorisation constitue une défense à une poursuite relative à une infraction à la présente loi, il incombe à l'accusé de prouver qu'il en était titulaire à l'époque pertinente.</p>	Preuve de permis ou de licence
Alternative Measures		Mesures de rechange	
Use of alternative measures	<p>167. (1) Alternative measures may be used to deal with a person alleged to have committed an offence if the following conditions are met:</p> <ul style="list-style-type: none"> (a) the measures are part of a program of alternative measures authorized by the Minister of Justice; (b) the person who is considering whether to use the measures is satisfied that they would be appropriate, having regard to the needs of the person alleged to have committed the offence and the interests of society; (c) the person, having been informed of the alternative measures, fully and freely consents to participate; (d) the person has, before consenting to participate in the alternative measures, been advised of the right to be represented by counsel and has been given a reasonable opportunity to consult with counsel; (e) there is, in the opinion of the Attorney General for the Northwest Territories or his or her agent, sufficient evidence to proceed with the prosecution of the offence; 	<p>167. (1) Le recours à des mesures de rechange à l'égard de l'auteur présumé d'une infraction est possible si les conditions suivantes sont réunies :</p> <ul style="list-style-type: none"> a) les mesures font partie d'un programme de mesures de rechange autorisé par le ministre de la Justice; b) la personne qui envisage de recourir aux mesures est convaincue qu'elles sont indiquées compte tenu des besoins de l'auteur présumé de l'infraction et de l'intérêt de la société; c) l'auteur présumé, après avoir été informé des mesures de rechange, consent à collaborer à leur mise en oeuvre; d) l'auteur présumé, avant de consentir à collaborer à leur mise en oeuvre, a été avisé de son droit d'être représenté par un avocat et a eu une occasion raisonnable d'en consulter un; e) le procureur général des Territoires du Nord-Ouest ou son mandataire estime qu'il y a des preuves suffisantes justifiant des poursuites relatives à l'infraction; f) aucune règle de droit ne fait obstacle aux poursuites relatives à l'infraction. 	Recours aux mesures de rechange

(f) the prosecution of the offence is not in any way barred at law.

Restriction on use

(2) Alternative measures must not be used to deal with a person alleged to have committed an offence if the person

- (a) denies participation or involvement in the commission of the offence; or
- (b) expresses the wish to have any charge against him or her dealt with by a court.

(2) Il ne peut y avoir de mesure de rechange lorsque l'auteur présumé d'une infraction :

- a) soit nie toute participation à la perpétration de l'infraction;
- b) soit manifeste le désir de voir déférer au tribunal toute accusation portée contre lui.

Restrictions

Admissions not admissible

(3) No admission, confession or statement accepting responsibility for a given act or omission made by a person alleged to have committed an offence as a condition of the person being dealt with by alternative measures is admissible in evidence against that person in any civil or criminal proceedings.

(3) Les aveux de culpabilité ou les déclarations de responsabilité pour un acte ou une omission donné que fait l'auteur présumé d'une infraction pour pouvoir bénéficier de mesures de rechange ne sont pas admissibles en preuve dans les actions civiles ou les poursuites pénales engagées contre lui.

Non-admissibilité des aveux

Agreement

(4) Alternative measures may include the making of an agreement containing any terms and conditions, including terms and conditions

- (a) in relation to matters referred to in section 157;
- (b) recommended by a local harvesting committee, renewable resources board or Aboriginal organization; and
- (c) relating to costs associated with ensuring compliance with the agreement.

(4) Les mesures de rechange peuvent prévoir la conclusion d'un accord assorti de conditions, notamment :

- a) en ce qui touche les questions visées à l'article 157;
- b) les conditions recommandées par le comité local sur la récolte, l'office des ressources renouvelables ou une organisation autochtone;
- c) en ce qui touche les frais entraînés par le contrôle du respect de l'accord.

Accord

No bar to proceedings

(5) The use of alternative measures in respect of a person alleged to have committed an offence is not a bar to proceedings against the person under this Act, and does not prevent a person from laying an information, obtaining the issue or confirmation of a process, or proceeding with the prosecution of an offence in accordance with the law.

(5) Le recours aux mesures de rechange à l'égard de l'auteur présumé d'une infraction n'empêche pas l'exercice de poursuites contre celui-ci dans le cadre de la présente loi et n'empêche pas les dénonciations, l'obtention ou la confirmation d'un acte de procédure ou l'engagement de poursuites relatives à une infraction en conformité avec la loi.

Possibilité de mesures de rechange et poursuites

Dismissal

(6) Notwithstanding subsection (5), if a charge is laid against a person in respect of an offence that is dealt with through alternative measures, the court shall dismiss the charge

- (a) if satisfied, on a balance of probabilities, that the person has totally complied with the terms and conditions of the alternative measures; or
- (b) if satisfied, on a balance of probabilities, that the person has partially complied with the terms and conditions of the alternative measures, and if satisfied that prosecution of the charge would be unfair having regard to the circumstances and the person's performance with respect to the alternative measures.

(6) Malgré le paragraphe (5), dans le cas où il y a eu recours aux mesures de rechange, le tribunal rejette toute accusation portée contre la personne relativement à l'infraction s'il est convaincu, selon la prépondérance des probabilités, que cette personne :

- a) soit s'est totalement conformée aux conditions des mesures de rechange;
- b) soit s'est conformée aux conditions des mesures de rechange en partie seulement et, s'il estime par ailleurs que les poursuites sont injustes eu égard aux circonstances et compte tenu du rendement de la personne dans l'exécution des mesures de rechange.

Accusation rejetée

Appendix B: Wildlife Act Section 157 - Additional Order

	<p>or</p> <p>(b) in the course of operations under a licence, permit or other authorization issued to the accused,</p> <p>whether or not the person has been prosecuted for the offence, unless the accused establishes that the offence was committed without the knowledge or consent of the accused.</p>	<p>pour l'infraction, agissant :</p> <p>a) soit comme employé ou mandataire de l'accusé dans le cadre de son emploi ou de son mandat;</p> <p>b) soit dans le cadre d'activités en vertu d'un permis, d'une licence ou d'une autre autorisation délivrée à l'accusé.</p>	
Offences by client, guide	<p>153. A person employed or retained as a guide may be convicted of an offence, whether or not his or her client has been prosecuted for the offence, if it is established that</p> <p>(a) the offence was committed by a client of the guide while the guide was providing guiding services to the client; and</p> <p>(b) the guide assented to or acquiesced in the commission of the offence.</p>	<p>153. La personne employée comme guide ou dont on a retenu les services de guide peut être déclarée coupable d'une infraction, que son client ait ou non été poursuivi pour l'infraction, s'il est établi que :</p> <p>a) l'infraction a été commise par le client pendant que le guide lui servait de guide;</p> <p>b) le guide a consenti ou acquiescé à la perpétration de l'infraction.</p>	Infractions commises par un client, un guide
Defence	<p>154. A person shall not be convicted of an offence under this Act or the regulations if the person establishes that he or she exercised all due diligence to prevent the commission of the offence.</p>	<p>154. Nul ne peut être déclaré coupable d'une infraction à la présente loi ou à ses règlements s'il établit qu'il a fait preuve de diligence pour empêcher la perpétration de l'infraction.</p>	Défense
Forfeiture following conviction	<p>155. (1) A court that convicts a person of an offence may, in addition to any other penalty imposed, order that a thing seized in connection with the offence and not otherwise forfeited, returned or disposed of under this Act, or any proceeds of its disposition, be forfeited to the Government of the Northwest Territories.</p>	<p>155. (1) Le tribunal qui déclare une personne coupable d'une infraction peut, en plus de toute autre peine, ordonner la confiscation, au profit du gouvernement des Territoires du Nord-Ouest, des choses saisies dans le cadre de l'infraction qui n'ont pas été autrement confisquées, remises ou dont il n'a pas été autrement disposé en vertu de la présente loi, ou du produit de leur disposition.</p>	Confiscation après la condamnation
Return to owner	<p>(2) A convicting court that does not order forfeiture under subsection (1) may order that a thing referred to in that subsection, or any proceeds of its disposition, be returned to its owner or the person lawfully entitled to its possession.</p>	<p>(2) S'il n'ordonne pas la confiscation en application du paragraphe (1), le tribunal peut ordonner qu'une chose visée à ce paragraphe, ou le produit de sa disposition, soit remise au propriétaire ou à la personne qui a droit à sa possession.</p>	Remise au propriétaire
Retention and sale of thing seized	<p>156. If a fine is imposed on a person convicted of an offence, a thing seized, or any proceeds of its disposition, may be retained until the fine is paid, or the thing may, not less than one year after the day the fine is imposed, be sold in satisfaction of the fine with the proceeds applied, in whole or in part, in payment of the fine.</p>	<p>156. Si la personne déclarée coupable doit payer une amende, les choses saisies, ou le produit de leur disposition, peuvent être retenues jusqu'au paiement de l'amende ou, un an après l'imposition de l'amende, peuvent être vendues et le produit de la vente peut être affecté en tout ou en partie au paiement de l'amende.</p>	Rétention ou vente
Additional order	<p>157. A court that convicts a person of an offence may, in addition to any other penalty imposed and having regard to the nature of the offence and the circumstances surrounding its commission, make one or more of the following orders:</p> <p>(a) prohibiting the person from doing any act or engaging in any activity that the court considers could result in the continuation</p>	<p>157. Le tribunal qui déclare une personne coupable d'une infraction peut, en plus de toute autre peine et compte tenu de la nature de l'infraction et des circonstances de sa perpétration, lui imposer par ordonnance une ou plusieurs des obligations suivantes :</p> <p>a) s'abstenir d'accomplir tout acte ou d'exercer toute activité que le tribunal</p>	Ordonnances supplémentaires

- or repetition of the offence;
 - (b) directing the person to take any action that the court considers appropriate to remedy or avoid any harm to any wildlife or habitat to which this Act applies, that has resulted or may result from the commission of the offence;
 - (c) directing that the person must successfully complete an approved harvester training course before carrying out any future harvesting of wildlife in the Northwest Territories;
 - (d) directing the person to publish, in any manner that the court considers appropriate, the facts relating to the commission of the offence;
 - (e) directing the person to pay to the Government of the Northwest Territories an amount for all or any of the cost of remedial or preventative action taken, or to be taken, by or on behalf of the Government of the Northwest Territories as a result of the commission of the offence;
 - (f) directing the person to perform community service in accordance with any conditions that the court considers appropriate;
 - (g) directing the person to submit to the Minister, on application to the court by the Minister within three years after the conviction, any information that the court considers appropriate about the activities of the person in relation to matters within the scope of this Act;
 - (h) directing the person to post a bond or pay an amount into court that the court considers appropriate for the purpose of ensuring compliance with any prohibition, direction or requirement under this section;
 - (i) directing the person to pay for deposit in the Natural Resources Conservation Trust Fund, established under the *Natural Resources Conservation Trust Act*, a specified amount which, when added to the amount of a fine ordered, must not exceed the maximum fine that may be imposed for the particular offence;
 - (j) requiring the person to comply with any other conditions that the court considers appropriate for securing the person's good conduct or for preventing the person from repeating the offence or committing other offences.
- juge susceptible d'entraîner la continuation de l'infraction ou la récidive;
 - b) prendre les mesures que le tribunal juge indiquées pour corriger ou éviter toute atteinte à la faune ou à l'habitat visé par la présente loi qui a résulté ou est susceptible de résulter de la perpétration de l'infraction;
 - c) achever avec succès un cours de formation des récoltants avant de se livrer à toute autre récolte de la faune aux Territoires de Nord-Ouest;
 - d) publier, de la façon que le tribunal juge indiquée, les faits liés à la perpétration de l'infraction;
 - e) verser au gouvernement des Territoires du Nord-Ouest un montant couvrant les frais associés aux mesures correctives ou préventives prises – ou qui le seront – par le gouvernement des Territoires du Nord-Ouest ou pour son compte par suite de la perpétration de l'infraction;
 - f) exécuter du travail communautaire conformément aux conditions que le tribunal estime indiquées;
 - g) fournir au ministre, à la suite d'une demande du ministre au tribunal dans un délai de trois ans à compter de la déclaration de culpabilité, les renseignements relatifs à ses activités que le tribunal estime indiqués dans le cadre de la présente loi;
 - h) en garantie de l'exécution des obligations imposées au titre du présent article, fournir le cautionnement ou déposer auprès du tribunal le montant que celui-ci juge indiqué pour assurer le respect d'une interdiction, d'un ordre ou d'une exigence en vertu du présent article;
 - i) verser une somme déterminée, qui ne peut dépasser, lorsqu'elle est ajoutée à l'amende ordonnée, l'amende maximale pouvant être imposée à l'égard de l'infraction visée, à déposer au Fonds de fiducie pour la conservation des ressources naturelles établi en vertu de la *Loi sur la fiducie pour la conservation des ressources naturelles*;
 - j) remplir les autres conditions que le tribunal estime indiquées pour assurer sa bonne conduite ou pour empêcher la récidive ou la perpétration d'autres infractions.

