



**ʔehdzo Got'ɫn̓ Gots'ɛ Nákedi**

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Erin Kelly, PhD, Deputy Minister  
Environment and Natural Resources  
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***Delivered via email***

November 29, 2021

**RE: Agenda Questions for Délɫn̓ 2021 Virtual ʔelets'éhkw̓ Godi (Public Listening Session):  
Tɫch'ádii hé Gots'edi (Living with Wildlife): Predators and Competitors**

Dear Dr. Kelly:

This letter follows upon your letters of September 1 and October 18, 2021, stating that ENR representatives would “not be able to meaningfully participate” in the agenda consideration of primary responsibility for stewardship and ʔehdzo Got'ɫn̓ (Renewable Resources Council) powers. In your October 18 letter, you offered to provide the legal bases and analysis for the ENR position, but to date, no such analysis has been received.

In addition to your letters of September 1 and October 18, ENR has declined to respond to questions issued to parties via Information Requests regarding primary responsibility for stewardship ʔehdzo Got'ɫn̓ (Renewable Resources Council) powers.

The SRRB does not consider the concerns outlined in your letters of September 1 and October 18, nor in the responses provided to the Round 2 IRs, as providing a proper legal basis for ENR's refusal to participate in the PLS.

We are presently considering all options with respect to ensuring the meaningful participation of the ENR in this PLS. We first ask, further to our request of September 16, and your response of October 18, that you provide the legal analysis to justify the ENR's position without delay and in any event no later than December 10, 2021.

The SRRB provided a justification for its agenda in the July 7, 2021 resumption notice for the Délɫn̓ 2021 PLS. The SRRB further re-iterated its position on September 16 in reply to your letter, and encouraged the ENR to contribute submissions on the issues outlined in the resumption notice.

We again ask you to re-consider your position. The work of the SRRB, its agenda, and the consideration of these issues will be enhanced with your participation to the benefit of all

stakeholders. We cannot overstate how important ENR engagement is to effectively implement the SRRB's mandate, further the objects of the Treaty, and uphold the honour of the Crown.

Máhsı cho,



Deborah Simmons  
Executive Director

**Enclosure**  
October 18, 2021 letter from ENR Deputy Minister to SRRB Chair

**Copies to**  
Délįnę 2021 ʔetets'éhkwę Godı (Public Listening Session) Parties



Ms. Camilla Tutcho, Chair  
Sahtú Renewable Resources Board  
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October 18, 2021

Dear Ms. Tutcho:

**Agenda Questions for Délıne 2021 Virtual ʔelets'éhkwę Godı (Public Listening Session):  
Tıch'ádı hé Gots'edı (Living with Wildlife): Predators and Competitors**

Thank you for your response of September 16, 2021 to the Department of Environment and Natural Resources (ENR) inquiries to the agenda for the Délıne 2021 Virtual ʔelets'éhkwę Godı (Public Listening Session).

ENR agrees that the five-part series of Public Listening Sessions are an important process to engage parties on the core topic of *"What is the most effective way to conserve caribou?"* On September 01, 2021, ENR wrote to the ʔehdzo Got'ıne Gots'ę Nákedı (Sahtú Renewable Resources Board - SRRB) to express its concerns on the inclusion of the following matters on the agenda for the upcoming Délıne ʔelets'éhkwę Godı (Public Listening Session):

- Primary responsibility for stewardship; and
- ʔehdzo Got'ıne (Renewable Resources Council) powers.

ENR representatives who attend the upcoming ʔelets'éhkwę Godı (Public Listening Session) will not be able to meaningfully participate on these two matters. In the event that ENR is asked direct questions which may relate to either of these two issues, ENR's response will be to reiterate that as these matters are before the Northwest Territories Supreme Court, ENR had formally requested in a letter dated September 1, 2021 that these matters be moved to another ʔelets'éhkwę Godı (Public Listening Session), and indicated that ENR will not be able to speak to these matters while they are before the Supreme Court.

The SRRB has acknowledged ENR's important role in these ʔelets'éhkwę Godı (Public Listening Sessions), and ENR would like to meaningfully participate in this important co-management process to engage and have productive discussions with the SRRB, participants of the ʔelets'éhkwę Godı (Public Listening Session) and the public. For these reasons, ENR asks that the SRRB reconsider their decision and remove the above two issues from the agenda for the next public listening session.

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ENR will also provide the legal bases, with analysis, for our position that these two matters should not be on the agenda for the upcoming Public Listening Session. This will be set out in a follow up letter from legal counsel at the Department of Justice and will be shared directly with the SRRB's legal counsel.

Sincerely,



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

c. Dr. Brett Elkin  
Assistant Deputy Minister, Operations  
Environment and Natural Resources

Ms. Heather Sayine-Crawford  
Director, Wildlife and Fish Division  
Environment and Natural Resources

Mr. Jeff Walker  
Superintendent, Sahtú Region  
Environment and Natural Resources

Ms. Deborah Simmons  
Executive Director  
Sahtú Renewable Resources Board