Déline 2021
Public Listening
Tich'ádíi hé Gots'edi
Living with Wildlife

Dél₁nę 2021 Virtual ?elets'éhkwę Godi Public Listening Session

Resumption Notice

November 16-18, 2021



Notice to Parties and the Public, July 7, 2021

Parties are given notice that the SRRB is resuming the Déline 2021 ?elets'éhkwe Godi (Public Listening Session – PLS), now scheduled to take place November 16-18, 2021.

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Background

On December 1, 2020, the ?ehdzo Got'ınę Gots'ę Nákedı (Sahtu Renewable Resources Board – SRRB), with its co-hosts the Délinę Got'ınę Government and Délinę ?ehdzo Got'ınę (Renewable Resources Council), gave notice of the Délinę 2021 Public Listening Session (PLS). This was scheduled as the second in the series of five PLS planned by the SRRB addressing the core question, "What is the most effective way to conserve caribou?" The first PLS had taken place in Colville Lake on January 21-23, 2020.

On February 5, 2021, the SRRB postponed the 2021 PLS. The decision was made to allow time to conclude the outcomes of the Colville 2020 PLS (per the process summarized in Appendix A), and to account for obstacles arising from the COVID-19 public health emergency. An application has been made for judicial review (see Appendix A), but this will not affect the Déline 2021 PLS.

Despite the fact that the COVID-19 pandemic continues to present challenges, the SRRB and Déline are prepared to resume the 2021 PLS process. The SRRB gives notice that the PLS on *Tich'ádíi hé*

Gots'edı (Living with Wildlife) – Predators and Competitors (Déline 2021 PLS) will be held on November 16-18, 2021. The Déline 2021 PLS will address the central question, "What should people's role be in maintaining healthy relationships between caribou and other wildlife?" The 2021 PLS will also allow for consideration of issues from the Colville 2020 PLS.

The Déline 2021 PLS is the second of five PLS to facilitate public hearings in the Sahtú region on emerging caribou conservation issues and community conservation planning processes. The question is being considered by specific attention to key themes through each PLS, which will address in turn: Sahtú Ragóza (including harvest regulation); Tich'ádíi hé ?ekwé hé Gots'eredi (including predators and competitors); Wildfires and Climate Change; Knowledge about Caribou and Landscapes; and the Mixed Economy.

Terms

29d9	barren-ground caribou (Dehlá Got'ıne and K'áhsho Got'ıne
	dialect)
?ehdzo Got'ınę Gots'é Nákedı	Helpers of the Trappers; Sahtú Renewable Resources Board)
?ehdzo Got'ıne	Trappers; Renewable Resources Councils
?ełets'éhkwę Godı	Listening to Eachother; Public Listening Session
Dehlá Got'ine	End of the Treeline People; people of Colville Lake
H ₁ dó Gogha Sénégots'í2á	Planning for the Future; Community Conservation Plan
Nę K'ə Dene Ts'ılı Forum	Living on the Land Forum
Sahtú Ragó2a	Hunting Law (title of 2020 PLS; (Dehlá Got'ıne and K'áhsho
	Got'ıne dialect)
Tịch'ádíi hé ?ekwé hé	Living With Wildlife (title of 2021 PLS; Délıne Got'ıne dialect)
Gots'eredı	
Ts'įduweh ?ədə ?ezá	Ancient Caribou Law (Dehlá Got'ıne and K'áhsho Got'ıne
	dialect)

Acronyms

CCP	H
ENR	Department of Environment and Natural Resources, Government
	of the NWT
IR	Information Request
NWT	Northwest Territories
PLS	Public Listening Session
RRC	Renewable Resources Council
SDMCLCA	Sahtú Dene and Métis Comprehensive Land Claim Agreement
SRRB	Pehdzo Got'ınę Gots'é Nákedı (Sahtú Renewable Resources Board)

Process to Date and Timelines

Process to Date

Several steps in the Dél₁ne 2021 PLS have already been completed. Before the PLS was postponed, Sahtú communities were preparing for the Regional Virtual Workshop. Documents related to the

proceeding during December 2020-January 2021 may be found on the Public Registry at www.srrb.nt.ca. The following is a summary of activities to date:

December 1	Public Listening announcement
December 16	• Teleconference #1
	• Posting of plan checklist
January 15	First deadline to register as a Party
	Posting of Indigenous knowledge/science toolkits
January 20	• Ne K'a Dene Ts'ılı - Living on the Land Forum meeting to prepare for
	planning workshop (1-4 pm)
	• Deadline for responses to Round 1 Information Requests (IRs)

Revised Déline 2021 Public Listening Session Timeline

The SRRB and Déline have continued to prepare for the Déline 2021 PLS. The following timeline includes a few additional steps to address new developments since postponement of the session last February, including:

- Addition of one teleconference to discuss PLS resumption (for a total of three teleconferences)
- A second deadline to register as a Party
- Provision of Information Request (IR) summaries

The following timeline is designed accommodate the summer on the land period. Note that submission deadlines for Parties are highlighted in red.

I1 7	
July 7	Notice of resumption, procedural directions
July 16	• Summary of Round 1 IR responses and issuance of Round 2 IRs
July 30	Second deadline to register as a Party
August 6	• Teleconference #2 (1:30-4:00 pm)
September 3	 Nę K'a Dene Ts'ılı - Living on the Land Forum meeting to prepare for regional planning workshop (1:30-4:00 pm) Issuance of draft Hıdó Gogha Sénégots'ízá (Community Conservation Plan) Components
September 7-9	Regional planning workshop for community panels
September 15	First deadline for submission of draft plans
	Deadline for responses to Round 2 IRs
September 24	Summary of responses to Round 2 IRs
October 1	Final deadline for submission of draft plans
October 11	• Issuance of Round 3 IRs
November 1	Deadline for responses to Round 3 IRs
November 12	• Teleconference #3 (1:30-4:00 pm)
	Deadline for written presentations
November 16-18	Délıne 2021 Public Listening Session
December 1	Deadline for Final Written Arguments

COVID-19

The SRRB continues to monitor the public health situation related to the COVID-19 pandemic. The SRRB will be maintaining close coordination with Dél₁ne in planning the Dél₁ne 2021 PLS. The SRRB will communicate updates as the PLS approaches.

Directions on Practice

Decision-Making in a Public Listening Session

Through the five-part PLS series, the SRRB is taking an innovative approach to exercising its jurisdiction with respect to "hot topics" in caribou conservation. The SRRB appreciates the engagement and effort of all parties to participate and learn through this process. The PLS addresses the complex nature of issues affecting Sahtú Dene and Métis experiences of wildlife, habitat and harvesting in their traditional territory.

The SRRB recognizes there are specific procedural aspects of PLS that could benefit from clarification. The SRRB identified Next Steps and deferred some issues to a future PLS in the March 30, 2021 Second Report on Sahtú Ragó2a (Hunting Law) and Approaches to Wildlife Harvesting. The Minister made final decisions under SDMCLCA s. 13.8.28 in the May 7, 2021, Responses to Sahtú Ragó2a (Hunting Law) and Approaches to Wildlife Harvesting: Final Report on the Colville 2020 Public Listening (Hearing) Session.

The SRRB wishes to help facilitate both the participation of stakeholders and co-management partners, as well as organizing the PLS in a way that reflects the decision-making procedures in the SDMCLCA (ss. 13.8.24-13.8.30). This direction on practice is intended to clarify the SRRB's understanding of the PLS as a form of single public hearing and the SRRB's management of PLS outcomes conforming to a hearing decision-making.

Deferrals

The decision-making process at the end of a PLS leads to an SRRB-Minister dialogue in decision-making under the SDMCLCA. A Minister's initial response to SRRB decisions or recommendations may: rely on evidence not before the SRRB; reach conclusions that contradict findings or determinations made by the SRRB during the PLS; or raise new information, new public interest concerns, or new legal argument that parties have not been given an opportunity to respond to. In such situations, the SRRB seeks to ensure that its procedure facilitates fair participation and appropriate consideration before making its final decision.

The SRRB seeks to be sensitive to appropriately accommodating interests of the Parties, including fairness, in its conduct. This is especially relevant in a process like the 5-part PLS series currently underway and where issues arise in the decision-making dialogue that warrant gathering more evidence to clarify the issue being decided. The decision to defer an issue is within the SRRB's authority over the agenda for future PLS, and does not constitute a re-hearing of the issue.

Issues for Déline 2021 PLS

The Déline 2021 PLS is focused on caribou relationships with other wildlife, including predators and competitors, within the larger PLS question about caribou conservation. The 2021 PLS will also consider some of the deferred issues arising from the Colville 2020 PLS. In what follows, information is provided about the scope of deferred issues and one new issue that will be considered at the Déline 2021 PLS.

Summary of Déline 2021 PLS Issues

• Issues for all five PLS:

• What is the most effective way to conserve caribou?

• Central issue for Déline 2021 PLS:

• What should people's role be in maintaining healthy relationships between caribou and other wildlife?

• Deferred issues from Colville 2020 PLS

- o Primary responsibility for stewardship
- o ?ehdzo Got'ıne (Renewable Resources Council) powers
- o Harvester residency and hunter education requirements

• New issue for Déline 2021 PLS

o Hıdó Gogha Sénégots'írá (Community Conservation Plan) components

Deferred Issues

The SRRB deferred six decisions/recommendations from the Colville 2020 PLS. Three of these will be addressed in the Déline 2021 PLS. Once these are resolved, it will be feasible to address the other three deferred decisions at a future PLS.

The SRRB provided the following next steps for addressing these issues to the Minister in its March 30, 2021 Second Report on Sahtú Ragó2a (Hunting Law) and Approaches to Wildlife Harvesting:

The SRRB respectfully disagrees with the Minister and invites further engagement on this issue via the Public Listening Sessions ... The Minister's position is already codified in current regulation or outlined in previous ENR submissions to the Colville 2020 PLS. The SRRB understands more work is required to clarify the authority and jurisdiction of ?ehdzo Got'ınę (Renewable Resources Councils) with respect to the management of wildlife harvesting.

Summary of Deferred Issues

Decision 1.2	Primary responsibility for stewardship	Déline 2021 PLS
Recommendation 4.1	Pehdzo Got'ıne (Renewable Resources Council)	Dél ₁ ne 2021 PLS
	powers	
Recommendation 4.2	H ₁ dó Gogha Sénégots'írá ?erá (Community	Future PLS
	Conservation Plan Regulation)	
Decision 6.1	Total allowable harvest	Future PLS
Recommendation 6.1	Tag requirement in S/BC/01 and S/BC/03	Future PLS

Decision 8.1	Wildlife Act residency and hunter education	Déline 2021 PLS
	requirements	

Primary Responsibility for Stewardship (2020 Decision 2.1)

The SRRB is giving notice that it will consider stewardship roles in caribou conservation at the Déline 2021 PLS. For additional details on the context and justification leading to the SRRB's decision to defer this issue, please see Appendix B.

The SRRB invites submissions from parties on stewardship, including:

- the different roles and responsibilities involved in stewardship for caribou conservation, accounting for communities that primarily harvest from a population;
- stewardship where there may be more than one community (inside and/or outside the Sahtú region) that primarily harvests from a herd or subpopulation; and
- local stewardship when there are other concurrent conservation efforts such as the *Taking Care of Caribou* management plan.

?ehdzo Got'ıne (Renewable Resources Council) powers (2020 Recommendation 4.1)

The SRRB is giving notice that it will consider the ?ehdzo Got'ınę (Renewable Resources Council) mandate and powers under Section 13.9 of the Sahtú Dene and Métis Comprehensive Land Claim Agreement (SDMCLCA), including ?ehdzo Got'ınę (RRC) harvesting authorizations for Dene and Métis from other Sahtú communities, and ?ehdzo Got'ınę powers in the local exercise of harvesting. For additional details on the context and justification leading to the SRRB's decision to defer this issue, please see Appendix B.

The SRRB invites submissions from parties on SDMCLCA 13.9 related to Renewable Resources Council jurisdiction, particularly as section 13.9 relates to community conservation plan implementation and accountability, including:

- What is the form of the ?ehdzo Got'ıne (RRC) role in "encouragement and promotion of local involvement in conservation, harvesting studies, research and wildlife management in the community" (13.9.1)?
- How do ?ehdzo Got'ınę (RRC) manage "the local exercise of participants' harvesting rights, including methods, seasons, and location of harvest" (13.9.4[b])?

Harvester Residency and Education Requirements (Colville 2020 PLS, Decision 8.1)

During the Colville 2020 PLS, the SRRB listened to concerns about harvester residency and education requirements. For additional details on the context and justification leading to the SRRB's decision to defer this issue, please see Appendix B.

The SRRB invites submissions from parties on harvester residency and education requirements for all classes of harvesters who might be active in the Sahtú region.

New Issue: H₁dó Gogha Sénégots'ízá (Community Conservation Plan - CCP) Components

The SRRB expects to continue supporting the development of H₁dó Gogha Sénégots'í2á (Community Conservation Plans – CCP) that will be submitted for review and approval. This process has been intentionally iterative to facilitate the process of learning about community principles and practices in conservation.

On January 15, 2021, the SRRB provided a Harvest Regulation Planning Toolkit (the "Toolkit"; available on the Déline 2021 PLS Registry). The Toolkit outlines ideas to consider in the process of developing harvest regulations for CCP based on guidance from the SRRB as well as the CCPs prepared by Déline (2016) and Dehlá Got'ine (2020). In order to improve the quality and credibility of CCP review and approval, the SRRB will be defining CCP Components, with an initial point of discussion being the Harvest Regulation Planning Toolkit (January 15, 2021, v. 1.0). Already, the Minister has provided a number of responses to specific aspects of the Colville Lake *Dehlá Got'ine Pada Plan* and *Ts'iduweh Pada Pezá*, which engages issues about Pehdzo Got'ine (RRC) powers and stewardship roles deferred to the Déline 2021 PLS.

CCP Components will form part of the SRRB's wider CCP policy and approach to recognize the importance and effectiveness of community-led conservation approaches. The CCP Components will form the basis on which the SRRB reviews and considers approval of CCP. The SRRB is sensitive to avoid prescriptions that undermine the importance of the community-led process that is fundamental to CCP principles. The CCP Components are intended to be a basis for accountability, providing a predictable structure for the review and confirmation of CCP approvability as well as ongoing compliance.

The SRRB invites submissions from parties on CCP Components. The SRRB will be providing additional guidance in the form of draft CCP Components in advance of the deadline for draft plans. The SRRB will also invite submissions from parties on the draft CCP Components when they are issued.

The SRRB reminds parties that each CCP coming before the SRRB is distinct and will be considered on a case-by-base basis, with the CCP Components informing the SRRB's work. The CCP Components are expected to evolve as the work of the PLS advances. As they are determined, future CCP Components will be appropriate for incorporation into CCP as part of ongoing CCP maintenance.

Party Registration

The SRRB has already approved 18 applications for party status. Since the 2021 Déline Public Listening Session will involve issues that were not previously included in the original December 1, 2020 notice, the SRRB again invites individuals and organisations to apply for status as formally registered Parties.

The SRRB will accept applications to register as a party until July 30. Registration forms are available on the SRRB's Public Registry at www.srrb.nt.ca, or registrations be submitted by email to

<u>info@srrb.nt.ca</u> or by phone at 867-588-4040. The PLS will be open to the public and participation is encouraged.

Registered Parties

The following have been approved by the SRRB for formal Party status at the Déline 2021 PLS. These Parties may withdraw from this status by notifying the SRRB.

- 1. Anne Marie Jackson
- 2. Ayoni Keh Land Corporation
- 3. Behdzi Ahda First Nation
- 4. Canadian Parks and Wilderness Society NWT Chapter
- 5. Colville Lake Renewable Resources
 Council
- 6. Déline Got'ine Government and Déline Pehdzo Got'ine (RRC)
- 7. Dene Nation
- 8. Fort Good Hope Deshita Got'ineke (Renewable Resources Council)

- 9. NWT Environment and Natural Resources
- 10. Indigenous Leadership Initiative
- 11. Joint Secretariat. Inuvialuit Game Council.
- 12. Kugluktuk Angoniatit Association
- 13. Lucy Jackson
- 14. Łutsël K'é Dene First Nation
- 15. Norman Wells Renewable Resources Council
- 16. Sahtú Youth Network
- 17. Tłycho Government
- 18. Tulít'a Community Panel

Learn more, submit information, get involved!

The Public Registry for the Déline 2021 Public Listening Session is available online at www.srrb.nt.ca. The Public Registry includes forms for Party registration (deadline July 30), and for commenting or providing information related to the Public Listening issues. Please don't hesitate to contact SRRB staff at info@srrb.nt.ca or 867-588-4040 if you have questions or comments about the proceeding, or if you would like to make a submission in orally or in writing.

Appendix A – Summary of Colville 2020 PLS Decision Process

October 30,	The SRRB issued its first report on the Colville 2020 PLS, Sahtú Ragóza (Hunting
2020	Law) and Approaches to Wildlife Harvesting: Report on the Colville 2020 Public
	Listening (Hearing) Session.
January 29,	The Minister of ENR issued responses to the SRRB's first Colville 2020 PLS
2021	report. The Minister varied or set aside and replaced some
	decision/recommendations under the Government's ultimate jurisdiction for the
	management of wildlife and wildlife habitat (SDMCLCA s. 13.3.1).
March 30,	The SRRB provided the Minister the Second Report on Sahtú Ragóza (Hunting
2021	Law) and Approaches to Wildlife Harvesting. The SRRB revised some
	decisions/recommendations, accepted some of the Minister's proposed revisions,
	and deferred six decisions/recommendations to a future PLS.
May 7,	The Minister made final decisions under SDMCLCA s. 13.8.28. The Colville 2020
2021	PLS concluded with issuance of the Minister's final decisions.
May 28,	Colville Lake Renewable Resources Council, Behdzi Ahda First Nation and Ayoni
2021	Keh Land Corporation submitted an application for judicial review of two of the
	Minister's final decisions for the Colville 2020 PLS. The SRRB is exploring how it
	will participate in the judicial review.

Appendix B - Additional Context for Issues Deferred to Déline PLS

This appendix provides background and rationale for issues deferred to the Déline 2021 PLS.

Primary Responsibility for Stewardship (2020 Decision 2.1)

In deferring the issue of stewardship, the SRRB considered the following context.

In its October 30, 2020 Report and Reasons for Decision on Sahtú Ragó2a (Hunting Law) and Approaches to Wildlife Harvesting, the SRRB described the Sahtú stewardship system for land and wildlife, explaining the system "... expects that land users and harvesters (families and communities) play a governing role, while maintaining a strong sharing approach to ensuring food security for all" (para. 58). The SRRB continues:

The SRRB notes also that the caribou have moved around in the past and recognizes this may happen in the future. For that reason, the community stewardship leads are subject to change based on the movement and location of the caribou. (para. 50)

In the January 29, 2021, Responses to Sahtú Ragóza (Hunting Law) and Approaches to Wildlife Harvesting: Report on the Colville 2020 Public Listening (Hearing) Session, the Minister wrote:

ENR defines stewardship as taking responsibility for wildlife resources and the collaborative work to safeguard this resource. The responsibility for stewardship of wildlife and habitat is shared by all people and communities of the NWT. (p. 3)

In the March 30, 2021, Second Report on Sahtú Ragóza (Hunting Law) and Approaches to Wildlife Harvesting, the SRRB replied to the Minister and deferred this issue to invite further engagement in a PLS. As it deferred the issue, the SRRB's analysis explained:

Sahtú communities recognize a customary practice providing a leadership role for the community closest to where the caribou are... The community that "primarily harvests" has a particular stewardship role that is distinct, and it differs from the general stewardship role shared among all communities. (p. 22)

In the context of an approved CCP, community leadership includes a governance role and corresponding accountability in an area. This issue is subject to additional analysis under Recommendation 4.1 below. CCP facilitates this kind of leadership in a way that is complementary to concurrent conservation efforts, including the framework for conservation actions set out in the *Taking Care of Caribou* plan, in a way that respects an existing Indigenous conservation system. (p. 22)

May 7, 2021, the Minister wrote:

The SDMCLCA does not allow for one community to have governance over or management of all barren-ground caribou harvest within their area. If the SRRB would like to give Colville Lake a governance role and accountability for harvest, it can choose to allocate the entire Sahtu Total Allowable Harvest for the Bluenose-West herd to Colville Lake. ENR defines stewardship as taking responsibility for wildlife resources and the collaborative work to safeguard this resource. (p. 2)

As noted in the 'Taking Care of Caribou' management plan, the Bluenose-West herd usually migrates through three settlement areas/regions and is typically harvested by 13 communities and the Bluenose-East herd usually migrates through four settlement areas/regions and is typically harvested by nine communities. These communities share a stewardship role for the Bluenose-West and Bluenose-East herds. (p. 2)

?ehdzo Got'ıne (Renewable Resources Council) Powers (2020 Recommendation 4.1)

In deferring the issue of ?ehdzo Got'ınę (RRC) authority, the SRRB considered the following context.

In its October 30, 2020 Report and Reasons for Decision on Sahtú Ragó2a (Hunting Law) and Approaches to Wildlife Harvesting, the SRRB wrote:

The SRRB recommends to the Minister that the Colville Lake Renewable Resources Council be granted the power to issue authorizations to all types of harvesters in the entire Sahtú Barren-ground Caribou Area 01 (S/BC/01), subject to a periodic review of the status and location of 29d9 (Bluenose West caribou). (R4.1, para. 143; emphasis added)

In the January 29, 2021, Responses to Sahtú Ragóza (Hunting Law) and Approaches to Wildlife Harvesting: Report on the Colville 2020 Public Listening (Hearing) Session, the Minister wrote:

It is recommended to the Minister that the Colville Lake Renewable Resources Council be granted the power to issue barren-ground caribou authorizations to <u>Dehlá Got'ıne and non-participant harvesters</u> in the entire Sahtú Barren-ground caribou area 01 (S/BC/01). (p. 7; emphasis added)

On March 16, 2021, the Minister wrote the Presidents of the Norman Wells and Fort Good Hope ?ehdzo Got'ıne (RRCs):

In Recommendation 4.1, the SRRB recommended that the Colville Lake RRC be granted the power to issue authorizations to all types of harvesters in the entire Wildlife Management Barren-ground Caribou Area S/BC/01, which raises some potential cause for concern. This would delegate a key part of the decision-making process to the Colville Lake RRC in terms of the extent to which the rights of participants in Fort Good Hope and Norman Wells are restricted. (p. 2)

On March 30, 2021, the SRRB replied to the Minister, and deferred this issue to invite further engagement in a PLS.

On April 9, 2021, the Norman Wells RRC responded to the Minister:

Your letter requests a response prior to April 9, 2021, and we have complied with this request, notwithstanding that we have only very recently had the opportunity to review the Second Report of the SRRB, released on March 30, 2021. In future Public Listening Sessions and in discussions with ENR and our RRC counterparts, we look forward a more wholistic and inclusive consideration of these fundamental issues regarding jurisdiction and authorities of RRCs under the SDMCLCA, with the goal of implementing community conservation plans grounded in Dene law. (p. 2)

On April 10, 2021, the Fort Good Hope RRC responded to the Minister:

We agree with the SRRB decision to defer recommendation 4.1 because more discussion amongst the affected RRC's is necessary regarding each of their local areas and their jurisdiction over those areas. (p. 2)

On May 7, 2021, the Minister wrote:

Whether the Colville Lake Renewable Resources Council may be granted the power to issue authorizations to participants from other Sahtú communities and the related issue of the allocation may be revisited at the SRRB's discretion after further discussion at future public listening sessions.

Harvester Residency and Education Requirements (2020 Decision 8.1)

In its October 30, 2020 Report and Reasons for Decision on Sahtú Ragóza (Hunting Law) and Approaches to Wildlife Harvesting, the SRRB decided to include a full discussion of the role that residency requirements and hunter education play in fostering or inhibiting respect for Dene protocols in the Sahtú region (para. 25-40).

In the January 29, 2021 Responses to Sahtú Ragóza (Hunting Law) and Approaches to Wildlife Harvesting: Report on the Colville 2020 Public Listening (Hearing) Session, the Minister wrote, "as the matters on the agenda for future public listening sessions, and the time allocated to discussion of each matter, are entirely at the discretion of the SRRB, this decision is accepted." (p. 17)