



SPECIAL MEETING ON BLUENOSE EAST ʔEKWÉ SURVEY RESULTS

Board Teleconference Minutes

November 27, 2018, 2-4 pm
Minutes by Deborah Simmons

List of Acronyms/Terms Used

ACCWM	Advisory Committee for Cooperation on Wildlife Management
BNE	Bluenose East barren-ground caribou
BNW	Bluenose West barren-ground caribou
ENR	NWT Environment and Natural Resources
SRRB	ʔehdzo Got'ine Gots'ę Nákedı (Sault Renewable Resources Board)
SSI	Sault Secretariat, Inc.
TAH	Total Allowable Harvest
ʔekwé	Barren-ground caribou (Délıne dialect)

Agenda

- Brief overview of ENR ʔekwé survey
- Preliminary legal analysis regarding SRRB responsibilities
- Communication approach
- Research approach
- Next steps

Participants

Board Members

George Barnaby (Acting Chair), Camilla Rabisca, Jeff Walker, Keith Hickling

Special Advisors

Paul Latour, Leon Andrew, Gordon Yakeleya, Harry Harris (joined at 9:37 am), Jonas Modeste (joined at 9:32 am)

Staff

Kirsten Jensen, Deborah Simmons, Jennie Vandermeer

Invited Guests

Lorraine Land, OKT Law

Opening

Prayer by George Barnaby

- Quorum check: 3/3 Board members present.

Brief overview of ENR ʔekwé Survey

Presentation by Deborah Simmons

- The SRRB received an email with a letter from Minister McLeod announcing the survey results on November 20.
- On November 21, ENR presented the results to the SSI, following which the SSI issued a press release informing that they do not believe the results.
- George Barnaby and Jennie Vandermeer attended the ACCWM meeting at which ENR presented on November 22. According to ENR, the population of BNW remains stable, and that of BNE has declined by half since 2015, from about 40K to 20K. The ACCWM is recommending that wildlife management authorities consider determining that the BNW status be assessed as the same as orange (intermediate and declining), with a small increase in allowable harvest to address the different number arising from the newer Rivest calculation, with a 4%. For BNE, the recommended status is changed to red (low and decreasing).

Preliminary legal analysis regarding SRRB responsibilities

Presentation by Lorraine Land, OKT Law

- The SRRB's response is set in the context of Board decisions made following the 2016 hearing.
- If the Board is considering imposing a new Total Allowable Harvest when there is not one already in place, restricting Indigenous harvest, this would trigger another hearing. The restriction of the harvest can only be to the degree that its necessary for conservation purposes. A hearing *may* be held if this is considered to be desirable.
- Is there an option to hold a single hearing that addresses both BNE and BNW conservation?
- The Board's decision based on the best evidence available was to set aside the TAH approach to caribou conservation in favour of community conservation planning. The continued applicability of this decision would need to be reviewed.
- Sjoerd Van der Wielen, former Director of Lands for the Délı̄nę Got'ı̄nę Government, submitted a report indicating that 7 BNE caribou were harvested over the past year; the DGG and Délı̄nę ʔehdzo Got'ı̄nę has clarified that these were ʔodzi. If there was indeed a zero harvest of ʔekwé, this is evidence that community conservation planning is working.
- There needs to be a discussion with Délı̄nę to document and evaluate the implementation of their Belare Wı̄le Gots'é ʔekwé – Caribou for All Time plan, and consider any changes needed.

- The Board's 2007 BNW Hearing Report stated that the SRRB would review the TAH in the future, but this has not happened to date.
- The full suite of recommendations that were made in the SRRB's BNE report have not yet been implemented; there needs to be an assessment of these items.
- The process that the SRRB had determined for addressing Colville's interest in Bluenose West stewardship was to formally request a community conservation plan that the Board could then review the plan and work toward approval. We need to clarify with ENR the process by which Colville's plan would be formally recognized by the Minister and regulations changed within the Sahtú Region.
- If the evidence shows that the best conservation outcomes are through the community conservation approach, and the decision does not account for this evidence, then it will be vulnerable to legal challenge.
- If the Minister decides to over-ride Délı̨ne's community conservation planning approach, this could be similar to what happened in Quebec where the courts overturned the decision on the basis that it was an unreasonable decision that did not account for the co-management Board's evidence-based decision.
- It's important for the Board to consider the need to network with other user groups; the communities are increasingly going to move in this direction as community conservation planning gains momentum.

Communication Approach

- Délı̨ne will need time to digest what they've learned, consider what they want to know, review the plan, and develop their questions.
- It's the SRRB's responsibility to engage with the communities in the way that we believe is most appropriate.

Research Approach

- The SRRB wrote a letter in 2012 reluctantly supporting collaring in the absence of any alternative.
- On January 29, 2018, the SRRB delivered a letter to the Minister opposing an increased number of collars; the response from ENR was a request that the Board present an alternative approach. However, the Board has not yet followed up on this request.
- The ties should be made to the Ne K'ádká – Keepers of the Land program.

Next Steps

- Community conservation planning/mandate workshops with Délı̨ne, Fort Good Hope and Tulít'a ʔehdzo Got'ı̨ne.
- SRRB Board meeting to review outcomes of workshop with Délı̨ne and ACCWM meeting deliverables, including (per Status Meeting Terms of Reference):
 - Written summary of the meeting, including proposed status decisions for three herds, the populated monitoring table, and a rationale for the status decision for review and consideration by each member board

- Recommendations for prioritized, status-appropriate management actions and revised action plans
- Revised communications actions as needed
- Determination of the confidentiality of the information.

Meeting adjourned at 3:48 pm.

Approval of Minutes

Approved by Board decision, April 24, 2019.

A handwritten signature in black ink that reads "George Barnaby". The signature is written in a cursive style with a horizontal line underneath it.

George Barnaby, Acting Chair

Summary of Motions

No motions made.