



Tłı̨chǫ Government

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Mr. Grant Pryznyk, Chair  
Wek'èezhìi Renewable Resources Board  
4504 49<sup>TH</sup> AVENUE  
YELLOWKNIFE NT X1A 1A7

DEC 02 2016

Dear Mr. Pryznyk:

**Response to WRRB's Reasons for Decision Related to a Joint Proposal for the Management of the Bluenose-East ǰekwǫ (Barren-ground caribou) Herd, Part B**

The Tłı̨chǫ Government (TG) and the Department of Environment and Natural Resources (ENR), Government of the Northwest Territories (GNWT) have received the Wek'èezhìi Renewable Resources Board's (WRRB) "Reasons for Decisions Related to a Joint Proposal for the Management of the Bathurst ǰekwǫ (Barren-ground caribou) Herd, Part B". The document was delivered to the parties on October 3, 2016.

Please find attached our joint response to the WRRB reasons for decisions and recommendations included in the Final Report, Part B. We look forward to working further with the WRRB for the management of the Bluenose-East caribou herd.

Sincerely,

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**Attachment**

- c. The Honourable Robert R. McLeod, Premier**
- Mr. Gary Bohnet, Principal Secretary**
- The Honourable Robert C. McLeod, Minister, ENR**
- Ms. Shaleen Woodward, Acting/Deputy Minister, DAAIR**
- Dr. Erin Kelly, Acting Deputy Minister, ENR**
- Mr. Fred Mandeville, Assistant Deputy Minister, Operations, ENR**
- Ms. Lynda Yonge, Director, Wildlife, ENR**
- Grand Chief Eddie Erasmus, TG**
- Ms. Laura Duncan, Tłıchǫ Executive Officer, TG**
- Ms. Jody Pellssey, Executive Director, WRRB**
- Mr. Alex Power, Regulatory and Research Specialist, Yellowknife Dene First Nation**
- Mr. Shin Shiga, Regulatory Analyst, North Slave Métis Alliance**

## ATTACHMENT

### **Response to Wek'èezhì Renewable Resources Board (WRRB) Reasons for Decision Related to a Joint Proposal for the Management of the Bluenose-East ?ekwø (Barren-ground caribou) Herd, Part B**

Recommendation #1B-2016: The WRRB recommends that TG consult with Tłıchǫ communities, by March 2017, to ensure laws are implemented with respect to ?ekwø harvesting practices to maintain the Tłıchǫ way of life and their relationship with ?ekwø

TG Response: TG would like to vary this recommendation. TG agrees with the recommendation insofar as it concerns consultation with Tłıchǫ Communities with respect to ?ekwo harvesting practices and maintaining the Tłıchǫ way of life and relationship with ?ekwo. TG anticipates completing these consultations by the end of March 2017. TG notes the suggestion of the Board with respect to the implementation of Tłıchǫ laws but observes that passage and/or implementation of Tłıchǫ laws is a matter outside the jurisdiction of the Board and so this recommendation should be varied to remove that.

Recommendation #2B-2016: The WRRB recommends that TG conduct TK research to define, from the Tłıchǫ perspective, types of diga, their behavior and their annual range, and their relationship with ?ekwø and people by March 2017.

TG Response: TG would like to vary this recommendation. TG strongly agrees that TK studies are needed. TG, however, wants to combine Recommendations #2B, 3B, 5B, 15B and 216B into a comprehensive TK study. The Tłıchǫ view TK as an all-encompassing knowledge and believe it is more useful to combine the topics to understand the larger relationship, instead of focusing on single subjects. TK research, conducted by Tłıchǫ Research and Training Institute, is most often directed at and focused on subjects that the elders believe need attention. The all-encompassing TK study, TG proposes, will touch on all subjects recommended by the board, however, we will expand the subject area depending the elders' direction. Depending on funding, we are aiming to finish this project by September 2018.

Recommendation #3B-2016: The WRRB recommends that TG conduct TK research on sahcho predation on ?ekwø, and their relationship with ?ekwø, other wildlife and people by June 2017.

TG Response: TG would like to vary this recommendation. TG strongly agrees that TK studies are needed. TG, however, wants to combine Recommendations #2B, 3B, 5B, 15B and 16B into a comprehensive TK study. The Tłıchǫ view TK as an all-

encompassing knowledge and believe it is more useful to combine the topics to understand the larger relationship, instead of focusing on single subjects. TK research, conducted by Tł̨ch̨ Research and Training Institute, is most often directed at and focused on subjects that the elders believe need attention. The all-encompassing TK study, TG proposes, will touch on all subjects recommended by the board, however, we will expand the subject area depending the elders' direction. Depending on funding, we are aiming to finish this project by September 2018.

**Recommendation #4B-2016:** The WRRB recommends that TG and ENR conduct a collaborative sahcho biological assessment, following the completion of the ongoing diga feasibility assessment for the Bathurst ?ekw̨ herd. The assessment should include summarizing available information on sahcho abundance, movement and diet for the Bluenose-East ?ekw̨ herd's seasonal ranges as well as including TK collected in Recommendation #3B-2016.

**TG and ENR Response:** The Northwest Territories Species at Risk Committee (SARC) is preparing a species status report for grizzly bears in the NWT, which will include both traditional knowledge and science. This status report will provide a thorough biological assessment of this species within the NWT, and will address WRRB's recommendation #4B- for the portions of the Bathurst ?ekw̨ herd's seasonal ranges that fall within the NWT. The SARC status report is anticipated to be released to the public in April 2017.

Barren-ground grizzly bears are a trans-boundary species that also occur on the Bluenose-East ?ekw̨ herd's seasonal ranges that occur within Nunavut. TG and ENR will engage with the Government of Nunavut to discuss current information available on grizzly bears within the Bluenose-East range.

**Recommendation #5B-2016:** The WRRB recommends that TG conduct TK research about stress and impacts on ?ekw̨ and people related to collars and aircraft over-flights by September 2017, which should be considered in determining number of collars deployed in 2018 and beyond.

**TG Response:** TG would like to vary this recommendation. TG strongly agrees that TK studies are needed. TG, however, wants to combine Recommendations #2B, 3B, 5B, 15B and 16B into a comprehensive TK study. The Tł̨ch̨ view TK as an all-encompassing knowledge and believe it is more useful to combine the topics to understand the larger relationship, instead of focusing on single subjects. TK research, conducted by Tł̨ch̨ Research and Training Institute, is most often directed at and focused on subjects that the elders believe need attention. The all-encompassing TK study, TG proposes, will touch on all subjects recommended by

the board, however, we will expand the subject area depending the elders' direction. Depending on funding, we are aiming to finish this project by September 2018.

**Recommendation #6B-2016:** The WRRB recommends that ENR determine whether reconnaissance surveys should be conducted during non-photo survey years with renewable resource boards, Aboriginal governments and other affected organizations in the NWT and Nunavut prior to conducting the next reconnaissance survey in June 2017.

**ENR Response:** ENR would like to vary this recommendation, and suggests that the Barren Ground Caribou Technical Working Group (BGCTWG) (of which the WRRB is a member) will review the value of reconnaissance surveys over the calving grounds during winter 2016-2017, in conjunction with review of other caribou monitoring as in recommendation 8B.

ENR notes that reconnaissance surveys of the Bluenose-East calving ground are done with a small fixed-wing aircraft at 400 feet above ground, to which caribou generally show a limited behavioural response. ENR acknowledges that these surveys have low precision, but have generally tracked trend reliably since 2006. Results in June 2014 for the Bathurst and Bluenose-East herds provided an early signal of decline in the two herds, confirmed by calving photo-surveys in June 2015.

**Recommendation #7B-2016:** The WRRB recommends that TG and ENR provide a summary of scientific and TK monitoring data, including harvest and collar mortalities, as soon as available each year, to the BGCTWG.

**ENR & TG Response:** ENR & TG accept this recommendation, and note that the BGCTWG has been meeting periodically since 2010 and reviewing updates of information provided by ENR and TG at those meetings. In addition, an update on status of the Bluenose-East herd was provided by TG and ENR November 29, 2016 at the ACCWM status meeting for the Cape Bathurst, Bluenose-West and Bluenose-East herds, which could serve as the model for an update to the BGCTWG.

**Recommendation #8B-2016:**

The WRRB recommends that TG and ENR work with the BGCTWG to prioritize biological monitoring indicators in order of need for effective management and develop thresholds under which management actions can be taken and evaluated. Additionally, TG and ENR should work with the BGCTWG to outline the trade-off between concerns about effects on ?ekwq and the collection of statistically credible information for both the number of collars and over-flights on the calving grounds. Implementation of this recommendation should be completed by no later than the end of March 2017.

**ENR Response:** ENR and TG would like to vary this recommendation, and suggest that current monitoring of the Bathurst and Bluenose-East herds will be reviewed with the BGCTWG during winter 2016-2017 to assess priorities for monitoring, particularly if budget constraints limit resources. Linkage to management actions can also be discussed with the BGCTWG. ENR notes that the joint TG-ENR management proposal includes notes on recent and desired levels of key indicators like cow survival rate, spring calf:cow ratios and pregnancy rates. ENR also notes that management actions to date have been taken on the basis of a suite of factors and indicators, including herd size and trend, and future management actions would likewise need to consider a suite of factors and indicators. ENR is willing to explore linkages between monitoring indicators and management actions as proposed by WRRB.

ENR notes that a manuscript report was finalized in 2016 (Adamczewski and Boulanger 2016) that details information about the uses of satellite collars in caribou and provides a rationale for an increase of collar numbers to 65 on the Bathurst herd, including some on bulls. Earlier versions of this report were reviewed by the BGCTWG. In addition, ENR and TG note that TG in early 2015 approved the use of 50 collars on each of the Bathurst and Bluenose-East herds (30 on cows, 20 on bulls) and this has been the approach in use since then.

**Recommendation #9B-2016:** The WRRB recommends TG refine and implement Tłıchq Land Use Plan Directives, under Chapter 6 related to *ʔekwq*, land use and cumulative effects by March 2018.

**TG Response:** While land use planning in Wek'èezhii is a matter beyond the jurisdiction of the WRRB, TG acknowledges this suggestion and advises the board that it intends to refine and implement the Tłıchq Wenek'e (Tłıchq LUP) directives related to caribou.

**Recommendation #10B-2016:** The WRRB recommends TG and ENR initiate, develop and implement a land use plan for Wek'èezhii by March 2019.

**ENR Response:** ENR would like to vary this recommendation, and suggests that the GNWT, through the Department of Lands will work collaboratively with the Tłıchq Government, federal government, other Aboriginal Government Organizations and planning partners to initiate, develop, and implement a government-led approach to land use planning for public lands in Wek'èezhii, consistent with 22.5.1 of the Tłıchq Agreement. The GNWT has initiated the development of a Terms of Reference for the planning process, however, the development and implementation of a successful Wek'eèzhii Land Use Plan will take longer than 2019. Further, while GNWT is

supportive of this work, we are of the opinion that it goes beyond the authority of the WRRB and should therefore be a “suggestion” rather than a “recommendation” of the Board.

TG Response: TG observes that the WRRB does not have jurisdiction over land use planning but agrees with the recommendation that TG and GNWT along with the federal government initiate, develop and implement a land use plan for Wek'èezhii. TG is of the view that the development and implementation of this land use plan may take longer than 2019.

Recommendation #11B-2016: The WRRB recommends TG and ENR develop criteria under which the Conservation Area approach in the NWT's *Wildlife Act* will be used to protect key ?ekwø habitat by 2018.

TG and ENR Response: ENR would like to vary this recommendation, and suggests that TG, ENR and partners, through the Bathurst Range Planning Process, develop criteria to determine when to protect key ?ekwo habitat by March 2018. ENR notes that the Bathurst range plan, expected to be complete by March 2018, will include recommendations on mechanisms for identifying and protecting key ?ekwo habitat, and will investigate the applicability of range of tools to do so, including the potential application of Conservation Areas. Until such time as this assessment is complete, it is premature to assume that the Conservation Areas in the *Wildlife Act* will be the best tool to achieve protection objectives. For example, given the extensive process and consultation requirements for developing regulations to establish a Conservation Area, some other tool may be preferable for meeting protection objectives in a more timely or flexible manner. ENR commits to ensuring that the Conservation Area approach will be considered alongside other potential tools in development of the recommendations coming out of the Bathurst Range Plan. The assessment of Conservation Areas and other potential tools for protecting caribou habitat via the Bathurst Range Planning Process should help define approaches that may be applicable to ranges of other herds, including the Bluenose-East.

Recommendation #12B-2016: The WRRB recommends TG and ENR develop criteria to protect ?ekwø water crossings and tataa from exploration and development activities in the NWT. The criteria should be developed by March 2018 and included in the Tłıchq and Wek'èezhii Land Use Plans.

ENR and TG Response: ENR and TG accept this recommendation with respect to criteria for protection of water crossings and tataa; please note earlier responses concerning the Tłıchq Land Use Plan and possible Wek'èezhii Land Use Plan. The conservation of water crossings and tataa are currently being contemplated by the

Bathurst Caribou Range Plan Working Group and will form part of the final Draft Bathurst Caribou Range Plan by March 2018. There are some challenges in defining key water crossings, as there is variability in where caribou cross water bodies, and caribou ranges have contracted at lower herd numbers. The focus will be on key crossings with a long history of use. While the Bathurst Range Plan is focused on that herd's range, the approaches developed through that process should be applicable to the Bluenose-East range and ranges of other herds.

There is also an important need and opportunity to engage with Tłıchǫ elders and conduct Tłıchǫ knowledge interviews to provide specific perspectives and recommendations for identifying, prioritizing, and developing criteria for habitat protection (water crossings, tataa) on the Bathurst Range. Although TK studies have been identified as important to carry out to address knowledge gaps, it is also important to apply that knowledge towards management recommendations.

The Bathurst Range Plan Working Group has been provided with the Tłıchǫ GIS data layers that identify some of these important caribou areas at a broad landscape scale, but the challenge is to try to use that knowledge in an appropriate and effective manner to develop recommendations for habitat management and protection. Tłıchǫ knowledge should also be used in developing recommendations for the Bathurst Range Plan, and for implementation in the Tłıchǫ Land Use Plan. There are also implications and a need to have a consistent perspective when it comes to the Wek'èezhìi Land Use Plan file.

**Recommendation #13B-2016:** The WRRB recommends TG and ENR investigate and report to the WRRB and other stakeholders on the potential use of offsets for *ʔekwǫ* recovery to compensate for losses caused by exploration and development activities by March 2018. A set of criteria should be developed to assess the effectiveness of each type of offset as it is investigated.

**TG and ENR Response:** TG and ENR agree with this recommendation. ENR has initiated a contract to develop an evaluation framework for potential offsetting and/or compensatory mitigation approaches that could be applied to barren-ground caribou. This work will consider:

- a) Defining what kinds of offsets might be applicable for barren-ground caribou
- b) Approaches to offsetting in other northern jurisdictions.
- c) Methods for measuring the impact of the approaches
- d) Criteria to determine the effectiveness of offsetting approaches

TG also supports exploration of the use of community-based monitoring and support for wolf management as possible offsetting and compensatory mitigation approaches.



**Recommendation #14B-2016:** The WRRB recommends that TG and ENR complete and implement a fire management plan with criteria identifying under which the key *ʔekwə* habitat is defined as a value-at-risk by March 2018.

**ENR and TG Response:** TG and ENR would like to vary this recommendation. TG and ENR realize there is a general concern from the communities about fire management and its impact to the caribou. ENR does identify some *ʔekwə* habitat as a value at risk in its Fire Management Policy and Strategy, however not all important *ʔekwə* habitat has been identified for this purpose. ENR and TG see this recommendation as an opportunity to involve community members in identifying important *ʔekwə* habitat, and to explain how fire management decisions are made and how wildland fires play a crucial role in the boreal ecosystem. The GNWT is guided by the Fire Management Policy which balances the natural role of wildland fire with the protection of values important to residents of the NWT. When responding to a wildland fire the GNWT's primary objective is the protection of life and property of which communities are the highest value. The reality is that the GNWT is limited in its ability to control all fires on our vast landscape and the total exclusion of wildland fire would not be ecologically healthy for the environment or wildlife. While *ʔekwə* habitat is identified as a value at risk, it is lower in priority than the protection of life and property.

**Recommendation #15B-2016:** The WRRB recommends TG conduct a TK monitoring project with elders to document how climate conditions have affected preferred summer forage and impacted *ʔekwə* fitness by September 2018.

**TG Response:** TG would like to vary this recommendation. TG strongly agrees that TK studies are needed. TG, however, wants to combine Recommendations #2B, 3B, 5B, 15B and 16B into a comprehensive TK study. The Tłıchq view TK as an all-encompassing knowledge and believe it is more useful to combine the topics to understand the larger relationship, instead of focusing on single subjects. TK research, conducted by Tłıchq Research and Training Institute, is most often directed at and focused on subjects that the elders believe need attention. The all-encompassing TK study, TG proposes, will touch on all subjects recommended by the board, however, we will expand the subject area depending the elders' direction. Depending on funding, we are aiming to finish this project by September 2018.

**Recommendation #16B-2016:** The WRRB recommends TG conduct a TK monitoring project to assess the quality and quantity of winter forage by September 2018.

TG Response: TG would like to vary this recommendation. TG strongly agrees that TK studies are needed. TG, however, wants to combine Recommendations #2B, 3B, 5B, 15B and 16B into a comprehensive TK study. The Tłchq view TK as an all-encompassing knowledge and believe it is more useful to combine the topics to understand the larger relationship, instead of focusing on single subjects. TK research, conducted by Tłchq Research and Training Institute, is most often directed at and focused on subjects that the elders believe need attention. The all-encompassing TK study, TG proposes, will touch on all subjects recommended by the board, however, we will expand the subject area depending the elders' direction. Depending on funding, we are aiming to finish this project by September 2018.

Recommendation #17B-2016: The WRRB recommends that TG and ENR work with the BGCTWG to develop monitoring thresholds for climate indicators by March 2017.

ENR & TG Response: ENR & TG would like to vary this recommendation. ENR and TG are willing to review with the BGCTWG annual information on climate indicators and discuss thresholds for these indicators relevant to caribou. ENR and TG would support research that links climate indicators to caribou demography; at this point linkage between climate indicators and caribou population trend is not well established. ENR would request clarification of what WRRB is proposing on thresholds for climate indicators. ENR notes that management actions to date for the Bathurst and Bluenose-East herds have been made based on a suite of criteria and indicators, and evidence provided by various parties at board hearings.

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Reference:

Adamczewski, J., and J. Boulanger. 2016. Technical rationale to increase the number of satellite collars on the Bathurst caribou herd. Environment and Natural Resources, Government of Northwest Territories, Yellowknife, Northwest Territories, Canada, Manuscript Report no. 254.