NORTH SLAVE MÉTIS ALLIANCE

PO Box 2301 Yellowknife, NT X1A 2P7

February 15th, 2010

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Government of the Northwest Territories,
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Re: Wildlife Management Consultation with the NSMA

Thank you for your letter of December 18th, 2009 regarding wildlife management consultation. Since our office was closed for Christmas between December 18thst and January 4th, your letter was received in the second week of January.

The NSMA is encouraged by your Department's stated goal of consistency in its engagement and consultation approach with all Aboriginal people, and also very pleased to hear about ENR's goal of maximizing the involvement of Aboriginal people in wildlife management. We do need to state very clearly, however, that the involvement of Aboriginal people, *as individuals,* in wildlife management activities is not the same as engagement with "Aboriginal Peoples", "Aboriginal Communities", or "First Nations". As much as we do appreciate the involvement of our individual members in ENR's activities, this cannot be expected to take the place of full and honorable Crown Consultation with the community as a whole, and does not satisfy our need for consultation and accommodation. We caution ENR to avoid confusing participants with delegates or representatives, and to ensure that ENR staff, at all levels, are trained well enough to understand the difference.

The rights of Canada's Aboriginal Peoples, the Inuit, Dene, and Métis, including their inherent right of self determination and the derivative right to involvement in decisions which affect our lands, resources and livelihoods, are protected under the Canadian Constitution. The purpose of the Crown Duty to Consult is to avoid, as much as possible, the infringement of these constitutionally protected rights of Aboriginal communities, and to mitigate, appropriately, as determined through an honorable and respectful dialogue, any unavoidable infringements. This cannot be done by inviting any individual to attend a meeting, participate in a field trip, or perform some small job.

There are some very significant differences between a participant and a representative. A participant is someone who is (presumably) interested and available, often on very short notice and at a low rate of remuneration. A representative, on the other hand, is someone who is fully trained, experienced, and recognized to be qualified by community established criteria. Representatives are mandated to undertake the serious business of representing the community's Aboriginal Rights and interests because they are considered by the community to have the knowledge and ability to do so. With the latter in mind, a representative should be fairly compensated for their time and knowledge, including the time it takes to review materials, consult with the community, attend and participate in the event, and bring the results of the event back to the community for its consideration. In short, our highly qualified representatives should be given adequate notice to participate in workshops and special initiatives, and be adequately paid for their participation.

The NSMA has informed ENR on many occasions that the standard honorarium offered (usually $200 per day) does not adequately compensate NSMA representatives for their time and expertise. In Yellowknife, it's not uncommon for laborers and clerks to be paid that much per day. Furthermore, $200/day is a lot less than you pay your biologists and other representatives in your Department. This honoraria amount is simply inadequate!

The NSMA appreciates the limited resources, thus far, provided by ENR. NSMA's records, however, do not reflect your contention that the NSMA received $80,000 in funding from ENR between 2004 and 2008 for workshops and special initiatives, as claimed in your December 18th letter. Table #1, (below) lists the workshops and special initiatives that NSMA records indicate it participated in between 2004 and 2008, along with its level of participation. Every activity was missing at least one of the critical components of adequate Crown Consultation: adequate information, adequate time, and adequate opportunity to present our views, and have them accommodated. The activities listed below can account for only approximately $12,700 in ENR funding from 2004 to 2008. When spread over five years, this amount of funding is only about $2,500 a year. Do you really think this amount of funding is sufficient to meet your Department's responsibility to Consult and Accommodate the North Slave Métis People's Aboriginal Rights and interests with regards to their traditional lands and resources?

There are at least three instances (ie: shaded red in the table below) where NSMA's legitimate requests for funding to support meaningful participation in wildlife management related events were denied. We must, therefore, conclude that ENR's Consultation funding practices do not reflect ENR's stated goals, as stated in your December 18th letter, of fairness and consistency of treatment for all First Nations (including Métis organization, as defined in the MVRMA,). This practice contravenes NSMA's constitutionally protected Aboriginal rights, because, the Crown in required to adequately Consult and Accommodate Aboriginal Peoples' rights in Canada. We request ENR take expeditious action to provide the NSMA with adequate Consultation and Accommodation funding so that the NSMA can ensure that its Peoples voice is heard and their interests in their traditional lands are respected.

We wish to draw your attention to the differences in the level of participation between the other First Nations and the NSMA as shown in Table #1 below. The last column of the table reinforces our belief that your Department's funding for First Nations Consultation is not equally distributed.

Your letter of December 18, 2009 states that an honorarium was offered to an NSMA representative to prepare for, attend, and report on the Wildlife Act Workshop of October 2009. However, since we did not receive the information about funding support or a detailed agenda for the workshop, until 5 days before the meeting, we did not have sufficient time to engage a qualified representative to travel to Inuvik for four days. This was an ineffective, last-minute effort which does not qualify, as far as we are concerned, as adequate Crown Consultation. In our view, if ENR truly wanted NSMA to participate in the event, it would have provided the NSMA with adequate time and funding to be involved in the planning of the event, make contributions to the agenda, and provide speakers and presenters like the other First Nations did.

event	adequate time ?	adequate information ?	adequate opportunity ?	comments	NSMA engagement compared to other FN
2004 Bathurst Caribou Management Plan workshop	no	no	no	Travel for participants but no funding provided for staff time, participant preperation and reporting, organisational capacity.	unknown
2005-05-18 BCMP teleconf	no	no	no	Dean Holman, new staff, attended as observer only	less
2006-02 28-02 Bathurst Caribou Workshop	no	no	no	participants, not delegates.	unknown
2006-12 4-5 BCMP committee mtg and North Slave Research and Monitoring workshop	no	no	no	participants, not delegates - does not qualify as Consultation	other FN had research projects to report on - presumably funded
2007 winter rd monitor - Frank Camsell	no	no	no	arrangements made in a rush, reporting not provided as reqested.	YKDFN and TFN get reports, and have research projects
2007-209 Community hunt requests	no	no	no	would not support NSMA without seeing member ship list, required individual applicants	other FN have annual funding for community hunts
2007-01 23-26 Caribou Summit	1 working day notice over christmas holidays	no	no	Travel costs covered, and honorarium of $200/day for non-salaried. Detailed agenda not received until Jan 21. No request to preseent, speak. Decision to attend on Jan 17th. Group format did not get community views.	Speakers included Richard Nerysoo, Fred Sangris, Florence Catholique, Rachel Crapeau, Dene Chiefs Panel,
2007-01-15 NSMA enviro mtg	no	no	no	Q&A - few members, not consultation, no funding	other FN have 75 commercial tags each
2007-03 13-15 WRRB hearings	no	no	no	no funding, RFD did not stipualte NSMA be consulted	Tlicho well consulted
2008-05 13-15 SCN	y	no	no	refused to add NSMA request to agenda, and refused resources for NSMA presentation	much less - TK working group did not include NSMA,

There are a large number of important natural resource management initiatives currently underway on NSMA's traditional territory. It disturbs us greatly that the North Slave Métis People have not been provided with the capacity to participate in these initiatives which are so important to the sustainability of our resources, and our way of life. Needless to say, the success of the aforementioned initiatives depends on Crown Consultation being properly carried out. With that in mind, initiatives at risk include the following:

- New Wildlife Act for the Northwest Territories
- Changes to Big Game Hunting regulations
- Establishment of a Maximum Allowable Harvest for barrenground caribou
- Issuance of General Wildlife Permits for baiting bears
- Establishment of a National Recovery Strategy for Boreal Woodland caribou
- Establishment of Protected Areas
- Establishment of National Parks
- Summary of Hunting Regulations
- Greenhouse Gas Strategy
- Wood Bison Management Strategy and Plan
- Boreal Caribou Management Strategy and Plan
- Cumulative Impact Monitoring
- Contributions of Traditional Knowledge to all policies, legislation, guidelines and authorizations.
- Support for community hunts outside of the area where the struggling caribou populations are.
- Implementation of the Tlicho Agreement

One of the actions your Department can take to remedy the situation is to provide the NSMA with capacity funding, as opposed to ad hoc event funding. In our letters of March 6th 2001, February 18th 2004, April 21st, 2007, and November 10th, 2009, the NSMA requested that ENR prepare a proposed Consultation Plan and proposed budget to establish a cooperative relationship between the NSMA and ENR for the purposes of consulting on wildlife management issues. Again, we urge you to do so.

On another note, the NSMA is troubled by the fact that it does not have a seat on the Wek'eezhii Renewable Resource Management Board (WRRB), the Mackenzie Valley Environmental Impact Review Board (MVEIRB), the Mackenzie Valley Land and Water Board (MVLWB), or the Wek'eezhii Land and Water Board (WLWB). Consequently, we urge you to support the inclusion of the NSMA on the abovementioned Boards, and expeditiously address our capacity issues.

As an expression of our sincere desire to cooperate with the Government of the Northwest Territories in managing our natural resources for the long term, we invite you to attend a meeting we have planned for March 1st, 2010, at NSMA's office, at 32 Melville Drive. The meeting will be an opportunity to discuss the research being conducted in our territory, as

well as the conclusions and recommendations your Department has made, especially with regards to caribou conservation. The meeting starts at 1:00 pm and ends at 6:00 pm. We request your attendance at this meeting with a view to hearing and discussing wildlife management issues, and the possibility of establishing a Consultation Protocol Agreement (including a Workplan and Budget).

In closing, the NSMA looks forward to amicably resolving its issues and concerns with your Department.

Sincerely,

Bill Enge

William (Bill) A. Enge
President

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NORTH SLAVE MÉTIS ALLIANCE

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Facsimile Transmittal

To: ENR Fax: 873-0221

From: NSMA Date: Feb 18/10

Re: Consultation Pages: 5 + cover

CC:

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COMMENTS: attention Gary Bohnet

In reply to your letter of Dec 18/09.

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