

WRRB Bathurst Caribou Hearing
Karen McMaster
July 30, 2010

Mr. Co Chairmen and fellow Board Members. Thank you for the opportunity once again to speak with you. At the outset, I would like to apologize for any typos in this submission and the short form style at times. The hearing for the beginning of August was scheduled in mid-July after I had left the NWT for summer holidays and I am writing this during holiday with limited time and without my complete files. I have conveyed many thoughts in this submission as best I can under the circumstances. I trust that they will be helpful to you in making your determinations.

I would like to note that many important documents for this hearing were not produced until July 2010. Accordingly, I have not had an opportunity to hire a biologist to look at these. It is unfortunate that these documents were not disclosed at the outset of this hearing in November as the WRRB is missing valuable information.

CLARIFICATION OF THE HEARING MARCH 2010

At the outset, I would like to clarify a couple of matters. During the proceeding I noted that the computer model for the analysis of the Bathurst Herd-and harvest-mortality- had not been produced. I noted that there was a reference to this model in the December 2009 ENR Draft Decline report that was released right before Christmas. Dr. Gunn referred to a paper that was on the website in December and seemed to infer that this was the model and I had just not found it. For clarification Mr. Chairman, and I spoke with you after my submissions in March to clarify this, as well as Ms. Jody Snortland and Karin Clarke of the WRRB, you advised me to raise it during final submissions so I am doing so. The document Dr. Gunn was referring to is not what I was referring to. The model has not been produced for this hearing so that others can assess it, and run numbers with different assumptions. The model lies with an outside contractor, Mr. Boulanger as I understand, not even within ENR. The assumptions and inputs in models that ENR has used for this hearing are key to the generation of results, and as many people have indicated, ENR "backwards models" ie it puts the assumptions in to generate the results it wants. The absence of timely disclosure about this model, and time and resources to review the model is critical. It was quite apparent at the hearing that Mr. John Boulanger was the only person who fully understood the model. This is a high risk area as most of ENR's bases for recommendations in the caribou proposal are modeling, including the effect of harvest as you will find at the end of the Proposal. Dr. Rick Page tried to meet with the Mr. John Boulanger this spring after the hearing but Mr. Boulanger was unwilling to take the time to meet with Dr. Page to run numbers and scenarios such that independent assessments could be conducted.

I also note that in the documents disclosed July 2010, (and only after the request of WRRB), ENR refers to in-house models in A. Gunn's 2008 documents. I think if you will read these papers, the models are critical to some of the assumptions made for this management proposal. These too have not been disclosed and they are critical.

My comments can be broken into following general areas

GENERAL COMMENTS

- The Bluenose Survey conducted in the spring 2010 has not been released and this is critical to the Bathurst Management Proposal of 2010. It is premature to assess and made determinations about the Bathurst before the Bluenose Herd is confirmed. I believe that at least some of this survey information could be released now, as certain information was released to certain stakeholders last summer about the Bathurst Herd.
- The harvest should be maintained as is, with Tlicho working with its own citizens to reinstate traditional hunting values if it so chooses and to encourage limited hunting if they deem it necessary. The Yukon has found voluntary measures to work very well. Resident hunters and outfitters harvest next to no animals compared to others.
- May 31, 2010 proposal is a total allowable harvest and needs to be treated as such
- Science is not there to support an emergency and the drastic measures being taken to all members of the NWT, including the aboriginal community. ARC is unreliable and not independent and does not say there is an emergency situation nor a decline, just management based on a decline is precautionary measure, ARC does not refer to need for the Joint Proposal harvest restrictions as management measure, (it is strange that the ARC report is titled management when it does not refer to management)
- Tlicho have not produced sufficient evidence there has been a decline asserted by ENR
- It seems the proposal is being used to curb aboriginal harvest and eliminate resident and outfitter harvest. There seems to be great concern that the Traditional Tlicho culture and way of harvest is not being practiced today. The aboriginal harvest, and return to traditional practices, could be achieved without eliminating resident and outfitter harvest. This is something that the Tlicho government and community is responsible for. Livelihoods of other people should not be eliminated because a community has determined it has not practiced traditional harvest methods or believes it has not respected animals or lived a culture they have had but are in the process of changing, the responsibility resides with them. Residents and outfitters have been restricted to very few numbers and reporting practices for a very long time.
- My comments/submissions for the March hearing hold: it is premature to take such draconian harvest actions and that the proponents still have not provided sufficient evidence to support their recommendations. Priority does not mean exclusivity, particularly regarding the right to harvest. It is not all for one and

nothing for another. The right to harvest can be protected with one animal, or on paper, allowing for distribution of harvest amongst Tlicho, other aboriginal groups, outfitters and resident hunters. This is especially so when there is no information about community needs.

- There is no limit/threshold identified to reinstate harvest, as per recommendation of the WRRB's expert witness, Dr. A. Gunn, and others during the hearing. Harvest limits, and therefore re-instatements depending upon various sizes of herd, were part of the Porcupine Management Plan in the Yukon, something that ENR has relied on so heavily throughout the course of community consultations, this hearing and preparation for this hearing, but has conspicuously omitted the plan for the WRRB's review to my knowledge. I would ask the Board to look at page 14 of the June 2010 Final Porcupine Plan to see the chart/form that is to be posted on roads to inform hunters. This has a limit for reinstatement of hunting. I will forward this management plan under separate cover to the WRRB as it is too lengthy to attach to this document. This document is clear as it states what is required.
- Reinstatement targets need to be decided now before one takes away any aboriginal, resident and outfitter hunt. There needs to be a target, not just stopping a decline, otherwise the management plans are all in a vacuum and cannot be evaluated. Without a reinstatement target, the goal is clearly to significantly reduce aboriginal harvest and eliminate resident and outfitters and switch the control, information and management to ENR/Tlicho.
- There is no mechanism after this hearing for the general public, including Tlicho, aboriginal groups like the YK Dene, outfitters and resident hunters- to be actively involved in decisions how to reinstate harvest. Management plans in the May 31, 2010 document clearly keep matters between ENR/Tlicho. Wek'eezi is a large area and includes more than just the Tlicho Lands. It is inappropriate to have one aboriginal group have so much control over land other than Tlicho Lands.
- I believe WRRB is being undermined and ENR/Tlicho are trying to take matters into their own hands and in secrecy. WRRB is the co- management body under the land claim and is and should be empowered with resources and tools and teams to make management plans happen, not as GNWT/Tlicho have outlined in their proposal. The WRRB has representatives of Canada on it, and there is a real risk of Canada's interests (and connections internationally) being ousted or affected with confinement of caribou management matters between GNWT and Tlicho and community members. The focus in the May 2010 proposal of matters between CCC, Tlicho and NWT is giving Tlicho and ENR powers that they do not have under Land Claim and is circumventing the Land Claim process and public governance/public institution aspect of responsibilities that lie within the WRRB through the Land Claim.
- That the WRRB is specifically referred in the Land Claim to as an institution of public government and must act in the public interest is paramount and was agreed to by the Tlicho and NWT/Canadian Federal Government as part of the land claim agreement. This component is critical in any management plan going forward. The joint proposal is not consistent with this concept.

- ENR/Tlicho have not done the work to make the allocation they assert, despite having ample opportunity, huge budgets and resources available to them, and being concerned supposedly about a decline issue for years; proponents should have been collecting required information for a management plan for years- especially since the last hearing in 2007.
- WRRB has been waiting for a management plan for a long time (prior to summer 2009 I believe as per WRRB minutes), and a management plan was specifically referenced in the Land Claim agreement -to suggest that a management plan was just required since summer of 2009 I believe is wrong.
- On the one hand, the proponents put the responsibility on the WRRB for asking for a proposal just last summer, and on the other hand, they seem to be wanting to take control and management away from the WRRB
- There is no assessment as to the needs of the community for caribou for food and clothing etc. despite the time provided
- The 500 harvest number in March was arbitrary- no basis was provided for it then and no basis has been provided for the ENR switch from 500 animals in March 2010 to 300 now in May 31, 2010. The end of the May Proposal runs model harvest scenarios, but 300 is omitted which is strange and unacceptable given this is the number selected by the proponents. It appears that this number was not even run through models and was just agreed upon. No justification has been provided for this 300 and there is no indication of the difference between say 300 and 350, 300 and 400, 300 and 500. The WRRB clearly has some room to allocate more tags.
- If the WRRB chooses say 500-600 -700 tags, and Tlicho and ENR are willing to accept 300, this would leave some room for outfitters and resident hunters-that is still only 3-4%, within other boards and there is no real basis for that 3-4% anyways. Allocation should include sufficient tags for resident hunters and outfitter especially in light of the following
 - a) the very real uncertainty in the numbers as disclosed by ARC, interveners, and now admitted by ENR in their May 31, 2010 proposal (particularly the very end of proposal regarding the use of models and statistics whereas ENR was previously conveyed to the public numbers and models with far more certainty);
 - b) extremely low collar numbers; 78 collars over the tens and years out of hundreds of thousands of animals (see source further in this submission);
 - c) the herd definition issue problem and ENR failure to follow their own definitions and practices;
 - d) the fact we had more snow last few years (and therefore estimate are likely higher as discussed below); and
 - e) tight time frames for this hearing and continued allotment of time for proponents to present a clear and certain management plan which they have not done.

- Self-monitoring of harvest is not in the land claim agreement as I recall and will not work; we need accountability. There is a specific clause in the Land Claim agreement I recall that references the ability to question the way rights to harvest are exercised. WRRB is the co-management board/mechanism and has to be accountable for the public. If WRRB allows for community monitoring, the WRRB could be setting up community members for negative interaction/action by the rest of the public, may even put undue responsibility and duties on these community members for situation in the future which may subject them to public scrutiny. These members are likely not insured and protected as governments are. High risk to these individuals. Governments and boards are accountable and there must be mechanisms to hold them accountable.
- There are no consequences identified if 300 not met- enforcement must be as per others in the NWT including infractions by resident hunters and outfitters regarding quotas
- total allowable harvest is just that, allowable, ie maximum of 300. There should be no need for plus or minus 10%. Outfitters and residents have had to stick to their numbers for years. If they can and have to do it, others can and should have to as well.
- Cannot have Tlicho community members making decisions-I believe this was just a way to obtain the buy-in from the community. Tlicho indicates on the one hand they are a government but on the other hand, want power in the community members
- Proposal indicates harvest identification MAY be part of the process but this is a key issue and the absence of same has contributed or even caused this problem ENR asserts we have now; one can assess the way in which rights to harvest are exercised under the land claim, if people do not have to identify themselves, run huge risk of deals being made, people not disclosing their harvest-need to be transparent as governments and boards and as citizens about such an important matter
- Too many issues are unknown or unresolved in the May 31, 2010 proposal to even review it- an agreement to agree on matters is not certainty, too many vague concepts to meaningful comment, an approach which has been consistent in this hearing: make general and all encompassing statements without back-up, overrun people with information on a quick basis and without adequate funding for review, keep things vague and keep people in the dark
- Proponents should have spent the time on developing the requirements for this hearing allocation rather than all the extraneous material
- proposal cannot work as too many others can hunt in the region, no evidence that restriction of a resident hunt and outfitter hunt will make a difference, especially if others continue to hunt
- lack of coordination between NWT and Nunavut and provinces, can still hunt Bathurst in Nunavut and elsewhere. IT is premature to restrict aboriginal harvest and residents in the NWT and take away the livelihoods of outfitters

especially with all of the uncertainties and others with unlimited harvest ability

- identify herd AFTER it has been shot? This makes no sense! Clearly ENR does not know which animals are in Wek'eezi and cannot before and after harvest-see discussion below.
- Looking for genetic differences through projects? If ENR is so sure of the differences between herds now that it can make all the conclusions it does, why is this needed? Previous research has shown there is no genetic differences.
- Clear from ENR reports that they do not know the identity of a caribou while on the winter range (see sections below) and even not on summer range. The reports that speak about this issue were not released until July 2010, are still in draft form and have not been peer reviewed, or reviewed by interveners/biologists
- Many decisions made between CCC, GNWT, and NWT at the exclusions of all others including important stakeholder groups
- Too much power being given to Tlicho community members to control Wek'eezi- it is one thing to have power for Tlicho lands, another for Wek'eezi
- No evidence as to why cows are included. This is evidently a need of the community that was not put forward and could and should have been.
- As noted above at the outset of this submission, ENR has not produced the model to run numbers and support their positions and must share these models
- I find it hard to believe that that the Tlicho would not be willing to share the harvest-not very responsible as a government in my view
- Hunting directly on the ice road should be stopped before resident hunter and outfitters licenses are revoked and in any case as part of this proposal. ENR/Tlicho have not pursued this over the years despite what many community members have said is the problem. This is permitted under the land claim
- Insufficient information on wolf population.
- Insufficient information as to the reason for the decline. The WRRB needs this to effectively manage and stop a decline.
- No production of evidence of where trap lines are for Tlicho in Wek'eezi-this is critical
- No evidence of Tlicho laws
- Meetings held with Tlicho and ENR were private, where considerable information was provided and not available to interveners, this is not consistent with transparency
- The proposal is only for two years and then management actions will be reconsidered. This is not appropriate as in the interim, the outfitting industry will be destroyed. I have heard that ENR employees have told others since the March hearing that "the caribou will return in two years". This is outrageous and, together with other comments made and the new Wildlife Act, reveals intent.

- Another Bathurst Survey is not due until 2012. This is too late in such a so-called crisis. A survey should have been conducted this year, on the entire Traditional Bathurst Calving Ground

BATHURST HERD: SPLITTING OF HERD AND HERD NUMBERS

Three key aspects

a) John Andre's description of what has transpired is very real and valid and it would be prudent, and is necessary, for the WRRB to read and follow all of the documents that are listed therein to appreciate this position. This will take some time but it is necessary. There is a real and documented explanation here and a real problem in the NWT that must be dealt with. I don't think this issue is going away.

b) In 1996, the environmental assessment for the first diamond mine was underway (per A. Gunn 2008, Draft 1996-2005 Satellite Collaring, page 11-document produced in July 2010). It is quite coincidental that this also corresponds with changes in calving grounds to the west of Bathurst Inlet as asserted by ENR, ENR survey efforts to the west of Bathurst Inlet, and the existence of key biologist working within ENR who were actively involved in changing definitions.

c) ENR has completely skirted the issues of definition of herds and the splitting of the herds in their presentations and proposal, even the revised proposal, including regarding definition of a "calving ground" "traditional calving ground" "herd". If you recall from their presentation, they asked "what is a herd" and immediately went into their computer generated scenario. They never noted their own definition that a herd is defined "as a return to a traditional calving ground" despite this definition is used by ENR over the years and is specifically referenced in the revised joint proposal. Please see some of the examples below

- May 31, 2010 joint proposal: "Within North America, migratory barren-ground caribou herds are defined and managed as distinct herds or populations, because studies have shown that this is how they have adapted to the large landscapes they live in (*****WRRB Members please note that there is little if any information produced to support this statement. I have been advised by Dr. Rick Page that the general consensus in the biological world is that herds are used for inventory purposes, but not for management purposes). Herds are defined based on the strong instinct of caribou cows to return every spring to a traditional calving ground. Studies show that usually about 95% or more of pregnant cows return annually to the same traditional calving ground."
- A. Gunn's report 2008a Draft 1996-2006 Satellite Collars released in July 2010: A defining characteristic of barren ground caribou is return of the cows to a traditional calving ground (Kensall 1968- Skoog 1968, Thomas 1969, Gunn and Miller 1986)

- A. Gunn 2008a Draft 1996-2005 Satellite Collars (produced July 2010 as per WRRB instructions) "We first assessed whether the satellite collared cows represented the herd using the definition of a herd as being based on the cows' return to a traditional calving ground"
- A.Gunn 2008b released in July 2010: Page 53: "Satellite telemetry has reinforced the earlier definition of caribou herds based on the return of the cows to their traditional calving grounds"

ENR has repeatedly overtime defined a herd based on return to a traditional calving ground, but ENR was conspicuously remiss in not addressing this at the March hearing either or in their May 31, 2010 or in supporting material for this hearing.

Please note some of the following places where Traditional Calving Ground is defined:

- ENR File report 118: Bathurst Calving ground surveys 1965-1996, by Sutherland and Gunn: Dept. of Resources and Wildlife and Economic Development defines traditional calving ground as the total area known to be used for calving over many years by caribou from a particular herd, which includes all known annual calving grounds for that herd.
- A. Gunn et al 2008 (produced only in July 2010 and at the request of the WRRB), :A Geo-statistical Analysis For the Patterns of Caribou Occupancy on the Bathurst Calving Grounds 1966–2007, "Traditional Calving Grounds are the total cumulative areas used for calving by a particular herd from 1950s to present (BCCMG 2004) page iv.

WRRB: the traditional calving ground is the accumulation of calving grounds and it is quite apparent from the material filed by John Andre and ENR surveys over the years and the documents produced in July 2010 that the Bathurst Herd includes all animals found on the ground in the all the surveys covered by annual calving grounds over the years, not just the area that was surveyed in June 2009 ie west of Bathurst Inlet. As a consequence, the estimates of the Bathurst Herd are extremely inaccurate and low.

What has transpired? Well we know one thing: ENR has stopped looking over the traditional Bathurst grounds over the years. But ENR will still do so, when it wants to. Take for example the comments below:

- ENR File report 118. This report indicates that during the 1980s, most survey efforts were concentrated east of Bathurst Inlet. "From 1986 to 1996, both the survey effort and mapped calving distribution were located progressively more west of Bathurst Inlet" (K. McMaster insert and note to WRRB: hence ENR's shift west of annual calving grounds is not surprising?). Report indicates that composite map Figure 1 revealed that within the Bathurst Herd's traditional calving grounds, the annual calving grounds have

shifted to the west of Bathurst Inlet. This report noted that a) ENR experience with the Beverly herd over 4 decades also revealed a progressive shift in the location of the annual calving grounds b) that shift is retreating back along general direction of late spring migration. File report 118 also specifically noted coverage of the entire traditional calving ground in some years may not have been adequate and areas of calving caribou may have been missed. The report made several recommendations including "In order to ensure that no calving areas are missed, reconnaissance flights should cover the entire traditional calving grounds".

The underline is mine.

I note that in 2008, ENR covered the entire traditional calving grounds of the Beverly Herd just to make sure it did not miss some of animals. I will provide a copy of the document name at the hearing as I do not have it here with me on holiday.

It is very clear that ENR should be covering the entire Bathurst Traditional Calving Ground in its surveys and it is not. This is a grave error.

I note that in the June 2009 survey (which was held back by ENR for the hearing in March ie not disclosed and only released to the general public in July 2010), ENR described the "study area" for the Bathurst Herd as the annual calving grounds over the last 10 years. I have read and reread many many surveys and I see no reference to this type of description in ENR surveys. Why the 10 years? Because, ENR has realized that it has not included the traditional calving ground of the Bathurst Herd and is trying to create its history-tradition- by referring to only 10 years of studies?

However it does not matter, by their own definition, the Bathurst Herd includes all animals located in the accumulated areas of calving grounds.

Please note that in A. Gunn et al 2008 Geo-statistical report for INAC (produced in July 2010), Gunn et al found 24 calving grounds over 42 years and discussed in this document and other documents the mobility of calving grounds each year. Calving grounds are relatively mobile (Weis and Usher in Gunn 2008 INAC report disclosed in July 2010) and as supported by Susan Fleck, ENR, testimony at the hearing in March. It would be impractical to create new herds based on calving grounds. Note that same document found no consistent shape and size of calving grounds at the peak and that satellite telemetry is predictive of calving ground area of density but less predictive for calving ground boundaries. The use of traditional calving grounds makes sense and it is not surprising that the definition has been used over the years and most recently by the WRRB's expert witness in her reports of 2008.

I also note that A. Gunn's reports (2008 Geo-statistical INAC report released in July) also contains support for mobile protection zones through land use documents and a goal to protect of calving grounds. The document was supported by an intervener in this hearing who worked at INAC at the time This intervener indicated support

for ENR's proposal, but had not read ENR material. That this document was not produced is quite coincidental.

I have read and reread the documents concerning the creation of the Ahiak herd and I believe there should be a national review of this issue, outside of ENR by the auditor general or another significant authority who is accountable to the Canadian public. The issue of definitions was not covered by ARC as they reviewed ENR practices and the issue was specifically excluded by the terms of reference: ARC indicated specifically it relied on ENR definitions. These herds are migratory animals, and affect tens and thousands of people and businesses in many provinces and territories. There is no ownership of wildlife, something that is specifically referenced in the Tlicho Land Claim agreement. It is not up to one department, or one person, or one government to define a herd which affects the lives of so many.

Dr. Gunn in previous studies has defined "calving ground": first year it is a calving "area" and the second year it is a calving "ground". Again, I have this study but it is not here with me and so will forward in August. So when the first Ahiak survey was supposedly conducted in 1986 to review the Ahiak calving ground, it was only an "area", yet it was called a calving ground. Not only was "calving ground" status given to it, "herd" status was given to those caribou. Dr. Gunn referred in report 126 to genetic differences in creating this herd, but these were later found to be unfounded.

Mr. Co-Chairs, I do believe that you have an opportunity to make wrongs or mistakes right and that the time is now. Mistakes after mistakes have been building for years and people have been able to do things in ENR without the involvement of others or accountability. This is still happening with key information including modeling information and data base information/knowledge residing in only one or two people without an understanding by the ENR department of GNWT. This has helped to create the situation we are in today, and that is, quite frankly, a mess. When matters are not handled properly from the start, they catch up with people. We learn that from an early age. But we also know that it is never too late to try and make a right a wrong. I believe as an institution of public government, which has been tasked with this very important matter, you have a responsibility to do this. You owe it to the citizens of the NWT and Canada.

It is clear that ENR's splitting of the Bathurst herd is a grave mistake, one that I hope will be accepted graciously and appropriately managed going forward. We have an opportunity to do this now, without causing an outcry or national controversy.

ALBERTA RESEARCH COUNCIL

With due respect to the Alberta Research Council as I am sure they have many fine people working there, their involvement has been problematic from day one. The contract was not put out to tender and they were not independent, terms of

reference were not included as the outfitters wanted, ARC was provided with documents that no one else could see (and were only recently disclosed, in July 2010), their report was circulated to others outside of ARC for review and comment (ie not entirely their report), and their conclusions were very damaging against ENR. The list of recommendations is long and telling, and ENR has not followed through. Many recommendations are made in the report that are not captured at the end of the report. ENR seems to be only seeking partnerships with researchers, and according to their contracts, ENR can control information this way. ENR does not seem to be reaching out to key stakeholders who have valuable information. I believe that the analysis to determine data needed to rely on trend analyses has not been completed. Transparency has not been provided. Survey results for 2009 were released to the WRRB and certain stakeholder groups in the summer of 2009 and not the public until the fall, the ENR June 2009 survey itself was held back and not released before the hearing in March and only to limited people in April 2010. Modeling has been commenced, but by a select few or even just one individual, without the involvement of others and behind closed doors. This has all happened after ARC recommended transparency. I could go on and on about this matter with more time.

I note that in the full and final ARC written report produced in 2009 by the institution (with several authors), ARC did not say the herds “are in decline”. Their conclusions are inconsistent in the executive summary and elsewhere in the report. Even in the ARC summary report forwarded to the WRRB immediately before the hearing, ARC did not capture its own conclusions in the report and in any event, still did not say that the herds “were in decline”. This is with a second chance and substantial time to clarify the situation by the institution. ARC has not been reliable in its conclusions and as an independent expert body, needs to be for the WRRB to rely on same.

I note the following information and expectation provided to me by a WRRB lawyer before the hearing via email correspondence. The document being referred to is the ARC summary report which was posted on the registry.

“Ms. McMaster, the information which may be presented by ARC is set out in the document I forwarded to you. As for how this came to the Board, there was direct contact by ARC to Board staff with a request to make a presentation. That was, as indicated, denied. ARC can be there if they choose to in the same way as any other member of the public.”

“Karen, the ARC presentation will be verbal because it is being made in the public portion of the hearing. They were not allowed to file a written submission because they were not interveners and because the deadline for written submissions had passed.”

“ARC were told to submit a summary of what they would say. You have it. They have limited time and the hearing format for public presentations is

quite relaxed. They will nonetheless not be allowed to stray far from the summary. Presentations/comments/questions raised in these portions of our hearings are not intended to be formal. Since no written evidence accompanies these presentations that goes to weight.”

The underline is mine.

Mr. Co Chairs and WRRB members, ARC clearly strayed far from their summary at the hearing.

I believe ARC’s attendance at the March hearing was not as described to me, and was merely a way of inserting or changing the information they had said previously in their report as an institution given I had raised issues in my report. Even with a second chance, they were not strong in their written summary provided before this hearing.

MISCELLANEOUS

I have listed miscellaneous thoughts and questions that I would ask the WRRB to take into consideration

- ENR has said continuously that its calving grounds have shifted progressively west and makes it sound like is a natural phenomena. This is not true-please look at ENR documents and Gunn 2008 INAC Geo-statistical report released in July 2010- Figure 11 page 23 which shows concentrated calving on both sides of the Bathurst Inlet marked by a year of change- basically, the year the definition was changed. Even within the two clusters on both sides of the inlet, the calving grounds are all over in both directions, ie not west. This is not a gradual transition west by any means. Why has ENR described it as such to the public, to lead people to think that it was natural and not the result of an interpretation or definition change? I believe it is very wrong for ENR to describe this as a natural and progressive shift west.
- ENR Report 118 noted that in 1995, the survey could not be completed because pilot and aircraft became unavailable- all ENR data for that year should be reviewed with caution? As well, A. Gunn in her 2008 a and b reports released in July 2010 refer to 1998 collars not functioning. Have these qualifications about data been considered in ENR reports, assumptions and conclusions?
- REPORT 119, Doug Herd (ENR biologist) 1990 Bathurst Calving ground survey: Authors states that because recruitment between 1986 and 1990 was high, suggests the decline may have been less severe than the estimates indicated. I believe ENR has stated recruitment has been high the past recent years in the NWT as shown by ENR in the March hearings, so the WRRB should err on the side that the numbers are not as severe as estimated.
- Gunn 2008 Geo- statistical report (released in July 2010): “In 1990, Bathurst Herd was focus of research supported by WKSS in response to extensive

- exploration/ diamond mines". Mr. Co Chairs and WRRB board members: Is it not surprising that the calving grounds and effort shifted west, by those who perhaps objected to the mining industry? They chose to look here?
- Gunn 2008 Geo-statistical INAC report: (again only released in July 2010), ENR has followed 78 animals in total. WRRB Board members: ENR has created a crisis, an emergency situation- based on 78 animals out of tens of thousands or hundreds of thousands (1996) animals? Had this number been known to the general public in the past, there would have been a public outcry about assumptions and conclusions drawn from such a small sample size. Instead, ENR over recent years has conveyed information to the public with certainty on numbers. This is wrong.
 - A. Gunn Geo-statistical INAC report released in July, 2010 Appendix F: trend analysis is numerical change over time in two areas 1) regression analysis- if many data points or 2) simple t-test 2 data points. ENR does not have enough points for regression analysis-and relies on simple t-tests? June 2009 survey relies on 1986 -2009 t test but the starting number is incorrect because definition had changed
 - I believe that ARC recommended conducting an analysis to determine how many points/information it needs to draw conclusions through trend analyses- this has not been done to my knowledge, despite all the statistical work that has been done by ENR and its consultants. ENR relies heavily on trend analysis in its conclusions for this hearing yet the trend analysis are not reliable
 - I believe that ENR has inappropriately been creating or continuing the assumption in the minds of others that there is ownership of wildlife. For instance, ENR called in the original proposal that we had a hearing on in March the Bathurst Herd (Tlicho Herd). The land claim agreements are very clear that there is no ownership of wildlife. It is very wrong in a public proposal to promote ownership of wildlife.
 - ENR has told members of the aboriginal community and general public (including resident hunters and myself) (and as evident through community consultation logs) that to restrict aboriginal harvest, GNWT must eliminate resident hunt and outfitters first. I asked the Director of Environment in December 2009 what the basis for this position is and she said "case law". This is not true, priority does not mean exclusivity.
 - As many people have indicated, we have had more snow in the last five years than in the past, it has been very unusual. The importance of snow is highlighted in Report 118: if caribou trudged through difficult snow conditions, calving may be delayed (may not reach calving ground). Without collaring information and tracking of animals, it is impossible for interveners to see if the animals continued their routes the same way each year or if changed as weather conditions changed. The tracking of individual animals was surprising absent in the appendices of A. Gunn 2008ab Bathurst Caribou reports released in July 2010.
 - An intervener in this WRRB proceeding worked at INAC and supported A. Gunn in her document Gunn 2008 Geo-statistical INAC Report. This

document raised the concern about the mobility/change of annual calving grounds: that mobility raised concerns about ability for area protection . A. Gunn indicated in the report that the Bathurst Calving grounds have had 2 periods totaling 30 years when predictability of calving grounds high, 2 periods separated by 11 years when local shift east to west and that this allows rules based protection of calving grounds and land use active mobile protection. This document was supported by an INAC employee who is an intervener in this proceeding and A. Gunn thanked him for his support. This intervener, coincidentally supported the ENR proposal, but indicated in the hearing he has not read ENR material to justify his views, which is all very surprising. It appears to me that there are many people working internally, and not transparently, against development and want to protect the calving grounds. This is evident in that the mobile protection measures are in the draft West Kitikmeot land use document described in the new joint proposal and coincidentally, a land use plan that is consistent with that plan is recommended in the new joint May 2010 proposal. The WRRB's expert was part of the meetings for this new proposal. Given their interests and involvement in studies in the past, their involvement and evidence in this hearing as independent people must be circumspect.

Mixture of herds and inability to identify Bathurst Animals

It is clear, even from the May 2010 proposal, that no one in the NWT can identify which herd an animal belongs to, before or after they harvest, and that ENR cannot predict animals in the Wek'eezi area. As we have learned from ENR's experience in collaring herds over the last 15 years, (A. Gunn 2008 report released July as discussed below), the only way to identify the identity of the animal (and by definition) is to wait until the animal returns to the calving ground in June. ENR documents and intervener comments indicated that the herds overlap in the winter and even in the summer. And that extent of overlap has not been determined, as the collaring numbers have been too low. Please see the following information from

Gunn1
1SATELLITE COLLARING AND CALF SURVIVAL
IN THE BATHURST HERD OF
BARREN-GROUND CARIBOU
2003 - 2005

"Based on the distribution of the collared cows in June 2005, we assigned the satellite-collared cows to the different herds on the premise that herds are identified by the return of cows to traditional calving grounds."

"Currently, we do not have enough collared cows in the Bathurst herd to provide a sufficient sample size to estimate pregnancy rates."

"However, overlap in the winter ranges of neighboring herds meant that we inadvertently collared cows from neighboring herds when the caribou from one herd used the same area as another herd in any one year. Overlap in the winter ranges of neighboring herds has been known previously at the regional scale

based on hunters returning ear-tags for the Beverly and Qamanirjuaq herds (Heard 1984). Comparisons of the locations of satellite-collared cows revealed that, on their winter ranges, caribou in the same area (within kilometres of each other) could be from different herds."

"Overlapping winter ranges has meant that, since 2001 during late winter, we have collared 40 cows on the winter ranges of the Bathurst herd and 12 have migrated to and shown fidelity to calving grounds other than the Bathurst herd's calving ground (nine to the Ahiak Herd, one to the Beverly Herd and two to the Bluenose East Herd). And of the collars intended for other herds in March 2005, five cows migrated to the Bathurst herd's calving grounds in 2005."

"Understanding the basis for how caribou are assigned to a particular herd is key to monitoring the changes in caribou numbers and the effects of harvesting. Satellite telemetry has reinforced the earlier definition of caribou herds based on the return of the cows to their traditional calving grounds (Thomas 1969, Bergerud 1974). Satellite telemetry has also justified the use of either calving ground or post-calving aggregation photography to census herd size based on fidelity to calving and post-calving areas. However, satellite telemetry is revealing more overlap in winter distribution, which affects how harvests are allocated to individual herds."

The underline is mine.

It is quite clear Mr. Co Chairs and Boards, if we had more experience and use of collars, we would see more overlap. I note a reference below of the same report of A. Gunn 2008 released in July 2010: "by June 2005, there were 15 satellite-collared cows in the Bathurst herd, eight in the Ahiak and nine in the Bluenose East herd". This is hardly enough to show representative movements of all these herds.

Please note WRRB members the overlap of other herds not described by ENR in the Bathurst Range: why has this information not been produced for this hearing?

Page 38/39 of this same report. A Gunne 2008 b:

"Along the coast of Hudson Bay in November 2004, there was freezing rain and heavy snowfall (M. Campbell pers. comm.) and satellite-collared caribou from the Qamanirjuaq, Wager Bay and Lorillard River herds extended their distribution west and overlapped the known winter ranges of the Bathurst, Ahiak and Beverly herds (Figure 11). This extension of winter range for cows from the Qamanirjuaq, Wager Bay and Lorillard River herds (based on satellite collars) was a concern to us in deciding where to collar caribou for the Ahiak herd. We had decided to collar the caribou in the area of Nonacho Lake and Artillery Lake as caribou collared from the Ahiak and Bathurst herds had previously used both areas. "

(Note deletion of Figure 12. Locations of collared caribou from the Qamanirjuaq, Wager Bay and Lorillard River herds and caribou sightings during reconnaissance flights March 2005 (data from Mitch Campbell, Government of Nunavut).

WRRB members: This was struck out and would be helpful to show how these herds interact within Bathurst range.

Gunne 2008b report also cites the following:

(Page 39): By June 2005, we had 15 satellite-collared cows in the Bathurst herd, eight in the Ahiak and nine in the Bluenose East herd.

Page 53: Satellite telemetry has reinforced the earlier definition of caribou herds based on the return of the cows to their traditional calving grounds

Mr. Co Chairs and WRRB members, the amount of overlap cannot be extrapolated from the information ENR has as the collared caribou information is too limited, always less than 20 collars for the Bathurst Herd. The amount of overlap was not reviewed by ARC with conclusions drawn regarding appropriate management practices. Below are some additional references to how the herds interact.

- A. Gunn: 2008a Draft 1996-2005 Satellite Collars produced by ENR in June/July as per WRRB instructions : we first assessed whether the satellite collared cows represented the herd using the definition of a herd as being based on the cows return to a traditional calving ground. Herds overlap in the winter so we have no means of confirming the individual cows herd identify during capture and therefore used the June distribution to assign herd identity.

If ENR cannot tell the herd of an animal in the winter, there is no way that a hunter could tell the herd affiliation of an animal.

I note that this draft study has not been peer reviewed and it is a key study, one which was only released in July 2010. This is unfortunate as it provides valuable information, which should be assessed by biologists for interveners, the Tlicho and other stakeholders.

Dr. Gunn has stated in A. Gunn 2008 Geo-statistical study (released July 2010) that satellite telemetry is predictive of the location of the calving ground and area of high density and less predictive of calving boundary. WRRB members: If collars cannot predict boundaries of calving grounds, when collared animals are together, they surely cannot predict very well the boundary outside of calving grounds or the annual migration routes throughout the year.

To my knowledge, no ENR study has confirmed that collars predict boundaries of winter grounds and as such, it is improper to rely on the extremely small number of collars over the years ie a mere 78 animals out of hundreds of thousands of animals over the years. Even at 32,000 animals, 78 collars represents 0.0024 of the herd.

-

Some additional thoughts for the WRRB consideration:

- ENR management plans assume that all cows and bulls follow collared animals-this is not the case

- There is basically no information where the bulls and young caribou go during the year; given the extremely small and varying sample size, there is no reliable information about where cows go.
- There is no proof that all animals follow collared cows and it is very clear from looking at the collared movements in the documents that have been provided, that the collared cows do not all stick together and the bulls certainly do not follow only the collared cows of their herd throughout the year.
- Collared representation of the Bathurst herd is key to the assumptions underlying ENR's assessment of the Bathurst herd and management plans. This was apparently a goal of the 1996 and 1998 collaring proposals (as per A. Gunn 2008 released in July), yet very little information has been forthcoming over the years. Despite the importance of this issue, key documents including Gunn. 2008ab. Draft 1996-2005 Satellite Collaring in Bathurst Herd of Barren Ground Caribou 1996-2005 were not forthcoming from the WRRB's expert witness, despite they were her own documents, until July 2010. Due to time constraints with the late disclosure in mid July 2010 and upcoming hearing early August 2010, I have not been able to have a biological review of this paper. This is wrong and not a fair process.

Please note the following references in A. Gunn 2008 a report

- Page 7 We first assessed whether the satellite-collared cows represented the herd using the definition of a herd as being based on the cows' return to a traditional calving ground. Herds overlap in their winter distribution so we had no means of confirming the individual cow's herd identity during capture, and therefore, we used the June distribution to assign herd identity. We then examined whether the satellite-collared cows were representative of the herd's seasonal distribution. This was an objective that had been included in the 1996 and 1998 proposals for satellite collaring. For logistical reasons, we were mostly limited to the season when dispersal of the cows was least (calving).

Under line is mine.

Page 16: The amount of overlap between consecutive years increases from calving throughout post-calving and the summer before decreasing to be lowest during the winter (Table 3). The size of the area used during calving is annually the smallest and the most variable in size (coefficient of variation of 56%) compared to the other seasonal life history ranges (coefficients of variation of 13% to 26%). The two largest areas were those used during migration both spring and rut/fall migration.

The sizes of the calving and wintering areas (based on minimum convex polygons) from 1996 to 2006 do not show significant trends over time, however, the southern boundary of the winter range has contracted (Table 4, Figures 6 and 7).

Page 24: The composite map of movement routes for the nine years is a construct – a relative abstraction and simplification that does not include variation between individuals and years (see Appendix E for annual maps of three-day moving average and T-spline with 60 tension for satellite-collared cows with the individual tracks to illustrate individual variation by year).

Page 29:

To date, most of its applications have been for management studies and geared toward letting hunters and the public know the whereabouts of the caribou.

Why has this information been withheld from hunters and interveners for so long?

Page 30 The demonstrated fidelity to a calving ground supports the current criterion for identification of herds (as defined by the cow's return to a traditional calving ground; Thomas, 1969).

Page 32

In Alaska, the question of calving fidelity has been examined and questioned several times over the last three decades. A recent paper suggested that when the Mulchatna herd in the southeastern Alaska mountains was increasing, it shifted its calving ground between 1989 and 1993 over a straight-line distance of about 100 km.

Please note WRRB members that the Alaska herd did not change its identity, despite moving far away. And as I said at the March hearing, the Porcupine has changed locations from Yukon to Alaska- different countries, and it did not change its name.

Page 34

Satellite collars are only used for tracking adult females and, therefore, much remains to be learned about both juvenile and male dispersal strategies. We also know little about mate selection. A reasonable assumption is that males will have fidelity to the females in any one herd given their geographic proximity during summer and fall. In terms of evolutionary fitness, it makes 'sense' to stay within 'reach' of the females.

"Making sense... is surely not evidence". ENR clearly does not have adequate knowledge of the caribou movements into and in Wek'eezi. We know that herds do not stay together during the year, otherwise we would have 1 accumulation throughout the year and there would be no reason to study just returns to calving ground for herd identity.

Page 34

Fidelity to a traditional calving ground (range) was shown based on a sample of cows for which we had information for more than one year. We observed a similar pattern of fidelity for post-calving and summer ranges, which is less well known than the fidelity to traditional calving grounds (for example Gunn and Miller, 1986). Fidelity to post-calving and summer ranges is a consideration in the context of environmental assessments.

The authors did not follow the definition of traditional calving ground. The sample of cows is very very low.

Page 35

Satellite telemetry data could be used to estimate residency time in the vicinity of the mines. This would be useful in undertaking energetics modeling for cumulative effects and risk assessment modeling for the potential effects of dust contamination of forage. Another potential use for satellite telemetry is in developing mobile Caribou Protection Measures (CPM), such as proposed in the 2004 draft West Kitikmeot Land Use Plan.

WRRB members and Co-Chairs: This shows intent, interest, agendas? Is it not surprising that the May 2010 joint proposal now includes a reference and recommends a land use plan parallel to the draft West Kitikmeot Land Use Plan, when the WRRB's expert witness and author of these studies participated in the meetings to develop the May 2010 proposal? I am sure that additional interveners would have come forward had this been in the original joint proposal.

Page 46: The use of the data is illustrative rather than exhaustive. Annual variation in movement rates and distribution (based on point locations) is relatively high, which means that more investigative analyses, such as caribou's evolutionary strategies on the use of space, will require a number of years of movement data.

WRRB: There is no certainty in caribou movements.

Page 77

Collar performance was poor in 1998 so this year is not presented in the analysis.

I note that the A. Gunn used in-house programs to map frequency of overall among 1966-2007 peak calving polyons and to generate program peak calving ground density map and that these have not been reviewed by interveners/biologists. WRRB members, this is important as we know that peak of calving is crucial to caribou estimates.

REVIEW OF INFORMATION

Below are some general comments about the review of information for this hearing. I have previously provided thoughts on the public registry.

- Had information been produced upfront, at the outset of the hearing, to support the proponents' position, reviews could have commenced immediately. However, an incredible amount of proponent information was forthcoming continuously over time, with very tight hearing schedule time frames. This did not allow for a meaningful review of information. I note that the proponents have had almost 7 years to collect information and present it, since ENR indicated it was aware of the decline they say in 2003. One would think that after the 2007 hearing, when ENR asked for serious action, that it would have collected documents and built its position or case to support a decline and sound management practices. Instead, it put out draft information in October 2009 (although it released the information to others before this time) and called emergency measures based on 9 animals in June, 2009, and put forward a joint proposal with no supporting information. This is unacceptable.
- I believe the WRRB does not have the best information before it to make decisions. There is considerably more information that the proponents, and your independent expert, should have produced for this hearing. For

instance, with proper disclosure, additional scientific work could have been conducted on the papers produced in July, the modeling done by Mr. John Boulanger and the in-house models reference in the July 2010 A. Gunn documents. As well, Dr. Gunn was aware of a traditional knowledge studies yet failed to file this information, when traditional knowledge is required under the land claim. There is apparently a DogRib Treaty document of 120 pages about the caribou that was not filed to my knowledge. This document became apparent during a read of the documents filed by ENR at the request of the WRRB in July 2010. And surely the WRRB would want to have a clear understanding of the reliability and validity of the caribou system in the NWT. Data bases are maintained by one person over the years and it is clear from my experiences this past April, that the data bases and information are not well managed. Yet interveners' requests about this matter were not awarded in this regard.

- ENR and Tlicho government are well- funded organizations with research teams and consultants easily available to them. In March 2010 the WRRB recommended funding to interveners. This funding was refused by ENR (they said it was not in their mandate to fund for the WRRB hearings) and the WRRB (who did not provide a reason). Yet the Tlicho hired consultants to work with ENR and the WRRB between March and May. Accordingly, proponents have had considerable advantage, and interveners were severely limited in providing meaningful review and information to this hearing. Intervener funding was provided in Nunavut to interveners for \$25K each I believe for one project assessment. Without the meaningful involvement of interveners, the WRRB is not using the best information.
- The WRRB has refused to allow the inclusion of traditional knowledge from interveners after the last hearing date, although it is required to do so under the land claim. Conversely, and unfairly, it has allowed for traditional knowledge from the Tlicho to be included by way of meetings with WRRB/Tlicho and ENR behind closed doors and through inclusion in the revised proposal. This is not a fair process and the WRRB is not relying on the best information available.

HEARING PROCESS

- It is unfortunate that the board did not give more advance notice for this second hearing so that people could prepare and participate fully. The board has given only a few weeks notice to participants, in the middle of summer holidays, and has given itself almost two months to make a decision. Most of the documents for this hearing were filed for the hearing in March and the board was to have already reviewed them before the March hearing. I believe that additional notice should have been provided to the parties in the circumstances and less time to the WRRB for review. Clear instructions should have been provided early on in July for this hearing.

- The new proposal contains recommendations about land use and yet stakeholders that are affected by these recommendations were excluded from this hearing as parties. Had this proposal been put forward in November, I would think several other interveners would have participated.
- There has been no certainty in this hearing from day one, and clarifications continued throughout the process; it has been chaotic
- Fairness has not been achieved
- The expert witness to the WRRB has played inappropriate role in this hearing
- Regarding this hearing process, I have filed some of my views of this hearing process and want to high-light a couple of issues. This hearing process was not about finding the truth. This is evident in the rules that were put in place, the lack of disclosure by the Tlicho/ENR prior to submissions being due, the extremely limited time schedules for this hearing and the way in which questioning was conducted. I note that two questions do not afford sufficient time to ask questions. An adjournment was granted in January but this was due to concerns about the lack of personnel being available to implement any changes after the hearing and that a lead WRRB employee was going to the Olympics with her family.
- Which raises another serious shortcoming to this entire process. The WRRB should be disclosing its minutes as the Sahtu Renewable Board does and the Gwitchin Renewable Resources Board do. I believe that most authoritative decision-making bodies do this, including city councils. Prior to the hearing I asked for copies of all minutes of the WRRB. I was told by the WRRB that they were in draft because they had not been signed by the Chairperson and would not be available until March 31, 2010. Accordingly, I was not allowed copies but I was permitted to look at them in the WRRB office and have copies the end of March. I was then told by legal counsel for the WRRB that I could not have them as this was not the northern way. I immediately forwarded the minutes of other northern boards http://www.grrb.nt.ca/board_meeting_minutes.htm <http://www.srrb.nt.ca/minutes.html> and the minutes were still not forthcoming. The minutes were very helpful in understanding what has taken place to date including that the WRRB was waiting for some time for a joint proposal and that the delay in providing a proposal during the most serious caribou crash in history is telling. Minutes would have identified conflicts of interest being declared and prevented much uneasiness about this matter. Interveners were not advised of conflicts being declared for this hearing until the morning of the March hearing, and only after the WRRB realized I had raised same in my submission. This submission was provided in mid February well before the deadline for submission.
- I believe that this board had already made determinations prior to the hearing. This was especially evident in the question of myself about the Tlicho Land Claim agreement. I was cross examined on this agreement, instead of the board noting my views and making its own decisions. It was

clear to me that this was done to undermine me as an intervener, to intimidate, and perhaps: to appease ENR if WRRB staff or advisors to the WRRB are also working for GNWT in closely related matters, as I believe they are. In any event, the WRRB should have been open to listening to other's interpretations, especially a party to this hearing.

- That emergency measures were called and a hearing was conducted based on June 2009 survey of 9 animals and a survey that was not released to the public, is still in draft a year later, and which ENR does not want widely distributed as per ENR emails is truly quite incredible and unacceptable.

CONFLICTS OF INTEREST

I believe that there are conflicts of interest from this hearing that have not been disclosed. Numerous interveners have raised concerns about the involvement of the WRRB's independent expert and her lack of independence.

Dr. Anne Gunn is clearly not an independent expert and is in a conflict situation. Amongst other things,

- Her work forms the basis of most of the work in the 1980s-2008. I would ask the WRRB to look at the list of documents in ENR studies and in the documents produced in July and you will see her name on an caribou work for the NWT, up to an including work that is still in press/progress.
- When others commented on Dr. Gunn's work at the hearing, in particular Mr. John Andre, given her work is so central to this hearing, Dr. Gunn was uncomfortable and left the proceedings for most of the duration of Mr. Andre's presentation, clearly upset. While I can understand it must be difficult to hear views contrary to one's views, this is not the behavior in my opinion of an expert witness for such an important hearing.
- Presumably Dr. is still continuing to be involved in the production of the reports produced in July 2010 that are "in press" or are "in draft"
- A. Gunn's reports clearly indicate an affinity to protect calving grounds and create mobile protection measures, please see Gunn 2008 Geo-statistical Bathurst Calving March 08, 2008. She has historical work in this area as well.
- A. Gunn as an expert witness has failed to bring forward critical documents for this hearing including all those she has written about the Bathurst herd as for example, in documents July 2010, traditional knowledge etc. I believe that this is not prudent and that she should advise the board of all relevant material so that the WRRB has the best information available. Traditional knowledge documents include: a) Dogrib Treaty 11 Council 2001 Caribou Migration and Status of their habitat, unpublished report for West Kitkmeot Slave Society 120 pages as cited in A. Gunn's report March 2008, for INAC disclosed in July 2010, and b) traditional knowledge study requested for inclusion by John Andre "The Tuktu and Nogak Project: Inuit Knowledge

about Caribou and Calving Areas in the Bathurst Inlet Region” By Natasha L. Thorpe.

- A. Gunn was seated with interveners and given party status to this hearing. I believe this was wrong.
- A Gunn was appointed to participate in the meetings with ENR/Tlicho. This is not the role of an independent advisor to the board/hearing in my view.
- Please note the recent salmon case in BC where a biologist voluntarily stepped down from a board for conflict of interest- see reference below. I believe A. Gunn should have stepped down long ago as she cannot advise the board on an independent basis. “Sr. Biologists commits Cohen commission” <http://www.theglobeandmail.com/news/national/british-columbia/senior-scientist-quits-cohen-commission-panel>

I believe there are several other conflicts in this hearing but as most of the hearing has taken place, and it is historical, I will hold these comments for another forum. Before this hearing concludes, I would ask the WRRB to ask all WRRB members, consultants/advisors to the WRRB and WRRB employees to declare who they have worked for in the past and if they have worked for either of the proponents and when. I believe this should be public information and part of this hearing, given the WRRB is the decision-making body and given the WRB is an institution of public government and must act in the public interest.

OVERALL HEARING PROCESS

As the WRRB is to be an institution of public government and must act in the public interest, this hearing requires competency, transparency, fairness, credibility and lack of conflicts. I believe this has not unfolded in this hearing.

In my view, the WRRB has not acted as an institution of public government. Its rules for this hearing were so vague and so open for WRRB ultimate authority that there were basically no rules for this hearing and very little certainty as to how this process would unfold. This is an unfair process and not consistent with values of public interest and public institutions. I find it quite incredible that the WRRB would change its website during a hearing such that the system was down a substantial amount of the time. I have pages after pages of references when the site was down. Given the tight-time lines for the hearings and the volumes of information produced, this was unacceptable. I note that even now it is incredibly difficult to find material on the WRRB website. Many documents were posted months after development, making it very difficult to review and provide meaningful comment.

Many other comments are raised in my letters on the registry and in my submission in March.

CONCLUSION

In conclusion, my conclusions from the March hearing hold: I believe that no changes should be made to harvest at this time. There is insufficient information to support these drastic actions and draconian action should not be taken just because there is an agreement between two governments, which can have their own agendas. This is especially the case when it is quite apparent that there is a poor basis for the draconian actions and a real struggle for power for management of wildlife. The agreement for 300 animal harvest was made without a basis in conservation, and without a reinstatement figure, appears to be a way to eliminate outfitters and resident hunters in the short term and to obtain control in the long term.

If the Tlicho government is concerned about harvest by their citizens, and believes that it is timely to instill/restore traditional culture and methods of hunting in their communities, it is welcome to do so. But it does not need to restrict resident outfitters and eliminate livelihoods to do so. Voluntary limits and encouragement for limited hunts would work well if the proponents see a concern. The Tlicho government can manage their citizens I am sure quite well. This is especially so given the management plan are only for two years.

I know of Tlicho members, resident hunters and outfitters, who have retained their respect for animals and land. I do feel for the elders in remote communities who continue to live a subsistence life-style. I believe the information put forward about the caribou situation has been inadequate, not transparent and has not been handled well by ENR and that it must be very confusing and heart-wrenching for elders to go through this process. It is for many others in the NWT as well, whose livelihoods and human rights issues are at stake.

I would respectfully submit that the WRRB must read the material put forth for this hearing very carefully as they have promised to do so before the hearing, that they must rely on their own thoughts, and exercise as a board their powers under the Tlicho Land Claim agreement and not just accept the ENR/Tlicho proposal. The WRRB is to manage wildlife in Wek'eezi under the Tlicho Land Claim agreement and has considerable power. While I am sure you might think it is difficult to arrive at a decision different from the joint proposal, as some of you are members of the ENR/Tlicho, and you are likely receiving pressure from the Proponents, I trust that you will.

I thank you for your time.

Sincerely,

Karen McMaster