



Tłıchǰ Government

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Government of Northwest Territories / Gouvernement des Territoires du Nord-Ouest

NOV 25 2016

Mr. Grant Pryznyk, Chair
Wek'èezhì Renewable Resources Board
4504 49TH AVENUE
YELLOWKNIFE NT X1A 1A7

Dear Mr. Pryznyk:

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

The Tłıchǰ Government (TG) and the Department of Environment and Natural Resources (ENR), Government of the Northwest Territories (GNWT) have received the Wek'èezhì Renewable Resources Board's (WRRB) "*Reasons for Decisions Related to a Joint Proposal for the Management of the Bathurst ǰekwo (Barren-ground caribou) Herd, Part B*". The document was delivered to the parties on September 27, 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 further working with the WRRB for the management of the Bathurst 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 Pellissey, 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 Bathurst ?ekwò (Barren-ground caribou) Herd, Part B

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

TG Response: TG would like to vary this recommendation. TG agrees with the recommendation insofar as it concerns consultation with Tłıchų Communities with respect to ?ekwò harvesting practices and maintaining the Tłıchų way of life and relationship with ?ekwò. TG anticipates completing these consultations by the end of March 2017. TG notes the suggestion of the Board with respect to the implementation of Tłıchų laws but observes that passage and/or implementation of Tłıchų 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 Tłıchų perspective, types of diga, their behavior and their annual range, and their relationship with ?ekwò 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, 19B and 20B into a comprehensive TK study. The Tłıchų 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 Tłıchų 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 ?ekwò, and their relationship with ?ekwò, 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, 19B and 20B into a comprehensive TK study. The Tłıchų 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 #4B-2016: The WRRB recommends that TG and ENR conduct a collaborative saho biological assessment, following the completion of the ongoing diga feasibility assessment. The assessment should include summarizing available information on saho abundance, movement and diet for the Bathurst ?ekwq herd's seasonal ranges as well as including TK collected in Recommendation #3B-2016

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 ?ekwq 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 Bathurst ?ekwq 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 Bathurst range.

Recommendation #5B-2016: The WRRB recommends that TG conduct TK research about stress and impacts on ?ekwq and people related to collars and aircraft over-flights by September 2017, which should be considered in determining number of collards 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, 19B and 20B 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 #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. In future, once the Bathurst Caribou Herd Cooperative Advisory Committee (the *Bathurst Committee*) is fully operational, caribou monitoring methods could be reviewed with all members of the *Bathurst Committee*, in the context of an overall management plan.

ENR notes that in June 2016, the reconnaissance survey of the Bathurst herd's calving grounds took about 3 hours in total because the main cluster of calving cows was limited in size, even with 2.5 km spacing between flight lines. The survey is 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. Once the *Bathurst Committee* is fully operational, ENR will also provide updates on monitoring information to other parties with an interest in the Bathurst herd.

Recommendation #8B-2016: The WRRB recommends that the BGCTWG prioritize biological monitoring indicators in order of need for effective management and develop thresholds under which management actions can be taken and evaluated. Implementation of this recommendation should be completed by no later than the end of March 2017.

ENR Response: ENR would like to vary this recommendation, and suggests that current monitoring of Bathurst herd 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.

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

TG Response: While land use planning in Wek'èezhìi 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'èezhìi 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'èezhìi, 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'èezhìi 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'èezhìi. 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 ENR complete the Bathurst Caribou Range Plan, with an implementation strategy, by March 2018. In the interim, the Board recommends that ENR develop interim thresholds for developments and other human activities within the range of the Bathurst ?ekwo herd by March 2017.

ENR Response: ENR would like to vary this recommendation and suggests rather, that "draft" thresholds for development will be provided for discussion by March 2017 and a final Draft Bathurst Caribou Range Plan and implementation strategy (including the consideration of thresholds of development) be completed by March 2018.

Recommendation #12B-2016: The WRRB recommends that TG and ENR complete and implement a long-term Bathurst Caribou Management Plan, with associate Action Plan, by March 2018.

ENR and TG Response: ENR and TG would like to vary this recommendation to ensure that the process to develop a long term plan is inclusive of all parties with an interest in management of the Bathurst caribou herd. A long-term Bathurst management plan is a high priority, and will be developed, with a target completion date of March 2018. The new Bathurst Caribou Herd Cooperative Advisory Committee will play an advisory role in development of this plan, which will be used by responsible management authorities. At a meeting of the Bathurst Committee on October 11, 2016, it was agreed that the Bathurst Caribou Technical Working Group (BCTWG) will review the 2004 Management Plan for the Bathurst Caribou Herd and suggest possible updates as a starting point for discussion and consideration by the larger Bathurst Committee in early 2017.

Recommendation #13B-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 ?ekwo habitat by 2018.

ENR Response: ENR would like to vary this recommendation, and suggests that 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.

Recommendation #14B-2016: The WRRB recommends TG and ENR develop criteria to protect *?ekwq* water crossings and tataa from exploration and development activities in the NWT. The criteria should be developed by March 2018 and included in the Bathurst Caribou Range Plan and Tłıchq Land Use Plan.

ENR and TG Response: ENR and TG accept this recommendation. 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.

There is also an important need and opportunity to engage with Tłıchq elders and conduct Tłıchq 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 Tłıchq 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. WRRB recommendations #13B, #14B, and #15B should be considered from the perspective that Tłıchq knowledge should also be used in developing recommendations for the Bathurst Range Plan, and for implementation in the Tłıchq Land Use Plan. There are also implications and a need to have a consistent perspective when it comes to the Wek'èezhii Land Use Plan file.

Recommendation #15B-2016: The WRRB recommends TG and ENR investigate and report to the WRRB and other stakeholders on the potential use of offsets for *?ekwq* 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 #16B-2016: The WRRB recommends that ENR continue to refine and update the Inventory of Landscape Change to ensure a comprehensive and standardized database of human and natural disturbance in the NWT.

ENR Response: ENR accepts this recommendation. The Inventory of Landscape Change (ILC) is continually being refined with the planned addition of human and natural disturbance layers. With respect to the current human development layer, ENR's Cumulative Impact Monitoring Program (CIMP) plans on updating this layer twice per year to include new permitted developments. CIMP also accepts reviewer feedback anytime via the Inventory of Landscape Change Web Viewer and will use this information to make corrections to existing data layers at the same 6 month intervals.

Recommendation #17B-2016: The WRRB recommends that TG and ENR integrate WEMP and WWHPP objectives and standardize approaches for monitoring the effects of development on *?ekwø* in Wek'èzhii.

ENR and TG Response: ENR and TG accept this recommendation. This recommendation is consistent with GNWT-ENR's commitment to work towards integration of project-scale mitigation and monitoring of individual developments with regional scale mitigation and monitoring of cumulative effects. ENR is currently revising guidelines to help developers produce Wildlife Management and Monitoring Plans (i.e. WWHPPs and WEMPs) that incorporate these principles into their project-level monitoring.

Recommendation #18B-2016: The WRRB recommends that TG and ENR complete and implement a fire management plan with criteria identifying under which the key *?ekwø* 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 #19B-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, 19B and 20B 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 #20B-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, 19B and 20B 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 #21B-2016: The WRRB recommends that the BGCTWG 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 herd have been made based on a suite of criteria and indicators, and evidence provided by various parties at board hearings.