



February 1, 2010

Distribution List

Via Email

Re: Legal Issues

Please be advised that the Wek'èezhìi Renewable Resources Board (WRRB or the 'Board') has compiled all legal issues related to the Bathurst Caribou Joint Management proposal. To view the original letters from intervenors, please go to the WRRB's Public Registry: www.wrrb.ca/public_registry.html.

Anyone wishing to comment on the attached list may do so by providing formal written statements digitally to Jody Snortland, Executive Director, **on or before February 8, 2010**. Comments shall be no more than 250 words in length and will be posted on the WRRB's public registry. The Board will be ruling on the issues during its next board meeting, scheduled for February 15-16, 2010.

If you have any questions, please contact our office at (867) 873-5740 or jsnortland@wrrb.ca.

Sincerely,

A handwritten signature in blue ink that reads "Grant Pryznyk".

Grant Pryznyk
Interim Chair

Cc John Donihee, WRRB Legal Counsel

Distribution List

Arctic Safaris	barryt@arcticsafaris.ca
Barrenground Caribou Outfitters Association	boydw@bathurstinlet.com
Bathurst Inlet Developments (1984) Ltd	boydw@bathurstinlet.com
Camp Ekwo/Rabesca's Resources	jrabesca@netkaster.ca
Caribou Pass Outfitters Ltd	john@shoshoewilderness.com
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North Slave Métis Alliance	enviromgr@nsma.net
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True North Safaris Ltd.	gary@truenorthsafaris.com
Yellowknife Chamber of Commerce	generalmanager@ykchamber.com

List of Legal Issues

1. Bathurst Caribou Management Plan is not endorsed by any of the representative organizations and therefore is invalid (Boyd Warner, 17Dec09)
2. No valid information available on which herd the bulls harvested by outfitters come from (Boyd Warner, 17Dec09)
3. No formal consultations were held with outfitters prior to the reduction or elimination of tags (Boyd Warner, 17Dec09)
4. If the WRRB makes a ruling, is it then that body that would be held accountable in the future for losses/claims by groups or individuals if any of those groups were successful in proving that the caribou are not in the crisis we are told they are in? (Boyd Warner, 17Dec09)
5. ENR is not following the recommendations of the ARC report re: transparency and treating caribou as a meta-population (Boyd Warner, 17Dec09)
6. ENR has not adequately informed stakeholders of which caribou live and use the North Slave (Management Unit R) and has failed to propose a management plan (Boyd Warner, 17Dec09)
7. Assuming there is no new data to support the use of the emergency clause, will the WRRB go to court to maintain its right to manage wildlife in Wekeezhii, or does it intend to permanently cede that right to the GNWT? (John Andre, 21Dec09)
8. Will the WRRB go to court to explain to ENR exactly where the Bathurst wintering ground is, so that the entire wintering area is protected? (It appears that the area closed deliberately avoids the Akaitcho region, currently involved in land claims negotiations. Certainly, ENR and the WRRB do not intend to manage migratory species based on land claim settlements). (John Andre, 21Dec09)
9. Apparently, some area of the NWT is being opened up to unlimited Woods Bison hunting. If this area is in Wekeezhii, will the WRRB go to court to prevent this hunt? (John Andre, 21Dec09)
10. Has a proper, legal declaration been made about barren-ground caribou to be game in danger of becoming extinct? Has the Crown acted illegally in announcing restriction on Aboriginal harvesting? (North Slave Métis Alliance, 18Dec09 & 11Jan10)
11. Constitutional rights cannot be infringed without justification. Justification, in the case of Aboriginal Peoples involves adequate Crown Consultation and Accommodation. Has the Crown justified infringement to harvest wildlife for traditional purposes? Is there a valid conservation concern? Had the existing policy of priority allocation been taken seriously? Have all other conservation options been considered? Has there been adequate Crown Consultation? Is this proposal the least infringement possible to affect the desired result? Is fair and adequate compensation made available? (North Slave Métis Alliance, 18Dec09 & 11Jan10)

12. Has the Crown provided adequate information? Has the Crown provided adequate time and opportunity to formulate views? Has the Crown made an honorable effort to accommodate rights? (North Slave Métis Alliance, 18Dec09)
13. Has the Crown fulfilled its fiduciary duty to manage caribou in the best interests of the Aboriginal people? Has the Crown breached the terms of Treaty 11 with regard to the protection of the right of the Aboriginal people to live their traditional lifestyle without interference or completion from “white people”?
14. Have the Tlicho Government, Crown and WRRB taken steps to acquire and use Métis TK? (North Slave Métis Alliance, 18Dec09)
15. Why has the WRRB left the Métis organizations out of their definition of First Nation and how does this affect the rights of the Métis to just and equitable treatment by the WRRB? (North Slave Métis Alliance, 18Dec09)
16. Section 12.7.1 of Tlicho Agreement “must allocate a sufficient portion of a total allowable harvest level for any other Aboriginal people to exercise its rights to harvest wildlife in Wek’eezhii … how does the WRRB or the Crown intend to do this with consulting the Métis? (North Slave Métis Alliance, 18Dec09)
17. Do the Environment Minister of the GNWT and Tlicho believe that Canada has a constitutional duty to ensure the caribou are around for aboriginals? I believe the Minister of the Environment said the reason for the actions is we need to ensure a supply to the aboriginal community. This goes directly against the Tlicho land claim agreement which specifically does not guarantee the supply of wildlife. What is the basis of this? Please refer to court decisions. (Karen McMaster, 23Nov09)
18. Why has the government (GNWT/Federal) not appointed another representative to balance the board for such an important issue? (Karen McMaster, 23Nov09)
19. Have you obtained a legal opinion that the proposed action plans do not infringe re the Charter of Rights? (Karen McMaster, 23Nov09)
20. Is there a Supreme Court of Canada decision which indicates **TLICHO** have the right to harvest at any cost, without regard to conservation, the cost to NWT citizens and infringement of human rights? (Karen McMaster, 23Nov09)
21. Other legal issues that will be raised during the hearing, including but not limited to, jurisdictional issues, interpretation of land claims, constitutional issues and human rights issues, conflict of interest, due process/natural justice, and consultation. (Karen McMaster, 23Nov09)