

September 25, 2015

Hon. Michael Miltenberger, Minister
Department of Environment and Natural Resources
Government of the Northwest Territories
PO Box 1320
Yellowknife, NT X1A 2L9
Email: michael_miltenberger@gov.nt.ca

Via Email
michael_miltenberger@gov.nt.ca
grandchiefediwa@tliche.com

Grand Chief Eddie Erasmus
Tłıchq Government
Box 412
Behchokò, NT X0E 0Y0
Email: grandchiefediwa@tliche.com

Re: Bathurst & Bluenose-East Caribou Herds - 2015/2016 Recommendations & Reasons for Decision on Management Actions

Dear Mr. Miltenberger & Grand Chief Erasmus,

The Wek'èezhì Renewable Resources Board (WRRB) thanks both the Tłıchq Government (TG) and the Department of Environment and Natural Resources (ENR), Government of the Northwest Territories, for their letters received on August 25, 2015 and September 22, 2015, respectively.

As per Section 12.4.1 of the Tłıchq Agreement, the WRRB has primary powers for wildlife, forest, plant and protected areas management in Wek'èezhì and adheres to the principles and practices of conservation in fulfilling its duties. The Board takes its role in resource management seriously, with particular emphasis on the conservation and recovery of the Bathurst and Bluenose-East caribou herds.

Both letters set out perspectives on herd status as well as recommendations for short (2015-16) and long-term (2016-17) management for the Bathurst and Bluenose-East caribou herds.

Short-term Management

The timing of these letters creates difficulties for the WRRB in that it was unable to provide affected harvesters, businesses and residents of Wek'èezhì with a fair opportunity to comment and offer their recommendations to the Board. In the short-term, due to its obligations to be fair, it is unrealistic for the Board to consider a public hearing process as the timelines will not allow the Board to render a

.../Page 2

decision prior to the end of the 2015/2016 harvest season. However, the Board has prepared a list of recommendations and reasons for decision for both herds (attached). The WRRB is encouraged to see TG and ENR working towards short-term management actions for the Bathurst and Bluenose-East caribou herds.

Long-term Management

In the long-term, the WRRB is prepared to hold a separate proceeding for the Bathurst and Bluenose-East caribou herds, which would include separate public hearings, as per Section 12.3.10 of the Tłchq Agreement, to recommend or determine a total allowable harvest and other management actions for each herd.

As the WRRB will require a minimum of 120 days for each proceeding and the governments will require a maximum of 90 days to review and implement determinations and/or recommendations by July 1, 2016, the Board requires the submission of separate joint management proposals for the Bathurst caribou herd and the Bluenose-East caribou herd, for the 2016/2017 harvest season and beyond, by no later than October 15, 2015 and November 15, 2015, respectively. To ensure that all required information is provided to the Board in the correct format, please see the WRRB's Rule for Management Proposals. If you have any questions, please contact our office at (867) 873-5740 or jpellissey@wrrb.ca.

Sincerely,



J. Grant Pryznyk
Interim Chair

Attachment

Cc Ernie Campbell, Deputy Minister, ENR
Lynda Yonge, Director, Wildlife, ENR
Laura Duncan, Tłchq Executive Officer, TG
Sjoerd van der Wielen, Manager, Lands Protection, TG

WEK'EEZHII RENEWABLE RESOURCES BOARD RECOMMENDATIONS AND REASONS FOR DECISION ON MANAGEMENT ACTIONS FOR BATHURST AND BLUENOSE-EAST CARIBOU HERDS IN 2015-16 AND 2016-17 & BEYOND

The Wek'èezhìi Renewable Resources Board (WRRB) was established to perform the wildlife management functions set out in Chapter 12 of the Tłıchǫ Agreement and shares responsibility for the monitoring and management of the Bathurst and Bluenose-East caribou herds. On August 25, 2015 and September 22, 2015, respectively, both the Tłıchǫ Government (TG) and the Department of Environment and Natural Resources (ENR), Government of the Northwest Territories, submitted letters to the WRRB that set out perspectives on declining herd statuses as well as recommendations for short (2015-16) and long-term (2016-17) management for the Bathurst and Bluenose-East caribou herds.

1.0 WRRB RECOMMENDATIONS ON BATHURST CARIBOU HARVEST

1.1 Background Facts Provided by ENR

A fall composition survey to measure the annual adult sex ratio for the Bathurst caribou herd was conducted on October 22, 2014. The total number of adult caribou classified were 2,502 over 34 groups; results indicate a bull:cow ratio of 49:100 ratio.

In March 2015, 40 collars were deployed on caribou (20 on bulls and 20 on cows) assumed to be from the Bathurst caribou herd; currently, the herd is estimated to have approximately 47 collars.

The late winter calf survival / spring recruitment survey to measure annual calf survival for the Bathurst caribou herd occurred March 5 to 6, 2015. The total number of caribou classified was 2742 over 84 groups; results indicate a calf:cow ratio of 24:100 ratio.

In early June 2015, aerial reconnaissance, composition and photo-surveys were completed on the calving grounds of the Bathurst caribou herd. Preliminary findings suggest a decrease in the herd since the last calving ground photo surveys in 2012. The preliminary estimate of breeding females for the Bathurst herd is 8,075 (CI=4,608-11,542). The preliminary estimate of herd size of 1.5+ year old caribou is 19,769 (CI=12,349-27,189).

1.2 Aboriginal Harvest of Bathurst Caribou

In 2010, and again in 2013 and 2014, the WRRB recommended a target harvest of 300 caribou plus or minus 10% for the entire Bathurst caribou herd, both inside and outside of Wek'èezhìi. Based on evidence available at the time, the Board concluded that a limited harvest of 270-330 caribou with 60 or fewer cows was an appropriate management option to help stabilize the herd. While the strongest measures to maximize the potential for the recovery of the herd would have been to end all

harvesting, including the Aboriginal harvest, the Board recognized the linkage between Aboriginal peoples, caribou and culture and the hardship that a total ban would entail. Therefore, the WRRB sought a balance between maintenance of those important linkages and minimizing impact of the harvest on the Bathurst herd.

In January 2015, the WRRB also supported additional measures, more specifically ENR's proposal to establish a Mobile Core Bathurst Caribou Conservation Area (MCBCCA) through wildlife regulations. The proposal was based on the 2014 reconnaissance survey results, which suggested the number of Bathurst caribou on the calving grounds had declined substantially from 2012. Harvest of caribou was not permitted within the MCBCCA; however, harvest of a limited number of Bathurst caribou bulls, up to a maximum of 15, would be considered by the ENR within the MCBCCA for ceremonial purposes upon submission of a written proposal by an Aboriginal government with traditional harvesting rights for the Bathurst caribou herd.

The declining trend and current size of the herd now clearly suggest that limitation of all harvests is warranted. The WRRB has requested that ENR and TG submit a joint management proposal for the Bathurst caribou herd proposing both harvest management and monitoring actions for the 2016/2017 harvest season and beyond. The 2015/2016 harvest season began on July 1, 2015 and is currently underway. However, since the 2014/2015 management and monitoring actions expired on June 30, 2015, management and monitoring actions for the current harvest season are required.

On August 25, 2015, TG proposed harvest management and monitoring actions for the 2015/2016 harvest season. In particular, the primary harvest management action proposes a total allowable harvest of 200 for the Bathurst caribou herd. Additionally, TG recommends the use of Wildlife Management Units Subzones, in lieu of the MCBCCA, to differentiate management actions between barren-ground caribou herds. On September 22, 2015, ENR proposed harvest management and monitoring actions for the 2015/2016 harvest season. In particular, the primary harvest management actions propose a total allowable harvest of zero and re-establishment of the MCBCCA for the Bathurst caribou herd.

1.3 Board Process for Total Allowable Harvests

If the WRRB decides to implement a total allowable harvest for the 2015/2016 harvest season, Section 12.3.10 of the Tłıchǫ Agreement stipulates that *“a public hearing shall be held when the Board intends to recommend or determine a total allowable harvest level in respect of a population or stock of wildlife which has not been subject to a total allowable harvest level within the previous two years”*.

A proceeding with a public hearing component can range in length from 120 days to 180 days. Due to its obligations to be fair, it is unrealistic for the Board to consider a public hearing process as the timelines will not allow the Board to render a decision prior to the end of the 2015/2016 harvest

season. As such, the WRRB is not prepared at this time to recommend a total allowable harvest for subsistence users of the Bathurst caribou herd during the 2015/2016 harvest season.

Recommendation #1-2015: Given the situation appears to be an emergency, the Board recommends that TG and ENR come to agreement and implement a further reduction in numbers of caribou harvested for subsistence users of the Bathurst caribou herd during the 2015/2016 harvest season.

Recommendation #2-2015: The Board recommends that TG and ENR come to an agreement on whether the MCBCCA or Wildlife Management Units Subzones is the most effective way to differentiate between barren-ground caribou herds, and then implement, for the 2015/2016 harvest season.

Interim Recommendations for the 2015/2016 Harvest Season

1.4 Commercial Harvest of Bathurst Caribou

The current size of the herd and declining trend in herd size requires limitation of all harvest of Bathurst caribou. Section 12.6.5(a) of the Tłıchq Agreement recognizes that the WRRB “*shall give priority to non-commercial harvesting over commercial harvesting*”.

Recommendation #4-2015: The Board recommends that all commercial harvesting of Bathurst caribou within Wek’èezhìı remain at zero for the 2015/2016 harvest season.

1.5 Outfitted Harvest of Bathurst Caribou

The current size of the herd and recent trend in herd size requires limitation of all harvest of Bathurst caribou. Section 12.6.5(a) of the Tłıchq Agreement recognizes that the WRRB “*shall give priority to non-commercial harvesting over commercial harvesting*”. The Board recognizes the hardship experienced by outfitters resulting from reductions in their access to caribou. However, it is clear to the Board based on the evidence in hand that the Bathurst caribou herd is in crisis. Aboriginal harvesting has been curtailed. In these circumstances, the WRRB cannot recommend any outfitter harvesting. The WRRB is responsible for ensuring a balance that maintains Tłıchq and other First Nation traditions and conservation. At this point, conservation needs are paramount.

Recommendation #5-2015: The Board recommends that all outfitted harvesting of Bathurst caribou within Wek’èezhìı remain at zero for the 2015/2016 harvest season.

1.6 Resident Harvest of Bathurst Caribou

The current size of the herd and declining trend in herd size requires limitation of all harvest of Bathurst caribou. The Board recognizes the hardship experienced by resident harvesters resulting from reductions in their access to barren-ground caribou; however, resident harvesters still have other opportunities to hunt, including moose, boreal woodland caribou and muskox. Sections 12.5.6 (c) and 12.7.5 of the Tłı̨chǫ Agreement acknowledge that the WRRB “*shall give priority to non-commercial harvesting over commercial harvesting; and, with respect to non-commercial harvesting, residents of the NWT over non-residents of the NWT*”.

Recommendation #6-2015: The Board recommends that all resident harvesting of Bathurst caribou within Wek’èezhìi remain at zero for the 2015/2016 harvest season.

2.0 WRRB RECOMMENDATIONS ON BLUENOSE-EAST CARIBOU HARVEST

2.1 Background Facts Provided by ENR

In March 2015, 31 collars were deployed on caribou (20 on bulls and 11 on cows) assumed to be from the Bluenose-East caribou herd; currently, the herd is estimated to have approximately 52 collars.

The late winter calf survival / spring recruitment survey to measure annual calf survival for the Bluenose-East caribou herd occurred March 3 to 5, 2015. The total number of caribou classified was 2105 over 94 groups; results indicate a calf:cow ratio of 23:100 ratio.

In early June 2015, aerial reconnaissance, composition and photo-surveys were completed on the calving grounds of the Bluenose-East caribou herd. Preliminary findings suggest a decrease in the herd since the last calving ground photo surveys in 2013. The preliminary estimate of breeding females for the Bluenose-East herd is 17,135 (CI=12,772-21,498).

A fall composition survey to measure the annual adult sex ratio for the Bluenose-East caribou herd will be conducted in October 2015. A preliminary estimate of herd size of 1.5+ year old caribou will then be available in early November.

The Advisory Committee for Cooperation on Wildlife Management (ACCWM), of which the WRRB is a Member Board, submitted the “*Taking Care of Caribou: The Cape Bathurst, Bluenose-West and Bluenose-East Barren-ground Caribou Herds Management Plan*” (Management Plan) to ENR, Government of Nunavut, TG and other Aboriginal Governments for implementation on November 5, 2014. On July 2, 2015, the ENR confirmed that the Management Plan will “serve as the ENR’s primary guidance on monitoring and management” of the Bluenose caribou herds and, “be a key document as we develop the next Northwest Territories (NWT) Caribou Management Strategy and

other caribou-related plans”. The Management Plan sets out that each herd’s status will be determined based primarily on the estimate of the overall size of the herd as well as the population trend and additional monitoring indicators. The herd status provides a trigger for specific management actions.

2.2 Aboriginal Harvest of Bluenose-East Caribou

In 2010, although there was evidence to suggest that there was not a continuing decline in the Bluenose-East caribou herd, the WRRB recommended a target harvest of 2800 caribou plus or minus 10% for the entire herd, both inside and outside of Wek’èezhìi (NWT overall harvest of 1800 caribou). The Board recognized the linkage between Aboriginal peoples, caribou and culture; therefore, the WRRB sought a balance between maintenance of these important linkages and minimizing impact of the harvest on the Bluenose-East herd.

In November 2014, the ACCWM proposed that, during the 2014/2015 harvest season, the existing voluntary harvest target of 2800 Bluenose-East Caribou per year (NWT overall harvest of 1800 caribou) continue with a focus on a majority-bulls harvest, emphasizing younger and smaller bulls and not the large breeders and leaders. If ENR had evidence to suggest that the harvest target has been exceeded by 10% or more for the 2014/2015 harvest season, then, after consultation with the ACCWM, regulations should be put in place to close harvesting in areas occupied by the Bluenose-East Caribou herd.

In January 2015, ENR requested input on the harvest allocation of the 1800 Bluenose-East Caribou for the Sahtú and Wek’èezhìi regions, with a portion of authorization cards to be allocated to other Aboriginal harvesters of the Bluenose-East caribou herd. The ACCWM felt that it was inappropriate to make any decisions on harvest allocation without input and approval from all Aboriginal harvesters of the Bluenose-East caribou herd. The ACCWM recommended that ENR host a meeting of all Aboriginal users as soon as possible to determine the allocation of the Bluenose-East caribou herd. However, on February 6, 2015, ENR implemented an allocation for the Bluenose-East caribou herd for the remainder of the 2014/2015 harvest season. In August 2015, the Gwich’in Renewable Resources Board (GRRB), Sahtú Renewable Resources Board (SRRB), the Wildlife Management Advisory Council-NWT [WMAC(NWT)] and the WRRB requested that ENR call a meeting of all traditional NWT and Nunavut harvesters of the Bluenose-East caribou herd as well as wildlife management authorities from the Bluenose-East caribou herd range, including the GRRB, SRRB, WMAC (NWT) and WRRB, to discuss and determine a harvest allocation by no later than the end of September 2015.

Additionally, in January 2015, the WRRB supported ENR’s proposal to amend the Big Game Hunting Regulations to require authorization cards for harvest within R/BC/01, R/BC/02 and R/BC/03.

The declining trend and current size of the herd now clearly suggest that limitation of all harvests is warranted. The WRRB has requested that ENR and TG submit a joint management proposal for the Bluenose-East caribou herd proposing both harvest management and monitoring actions for the 2016/2017 harvest season and beyond. The 2015/2016 harvest season began on July 1, 2015 and is currently underway. However, since the 2014/2015 management and monitoring actions expired on June 30, 2015, management and monitoring actions for the current harvest season are required.

On August 25, 2015, TG proposed harvest management and monitoring actions for the 2015/2016 harvest season. In particular, the primary harvest management actions propose a total allowable harvest of 950 for the Bluenose-East caribou herd and an allocation of the total allowable harvest between user groups. Additionally, TG recommends the use of Wildlife Management Units Subzones to differentiate management actions between barren-ground caribou herds. On September 22, 2015, ENR proposed harvest management and monitoring actions for the 2015/2016 harvest season. In particular, the primary harvest management actions support TG's recommendations of a total allowable harvest of 950 for the Bluenose-East caribou herd and an allocation of the total allowable harvest between user groups.

While the final herd status for Bluenose-East herd is dependent on the final 2015 population estimate, i.e. which colour zone is the herd in, the preliminary colour zone is expected to be either orange or red. In these colour zones, the Management Plan recommendation is for a mandatory limit on subsistence harvest based on a total allowable harvest accepted by the ACCWM.

2.3 Board Process for Total Allowable Harvests

If the WRRB decides to implement a total allowable harvest for the 2015/2016 harvest season, Section 12.3.10 of the Tłıchq Agreement stipulates that *“a public hearing shall be held when the Board intends to recommend or determine a total allowable harvest level in respect of a population or stock of wildlife which has not been subject to a total allowable harvest level within the previous two years”*.

A proceeding with a public hearing component can range in length from 120 days to 180 days. Due to its obligations to be fair, it is unrealistic for the Board to consider a public hearing process as the timelines will not allow the Board to render a decision prior to the end of the 2015/2016 harvest season. As such, the WRRB is not prepared at this time to recommend a total allowable harvest for subsistence users of the Bluenose-East caribou herd during the 2015/2016 harvest season.

Recommendation #7-2015: Given the situation appears to be an emergency, the Board recommends that TG and ENR come to agreement and implement a further reduction in numbers of caribou harvested for subsistence users of the Bluenose-East caribou herd during the 2015/2016 harvest season.

Interim Recommendations for the 2015/2016 Harvest Season

Recommendation #8-2015: The Board recommends that any harvest allocation should be finalized in discussions with traditional NWT and Nunavut harvesters of the Bluenose-East caribou herd as well as wildlife management authorities from the Bluenose-East caribou herd range, including the GRRB, SRRB, WMAC (NWT) and WRRB.

Recommendation #9-2015: The Board recommends the continued requirement for authorization cards for harvest of Bluenose-East caribou within R/BC/01, R/BC/02 and R/BC/03 for the 2015/2016 harvest season.

Recommendation #10-2015: The Board recommends that TG and ENR come to an agreement on whether the MCBCCA or Wildlife Management Units Subzones is the most effective way to differentiate between barren-ground caribou herds, and then implement, for the 2015/2016 harvest season.

2.4 Commercial, Outfitting & Resident Harvest of Bluenose-East Caribou

The current size of the herd and recent trend in herd size requires limitation of all harvest of Bluenose-East caribou herd. The Board recognizes the hardship experienced by resident harvesters resulting from reductions in their access to barren-ground caribou; however, resident harvesters still have other opportunities to hunt, including moose, boreal woodland caribou and muskox. Sections 12.5.6 (c) and 12.7.5 of the Tłı̨ch̨ Agreement acknowledge that the WRRB “*shall give priority to non-commercial harvesting over commercial harvesting; and, with respect to non-commercial harvesting, residents of the NWT over non-residents of the NWT*”.

While the final herd status for Bluenose-East herd is dependent on the final 2015 population estimate, i.e. which colour zone is the herd in, the preliminary colour zone is expected to be either orange or red. In these colour zones, the Management Plan recommendation is for no resident, outfitter or commercial harvest.

Recommendation #11-2015: The Board recommends that all commercial, outfitted and resident harvesting from the Bluenose-East caribou herd within Wek’èezhì remain at zero for the 2015/2016 harvest season.

3.0 WRRB RECOMMENDATIONS ON CARIBOU MONITORING

Monitoring is important for two reasons related to the process of management: 1) to assess the status and trend of caribou herds; and 2) to assess whether management objectives are being met. Any monitoring program needs to respect and make use of Tłı̨ch̨ knowledge as well as ensuring the timely distribution of monitoring results to the public, that consistent monitoring be conducted across

herds, that environmental conditions be monitored as well as aspects of caribou biology, that methods ensure scientific defensibility of results, and that monitoring include utilizing information from all stakeholders including outfitters, residents and industry. Further, any approach to management must have ways of measuring success so that adjustments can be made if results are not achieved or if conditions change such that a different approach is warranted.

The WRRB's approach and responsibilities are based on co-management, and as such, support the Tłıchǫ philosophy of "*Strong Like Two People*", allowing a more realistic way of linking monitoring to adaptive co-management.

Recommendation #12-2015: The Board recommends that recommendations #28 to 41 from 2010, as varied by ENR and TG, related to caribou monitoring remain in place.

4.0 WRRB RECOMMENDATIONS ON RULES-BASED APPROACH

The management of hunting requires more than establishing numerical targets or thresholds. It also requires development of rules that will strengthen Tłıchǫ traditions, define acceptable hunting methods and behaviour of hunters and access to wildlife over time and space. Efforts must be put into hunter education including the development of tools such as DVDs on traditional and ethical hunting practices for use by public and Aboriginal hunters.

Recommendation #13-2015: The Board recommends that recommendations #42 and 43 from 2010 related to developing and implementing conservation education programs remain in place.

5.0 WRRB RECOMMENDATIONS ON ADAPTIVE CO-MANAGEMENT FRAMEWORK

The Board recognizes collaborative management approaches and the importance of Tłıchǫ and scientific ways of monitoring. The regular review of monitoring information is central to appropriate and timely management actions being developed. It is important to measure the effectiveness of management actions through monitoring and establishing criteria for measuring success or failure.

Recommendation #14-2015: The Board recommends that recommendations #44 to 46 from 2010, as varied by ENR & TG, related to the adaptive co-management framework remain in place.

6.0 WRRB RECOMMENDATIONS ON DEVELOPMENT, HABITAT AND WILDLIFE MANAGEMENT

Important landscape management strategies include habitat conservation, limits to development and protection of calving grounds. There is a need to monitor and manage cumulative effects across the range and to provide protection for caribou as they pass through areas of development during calving

and post-calving. On April 1, 2014, the Government of the Northwest Territories became responsible for managing public land, water, and resources in the NWT. As a result of devolution, the land manager has changed from the Department of Aboriginal Affairs and Northern Development, Government of Canada to the Department of Lands, Government of the Northwest Territories.

On November 28, 2014, the new *NWT Wildlife Act* (the “Act”) was called into force. Part 6 of the Act addresses Conservation and Management measures and includes Sections 95-96 which provide, respectively, for regulations to require the development of plans to protect wildlife and wildlife habitat during the resource development process and guidelines for these plans.

Recommendation #15-2015: The Board recommends that recommendations #47, 48, 50 and 51 from 2010, as varied by ENR & TG, related to development, habitat and wildlife management continue to be implemented.

Recommendation #16-2015: The Board request that study results focused on the Bathurst caribou herd, including studies of caribou winter range use in burned and unburned areas, the effects of insect harassment in the summer, ongoing studies via remote sensing of changes in vegetation quality on the summer range, a study of dust around the diamond mines in the Bathurst caribou herd range, and a study of the effects of the 2014 NWT fires on vegetation, be provided.

7.0 WRRB RECOMMENDATIONS ON WOLF MANAGEMENT

Increased wolf harvest may allow for increased caribou survival, and can be implemented by:

- Providing training to hunters to set snares and handle wolf pelts;
- Increasing value of pelt under Genuine Mackenzie Valley Fur Program;
- Increasing price per carcass;
- Supporting hunters to get to where wintering caribou and wolves are;
- Removing problem wolves around communities by hiring trappers; and,
- Implementing focused removals on the winter range and at the den site if efforts have not met the annual wolf harvest targets and if the Bathurst and Bluenose-East caribou herds continues to decline.

More research must be conducted in order to develop improved indices for monitoring wolf abundance and examining wolf and grizzly bear predation on caribou.

Recommendation #18-2015: The Board recommends that recommendations #52 and 53 from 2010 related to wolf management remain in place.

8.0 WRRB RECOMMENDATIONS ON LONG-TERM CARIBOU MANAGEMENT

A Bathurst Caribou Management Plan was developed in the early 2000's and finalized in 2004. It was never formally ratified by participating governments and other parties. It is a requirement under Sections 12.11.1 and 12.11.2 of the Tłıchǫ Agreement that *“management plans, respecting wildlife that migrates between Wek'èezhì and another area, be prepared jointly with any body with authority over that wildlife in that other area within three years after the effective date”* and *“Within three years of the effective date, the Parties shall prepare a comprehensive proposal for the management of the Bathurst caribou herd.”*

Recommendation #19-2015: The Board recommends that collaborative work between TG, ENR and the WRRB towards long-term Bathurst caribou management continue.

Recommendation #20-2015: The Board recommends that the above recommendations are implemented and that consultations regarding the recommendations take place, effective immediately.