



NWT CONFERENCE OF MANAGEMENT AUTHORITIES

CONSENSUS AGREEMENT ON ACCEPTING THE *RECOVERY STRATEGY FOR BARREN-GROUND CARIBOU IN THE NORTHWEST TERRITORIES*

The Conference of Management Authorities has reached a consensus (hereafter referred to as the “Consensus Agreement”) on the following:

To accept, in accordance with section 66 of the *Species at Risk (NWT) Act*, the *Recovery Strategy for Barren-ground Caribou in the Northwest Territories*.

INTERPRETATION


For greater certainty, terms and processes in this Consensus Agreement are as defined and described in the *Species at Risk (NWT) Act*.

For greater certainty, the Management Authorities for barren-ground caribou in the Northwest Territories are the: Wildlife Management Advisory Council (NWT), Gwich'in Renewable Resources Board, Sahtú Renewable Resources Board, Wek'èezhìi Renewable Resources Board, Tłı̄chǫ Government, and Government of the Northwest Territories.


WE THE UNDERSIGNED, having reached this consensus on this 8th day of April 2020, provide this Consensus Agreement to the Minister of Environment and Natural Resources, Government of the Northwest Territories and the undersigned Management Authorities.



Witness




Larry Carpenter, Chair
Wildlife Management Advisory Council (NWT)




Witness




Jozef Carnogursky, Chairperson
Gwich'in Renewable Resources Board




Witness




George Barnaby, Acting Chair
Sahtú Renewable Resources Board



Witness



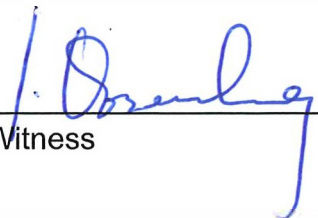
Joseph Judas, Chairperson
Wek'èezhìi Renewable Resources Board




Witness



Grand Chief George Mackenzie
Tłı̨chǫ Government



Witness



Dr. Brett Elkin, A/Assistant Deputy Minister
Operations
Dept. of Environment and Natural Resources
Government of the Northwest Territories

ANNEX A

REASONS FOR THE CONSENSUS AGREEMENT

On July 11, 2018, the Minister of Environment and Natural Resources, Government of the Northwest Territories, acting on the direction provided by the Conference of Management Authorities in their *Consensus Agreement on Listing Barren-ground Caribou (*Rangifer tarandus groenlandicus*) as Threatened in the NWT*, added barren-ground caribou¹ to the NWT List of Species at Risk as a Threatened species. If a species is listed as Threatened, the *Species at Risk (NWT) Act* provides a two year period for the Conference of Management Authorities to prepare and complete a recovery strategy for that species.

The *Recovery Strategy for Barren-ground Caribou in the Northwest Territories* (recovery strategy) was prepared in accordance with the Conference of Management Authorities' guidelines and template for recovery strategies and management plans. There were many steps involved in the process, including Crown consultation with regard to Aboriginal or treaty rights, and providing the opportunity for public feedback. Comments and concerns that the Management Authorities heard regarding the recovery strategy were meaningfully considered and addressed as described in Annex B.

This Consensus Agreement was informed by the review of the recovery strategy, the Species at Risk Committee's assessment and reasons for assessment, the approved species status report, public input (solicited by the Management Authorities in 2019), and the results of Crown consultation duties performed by the Government of the Northwest Territories. No information was provided to the Species at Risk Committee by the Conference of Management Authorities or a Management Authority under paragraph 31(1)(c) and no written clarification was provided by the Species at Risk Committee under section 34 of the *Species at Risk (NWT) Act*. Actions taken by the Management Authorities with respect to the required approvals and their preparation for the development of the Consensus Agreement are described in Annex B of this Consensus Agreement.

The recovery strategy was developed appropriately with input from the necessary parties. The recovery strategy includes appropriate recommended objectives and approaches for the conservation and recovery of barren-ground caribou, as well as descriptions of threats and positive influences, as required under section 61 of the *Species at Risk (NWT) Act*. The recovery strategy will help the Management Authorities

¹ Including the Tuktoyaktuk Peninsula, Cape Bathurst, Bluenose-West, Bluenose-East, Bathurst, Beverly, Ahiak, and Qamanirjuaq herds. It does not include the Porcupine herd, which is considered geographically distinct and not at risk at this time.

decide what actions to take, how to prioritize their work, and how to allocate their resources in order to conserve and recover barren-ground caribou in the NWT.

For these reasons, the Management Authorities agree to accept the *Recovery Strategy for Barren-ground Caribou in the Northwest Territories*.

ANNEX B

ACTIONS MANAGEMENT AUTHORITIES HAVE UNDERTAKEN OR WILL UNDERTAKE WITH RESPECT TO ACCEPTING THE RECOVERY STRATEGY

As provided for in paragraph 66(3)(b) of the *Species at Risk (NWT) Act*, the Management Authorities, having agreed to accept the *Recovery Strategy for Barren-ground Caribou in the Northwest Territories*, are reporting the actions each Management Authority has undertaken or agrees to undertake with respect to the required approvals and its participation in accepting the recovery strategy:

Wildlife Management Advisory Council (NWT)

The Wildlife Management Advisory Council (NWT) (WMAC (NWT)) is the co-management body responsible for terrestrial wildlife in the Inuvialuit Settlement Region. During its annual community tours, the Council collects local knowledge about barren-ground caribou for co-management decisions and consults on species at risk processes.

During its 2017 community tour, the Council consulted on the proposed listing of barren-ground caribou as Threatened in the NWT. The proposed listing was discussed in Ulukhaktok on September 18, Sachs Harbour on September 20, Aklavik on October 16, Inuvik on October 17, Tuktoyaktuk on September 20, and Paulatuk on October 19. The status of the herds, threats, and conservation issues were discussed, as well as potential socioeconomic impacts of the listing on traditional lifestyle and food security.

During its 2019 community tour, the Council discussed the *Recovery Strategy for Barren-ground Caribou* with Tuktoyaktuk on October 3, Inuvik on October 16, Aklavik on October 17, and Paulatuk on November 7. The Tuktoyaktuk Hunters and Trappers Committee (THTC) was against the requirement for a herd-specific management plan for the Tuktoyaktuk Peninsula herd, for which Tuktoyaktuk is the primary user. The THTC implements proactive and conservative management actions for the Tuktoyaktuk Peninsula herd, including a voluntary closed harvesting period during the spring migration. WMAC (NWT), however, still supports the recovery strategy, for the cooperative management of barren-ground caribou throughout the NWT. The Council will continue to work with the THTC regarding co-management of the Tuktoyaktuk Peninsula herd. The Council is also facilitating the development of an Inuvialuit Game Council and hunters and trappers committee position paper regarding sensitive habitat management for the Tuktoyaktuk Peninsula and Cape Bathurst herds.

At their March 2020 regular meeting, WMAC (NWT) agreed to accept the final *Recovery Strategy for Barren-ground Caribou in the Northwest Territories* (Resolution 03/20#2).

Gwich'in Renewable Resources Board

The Gwich'in Renewable Resources Board (GRRB) is the main instrument of wildlife, fish, and forest management in the Gwich'in Settlement Area, as established under the Gwich'in Comprehensive Land Claim Agreement. The powers and responsibilities of the Board are detailed in Chapter 12 and 13, Volume 1 of the Agreement. The GRRB may advise government on matters relating to wildlife and wildlife habitat and has the power to approve designations of species at risk, and plans for the management and protection of particular wildlife populations (section 12.8.23c and d).

The renewable resources councils (RRCs) and Gwich'in Tribal Council, Lands Department, were sent the final *Species Status Report for Barren-ground Caribou in the NWT* for review on June 6, 2017. Public meetings on the proposed listing of barren-ground caribou in the NWT as Threatened were held in Aklavik (September 5, 2017), Tsiigehtchic (September 6, 2017), Inuvik (September 7, 2017), and Fort McPherson (September 28, 2017). These meetings were advertised through the GRRB's Facebook page and through distribution of posters to the communities. An overview of the *Species at Risk (NWT) Act* process, identified threats, and population trends were provided and discussed. This information and community comments were then reviewed and approved at the GRRB Board meeting in Inuvik on February 6, 2018 (Motion # GRRB 18-12).

Staff members reviewed the draft *Recovery Strategy for Barren-ground Caribou in the NWT* (the 'Recovery Strategy') in January 2019 and provided comments, which were incorporated into the document. Comments received during the listing consultations were also addressed in the draft Recovery Strategy.

To prepare a position on the proposed Recovery Strategy, the GRRB followed its rules and procedures for consultation. In summary, this process includes pre-consultation, consultation meetings, opportunity for feedback, and the presentation of the content to the Board in order for the Board to make a decision.

As a general rule, the GRRB provides the RRCs with consultation material at least 30 days in advance of any meeting, to allow the Council time to discuss the material. The RRCs and Gwich'in Tribal Council, Lands Department, were sent the proposed Recovery Strategy and the accompanying fact sheet on August 2, 2019.

As a general rule, when requesting input on board decision items, the GRRB prefers to hold public meetings, but if there are limitations to funding, then solely RRC meetings will be attended. Public meetings were held in Inuvik (September 25, 2019), Tsiigehtchic (September 30, 2019), Aklavik (October 1, 2019), and Fort McPherson (October 2, 2019). These meetings were advertised through the GRRB's Facebook page, and through distribution of posters to the communities. In total, 56 people attended these meetings. Staff provided a summary of the reasons why barren-ground caribou had been listed as Threatened in the NWT, an overview of the NWT's species at risk process, the vision, goals, and objectives of the proposed Recovery Strategy, and how comments heard during the listing process were incorporated into the proposed Recovery Strategy.

The general rule is for the GRRB to allow the RRCs at least 30 days after a consultation meeting to provide additional written comment. All the comments received at these meetings were summarized by GRRB staff. While no RRC provided written responses on their position on the proposed Recovery Strategy, all communities voiced their general approval at the meetings. Comments heard at community consultations for the proposed Recovery Strategy included concerns about the possibility of chronic wasting disease moving northwards and infecting caribou, impacts of climate change and changing migration times, the need for education and to work together with other users of the herds, suggestions to find old caribou fences and use them, questions on how hunting feeds into the proposed Recovery Strategy, and requests for more information on how the territorial and federal species at risk acts work together, particularly in regards to the Porcupine herd and critical habitat.

During the February 4-6, 2020 Board meeting in Inuvik, staff provided a summary of the reasons why barren-ground caribou had been listed as Threatened in the NWT, an overview of the *Species at Risk (NWT) Act* process, the vision, goals, and objectives of the proposed Recovery Strategy, a summary of community consultation results and main comments including how these were addressed in the proposed Recovery Strategy, and provided staff recommendations. The GRRB made a motion (Motion #20-05) to approve the final *Recovery Strategy for Barren-ground Caribou in the NWT*.

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Over the past six months, the ᑭᑭᑦᑭᑦ ᑭᑦᑭᑦ ᑭᑦᑭᑦ ᑭᑦᑭᑦ ᑭᑦᑭᑦ (Sahtú Renewable Resources Board (SRRB)) has been extensively engaged with Sahtú communities and especially the main stewards of ᑭᑦᑭᑦᑭᑦᑭᑦ (barren-ground caribou) in our region, Colville Lake and Délᑭᑦᑭᑦ. Information about the *Recovery Strategy for Barren-ground Caribou in the Northwest Territories* (hereafter "Recovery Strategy") was shared with

Sahtú communities as part of the evidence for the Colville 2020 Public Listening (Hearing) Session, which was announced to Sahtú leaders on September 26, 2019 and took place on January 21-23, 2020.

The Public Listening Session encompassed a range of issues related to the three kinds of caribou in the Sahtú region, including Bluenose West ʔədə and Bluenose East ʔekwé, with a special focus on the question, “What is the most effective way to regulate the harvest of caribou?” Funding and SRRB staff support was provided for community processes to review the evidence and prepare submissions, including both regional and local activities. Colville Lake and Délįnę presented about their caribou conservation plans at the Public Listening Session.

The SRRB approved the *Recovery Strategy for Barren-ground Caribou in the Northwest Territories* on February 13, 2020. As of that time, the Board had not yet issued its decisions on the Public Listening Session, but considered that the overall conservation approach currently in place in the Sahtú region meets or exceeds the goals, objectives and approaches in the Recovery Strategy. The current Sahtú approach includes:

- Support for community caribou conservation planning per the principles and outline provided in the SRRB’s 2016 Bluenose-East Hearing Report, *ʔekwé hé Dene Ts’įłı - Sustaining Relationships*, which encompasses the range of recovery initiatives described in the recovery strategy.
- A series of Public Listening (Hearing) Sessions to address a series of five “hot topics” over five years related to the overarching question “What is the most effective way to conserve caribou? The hot topics include harvest regulation, knowledge about caribou and landscapes; wildfires and climate change; predators and other competitors; and the mixed economy. The Board plans to evaluate how decisions arising from the Public Listening Sessions are helping to strengthen the region’s ability to comply with the goals and objectives outlined in the Recovery Strategy. The SRRB will prepare a roll-up report on the Public Listening series after the final Session.
- Support for community-to-community dialogue and coordination across neighbouring jurisdictions with shared barren-ground caribou populations.
- Participation in the Advisory Committee for Cooperation on Wildlife Management, including provision of monitoring information, status assessments, and action plans.
- Participation in other cross-regional caribou conservation forums, including public hearings, networks and conferences to support knowledge sharing about lessons learned and best practices in barren-ground caribou recovery efforts.

Tłıchq Government

On August 4, 2005, the Tłıchq Government came into existence under the Comprehensive Self-government and Land Claim Agreement among the Tłıchq, Government of Canada, and the Government of the Northwest Territories (“*Tłıchq Agreement*”). The Tłıchq Government has law making powers under its areas of jurisdiction and Tłıchq have rights set out in the *Tłıchq Agreement* throughout the areas known as Wek’èezhì and Mqwhì Gogha Dè Nıłłtèè.

The Tłıchq Government, having agreed to accept the *Recovery Strategy for Barren-ground Caribou in the Northwest Territories* (the ‘Recovery Strategy’), is reporting the actions it has undertaken or agrees to undertake with respect to the required approvals and its participation in accepting the Recovery Strategy.

The Recovery Strategy contains five main objectives and within those objectives, approaches to meeting objectives.

Joint Consultation

As noted by the Wek’èezhì Renewable Resources Board (WRRB), Tłıchq community consultations were held jointly by the Tłıchq Government and the WRRB, during evening sessions, in Gamèti on October 28, 2019, in Behchokq on October 30, 2019, in Whatì on November 5, 2019, and in Wekweèti on November 6, 2019.

Also as noted by the WRRB:

Key points raised by community members at the consultations included: (1) forest fires are affecting Ɂekwq habitat and survival, and therefore, fires should be managed; (2) wolves are affecting Ɂekwq populations, and therefore, more wolves should be harvested; (3) community hunts are a way to ensure meat is being equitably distributed; (4) the size of the mobile zone should be increased when herds are mixing; (5) on-the-land harvester education training should be provided to youth; and (6) there is a lack of support for bulls-only harvests.

Chief Executive Council Decision

Based on Tłıchq citizen input during joint Tłıchq community consultations held by the Tłıchq Government and WRRB staff and having received the advice of Tłıchq Government staff, the Chiefs Executive Council met on March 23, 2020 and supported the *Recovery Strategy for Barren-ground Caribou in the NWT* as presented.

Wek'èezhì Renewable Resources Board (WRRB)

As per clause 12.5.1 of the Tłıchǫ Agreement, the Wek'èezhì Renewable Resources Board (WRRB) reviewed the draft *Recovery Strategy for Barren-ground Caribou in the NWT*, carried out joint consultations with the Tłıchǫ Government on the proposed recovery strategy in October and November 2019 in all four Tłıchǫ communities, and then passed a motion to support the recovery strategy at its February 2020 meeting.

Joint Consultation

In October and November 2019, community consultations were advertised through the Tłıchǫ Government and WRRB social media pages, along with posters provided to Community Directors for posting.

Community consultations were held, during evening sessions, in Gamètì on October 28, 2019, in Behchokǫ on October 30, 2019, in Whatì on November 5, 2019, and in Wekweètì on November 6, 2019. In total, approximately 73 participants attended the four community consultation sessions.

The WRRB and Tłıchǫ Government staff cooperated in joint consultations, and provided information on the Recovery Strategy, as prepared by the Species at Risk Secretariat. Staff explained the *Species at Risk (NWT) Act* processes, and the species at risk status categories. Staff explained the listing of *Ɂekwǫ* (barren-ground caribou) as Threatened in the NWT, the subsequent requirement to prepare a recovery strategy, and what is and is not included in a recovery strategy. Staff discussed the vision and conservation/recovery goals as well as the objectives identified to reach the goals.

In addition to discussions about the Recovery Strategy, the consultation sessions were used as an opportunity to inform the communities on the status of *Ɂekwǫ* herds and harvest restrictions. Key points raised by community members at the consultations included: (1) forest fires are affecting *Ɂekwǫ* habitat and survival, and therefore, fires should be managed, (2) wolves are affecting *Ɂekwǫ* populations, and therefore, more wolves should be harvested, (3) community hunts are a way to ensure meat is being equitably distributed, (4) the size of the mobile zone should be increased when herds are mixing, (5) on-the-land harvester education training should be provided to youth, and (6) there is a lack of support for bulls-only harvests.

The WRRB met on February 12, 2020 to discuss the proposed *Recovery Strategy for Barren-ground Caribou in the NWT*, as required under the *Species at Risk (NWT) Act*.

Board Decision

Based on available traditional knowledge and scientific information used during the assessment process, and public input during joint community consultations held by the Tłıchq Government and WRRB staff in Gamètì on October 28, 2019, in Behchokò on October 30, 2019, in Whatì on November 5, 2019, and in Wekweètì on November 6, 2019, the WRRB passed Motion #690-12-02-2020, supporting the *Recovery Strategy for Barren-ground Caribou in the NWT* as presented.

Government of the Northwest Territories

The Government of the Northwest Territory's (GNWT) position on the Recovery Strategy was formed through review of the Recovery Strategy, public engagement, and Aboriginal consultation. The Department of Environment and Natural Resources (ENR) also worked with other GNWT departments through the Inter-departmental Species at Risk Committee.

Public Engagement

The GNWT provided an opportunity for members of the public and interested organizations to comment on the proposed draft Recovery Strategy for barren-ground caribou. The comment period was August 1 – November 1, 2019. The GNWT invited comments using print ads, fact sheets, the NWT Species at Risk website, an online survey, and an email distribution list.

The GNWT received 23 submissions through the public engagement process. Eight were submitted directly and 15 were responses to the online survey. The submissions included suggestions for improving the Recovery Strategy as well as statements emphasizing the importance of implementing the Recovery Strategy. No significant concerns about the Recovery Strategy were raised. The GNWT recorded all comments. All comments were fully considered and revisions were made to the Recovery Strategy where appropriate. Detailed records of comments and how they were addressed are on file at the Wildlife and Fish Division, Department of Environment and Natural Resources, Yellowknife.

Aboriginal Consultation

The GNWT has a legal duty to consult and accommodate Indigenous governments and organizations whenever it considers carrying out a government action that has the potential to adversely affect asserted or established Aboriginal or treaty rights.

Accepting the Recovery Strategy does not result in any automatic prohibitions or protections for species or habitat, or automatic harvesting restrictions for anyone.

ENR sent consultation letters to the following Indigenous governments and organizations that hold asserted or established Aboriginal and/or treaty rights in or near the range of barren-ground caribou.

- Akaitcho Dene First Nations
- Athabasca Chipewyan First Nation
- Dehcho First Nations
- Délı̨ne Got'ı̨ne Government
- Fort Chipewyan Métis Local 125
- Ghotlenene K'odtineh Dene
- Gwich'in Tribal Council
- Inuvialuit Regional Corporation
- Kátł'odeeche First Nation
- Mikisew Cree First Nation
- Mountain Island Métis
- North Slave Métis Alliance
- Northwest Territory Métis Nation
- Nunavut Tunngavik Incorporated
- Prince Albert Grand Council
- Sahtú Dene Council
- Sahtú Secretariat Incorporated
- Salt River First Nation # 195
- Smith's Landing First Nation
- Tłı̨chǫ Government

ENR provided these Indigenous governments and organizations with copies of the Recovery Strategy for their respective review and consideration of potential effects to their asserted or established Aboriginal or treaty rights.

Feedback received through this consultation process included a request for additional information, which was provided in a formal response letter. Two invitations for ENR staff to visit communities and present the Recovery Strategy were also received; one visit was completed in November 2019 and the second was cancelled at the

communities' request. Finally, suggestions for revisions to the Recovery Strategy were adopted where appropriate, or, if they were outside the scope of the Recovery Strategy, will be considered as part of future management actions. None of the Indigenous governments or organizations consulted identified any potential adverse effects to their asserted or established Aboriginal or treaty rights.

Having reviewed the responses received during consultation, the GNWT's view is that acceptance and implementation of the Recovery Strategy will not adversely affect asserted or established Aboriginal or treaty rights. In the event future government actions are proposed pertaining to harvest quotas, regulations, or habitat protection that may potentially adversely affect asserted or established Aboriginal or treaty rights, additional consultation may be required.

Full records of consultation are on file at the Wildlife and Fish Division, Department of Environment and Natural Resources, Yellowknife.