



NWT CONFERENCE OF MANAGEMENT AUTHORITIES

CONSENSUS AGREEMENT ON LISTING BOREAL CARIBOU (*Rangifer tarandus caribou*)

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

To add another 10-year term to the current expiration date for boreal caribou as a Threatened species on the Northwest Territories List of Species at Risk.

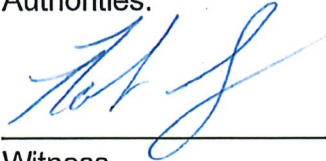
INTERPRETATION

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, 'boreal caribou' refers to the boreal population of woodland caribou.

For greater certainty, the Management Authorities for boreal caribou (*Rangifer tarandus caribou*) are: the Wildlife Management Advisory Council (NWT), the Gwich'in Renewable Resources Board, ʔehdzo Got'ıne ʔots'ę Nákedi (the Sahtú Renewable Resources Board), the Wek'èezhìi Renewable Resources Board, Tłıchq̓ Government and the Government of the Northwest Territories.

WE THE UNDERSIGNED, having reached consensus, provide this Consensus Agreement on this 9th day of May 2023 to the Minister of Environment and Climate Change, Government of the Northwest Territories and the undersigned Management Authorities.



Witness



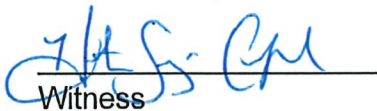
Larry Carpenter, Chair
Wildlife Management Advisory Council (NWT)



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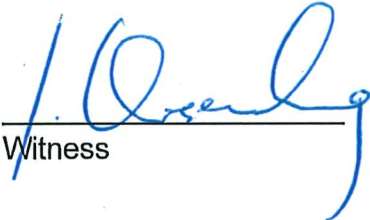
Robert Charlie-Tetlichij, Chairperson
Gwich'in Renewable Resources Board



Witness



Donna Schear, Acting Chair
ᖅhdzo Got'ine Gots'ë Nákedí
(Sahtú Renewable Resources Board)



Witness



Joseph Judas, Chair
Wek'èezhìi Renewable Resources Board



Witness



Grand Chief Jackson Lafferty
Tłıchq Government



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Dr. Brett Elkin, Assistant Deputy Minister
Dept. of Environment and Climate Change
Government of the Northwest Territories

ANNEX A

REASONS FOR THE CONSENSUS AGREEMENT

Boreal caribou has been listed as a Threatened species in the Northwest Territories (NWT) since 2014. On May 9, 2022, the NWT Species at Risk Committee (SARC) provided the reassessment and status report for boreal caribou (*Rangifer tarandus caribou*) to the Conference of Management Authorities (CMA) and recommended that boreal caribou remain on the NWT List of Species at Risk as a Threatened species. The *Species at Risk (NWT) Act* provides a 12-month period for the CMA to develop a consensus agreement on listing.

This Consensus Agreement was informed by the completed species status report, SARC's assessment and reasons for assessment, public input (solicited by the Management Authorities), and the results of consultation. No information was provided to SARC by the CMA or the Management Authorities under paragraph 31(1)(c) 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 on listing are described in Annex B of this Consensus Agreement.

Reasons for assessment that were noted by SARC:

SARC reassessed the biological status of boreal caribou as a Threatened species in the NWT during its meeting on May 2-5, 2022. An assessment of Threatened means that SARC determined boreal caribou is likely to become Endangered if nothing is done to reverse the factors leading to its extirpation or extinction. The assessment process and objective biological criteria used by the Species at Risk Committee are based on Indigenous and community knowledge (ICK) and scientific knowledge (SK). SARC determined boreal caribou met criterion ICK (e) and criterion SK (C2)(a)(ii) for Threatened under SARC's Species Assessment Process:

Threatened ICK (e): There is concern expressed by knowledge holders that the species is likely to experience severe declines in the NWT in its abundance, habitat quality/quantity, movements, and/or range habitat quality/quantity, movements, and/or range, within their grandchildren's lifetimes.

Threatened SK (C2)(a)(ii): SK(C2) An observed, projected, or inferred continuing decline in the number of mature individuals AND (a)(ii) % of mature individuals in one subpopulation = 100%.

Main factors (ICK):

- Boreal caribou need access to all seasonal habitat types within their range to maintain a healthy population. Boreal caribou may adapt to certain types of disturbances, but they are known to be sensitive to disturbances.
- The main threats to boreal caribou in the NWT include habitat loss, fragmentation, and disturbance. Areas burned by fire or disturbed by industry are generally not used by boreal caribou until the habitat recovers. Habitat recovery is complex and full habitat recovery takes many decades.
- Changes in the abundance of boreal caribou are local and variable; limited new information was available to update population trends.
- Climate change is increasing the size and severity of fires, which may result in a larger effect as habitat takes longer to recover. Other key concerns include changes in snow, ice and permafrost, which contribute to continuing habitat fragmentation and degradation.
- The cumulative effects of these factors are an important concern to many communities in the NWT. Knowledge holders are concerned that disturbance will increase in the future.

Main factors (SK):

- Boreal caribou in the NWT are found in one continuous population. Due to their ecology and the need to spread out, densities are low. The current population has been estimated at just over 6,000 mature individuals.
- Boreal caribou populations declined in the past and are anticipated to decline in the future due to continued habitat fragmentation and degradation.

Additional factors:

- Boreal caribou habitat in the NWT takes longer to recover after disturbance than it does in southern Canada. Thus, despite apparently low levels of disturbance in the NWT, there is a concern that the amount and impact of disturbance may be underrepresented. It is anticipated that continued or increased habitat fragmentation will directly impact population numbers.
- Climate change will limit the effectiveness of conservation and recovery actions.
- Knowledge holders from one First Nation of the NWT shared that the loss of hunting practice is threatening their traditional way of life and transmission of cultural practices, values, and knowledge to current and future generations.

Decision of the Management Authorities

After reviewing the assessment and the results of engagement, the Management Authorities determined that adding another 10-year term to the current expiration date for boreal caribou as a Threatened species is appropriate based on SARC's status report and assessment, including the threats to this species. The Government of the Northwest Territories' assessment is that the action of adding another 10-year term to the current expiration date for boreal caribou as a Threatened species will not infringe on Aboriginal or treaty rights. Based on this, the Management Authorities agree that another 10-year term should be added to the current term for listing boreal caribou on the NWT List of Species at Risk as a Threatened species.

ANNEX B

ACTIONS THE MANAGEMENT AUTHORITIES HAVE UNDERTAKEN OR WILL UNDERTAKE WITH RESPECT TO LISTING

As provided for in section 50(3)(b) of the *Species at Risk (NWT) Act*, the Management Authorities, having reached consensus on adding another 10-year term to the current term for boreal caribou (*Rangifer tarandus caribou*) to the NWT List of Species at Risk as a Threatened species, are reporting the actions they have undertaken or agree to undertake with respect to the required approvals and their participation in listing the species:

Wildlife Management Advisory Council (NWT)

The Wildlife Management Advisory Council (WMAC) (NWT)'s position on the proposed re-listing of boreal caribou as a Threatened species was formed through review of the species status report, SARC's assessment, and its consultations with the Inuvialuit Game Council, and the Hunters and Trappers Committees (HTCs) and community members of the communities of Inuvik, Aklavik, Paulatuk, Sachs Harbour, and Ulukhaktok.

Gwich'in Renewable Resources Board

The GRRB followed its rules and procedures for consultation to prepare a position on the proposed listing for boreal caribou in the NWT. 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.

Pre-consultation

As a general rule, the GRRB provides the Renewable Resources Councils (RRCs) with consultation material at least 30 days in advance of any meeting, to allow the council time to read and discuss the material. The RRCs were sent the final species status report for boreal caribou in the NWT, along with a fact sheet for review on August 16, 2022.

Consultation Meetings

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. Meetings with RRCs were held with Ehdiitat RRC (Aklavik) on January 9, 2023, with Gwichya Gwich'in RRC (Tsiigehtchic) on January 13, 2023, and with Tetlit RRC (Fort McPherson) on January 14, 2023, separate to their regular monthly meetings.

A separate meeting with Nihtat RRC (Inuvik) could not be scheduled. Digital materials including a PowerPoint presentation were provided for their regular RRC meeting on January 17 and printed materials were for their January 26 regular RRC meeting, although that meeting was not attended by GRRB. A summary of comments received from RRCs was sent to the RRCs on January 31, 2023.

Opportunity for Feedback

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. After the consultation meetings, each RRC was requested to submit a written position on the proposed listing for boreal caribou in the NWT. However, no RRCs provided written responses.

Community Comments

Community comments include:

- Boreal caribou are occasionally seen, in groups of 2-30;
- Concerns about climate change and changing weather patterns, more rain, icing etc. and the impacts to caribou;
- A lot of interest around range planning. This will address concerns regarding fires not being fought and potential industry/development;
- Most people don't hunt boreal caribou; and
- Agreement that there are less than there used to be, and that a status of Threatened is good.

Board decision

During the February 7-9, 2023 Board meeting in Inuvik, the Species at Risk Secretariat and GRRB staff provided an overview of the *Species at Risk (NWT) Act* process, a summary of the reasons why boreal caribou were re-assessed as 'Threatened' in the NWT, a summary of community consultation results and main concerns, and provided staff recommendations. The GRRB made a motion (**GRRB #2023-05**) "To approve in principle the re-listing of Boreal Caribou in the Northwest Territories as Threatened, provided no further concerns are received."

No further concerns were received within GRRB's consultation policy timeframe.

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In December 2022 and January 2023, comments/questions from the engagement were compiled with appropriate clarifications made. An additional 30 days were allowed for RRCs, community leaders, and stakeholders to provide additional information or comment on the process.

In February 2023, the SRRB met to discuss the info and passed a motion to accept re-listing boreal caribou for another term.

Wek'èezhìi Renewable Resources Board

As per clause 12.5.1 of the Tłıchǫ Agreement, the Wek'èezhìi Renewable Resources Board (WRRB) carried out joint consultations with the Tłıchǫ Government on the proposed listing in October and November 2022 in all four Tłıchǫ communities, and then passed a motion to support the re-listing of Tǫdzı (boreal caribou) as Threatened at its December 2022 meeting.

Joint Consultation

In October and November 2022, 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 Behchokǫ on October 12, 2022, in Gamèti on October 13, 2022, in Wekweètì on November 6, 2022, and in Whatì on November 9, 2022. Approximately 59 participants in total attended the four community consultations.

The WRRB and Tłıchǫ Government staff cooperated in joint consultations and provided information on the proposed re-listing of Tǫdzı (boreal caribou) as Threatened. Staff described and explained the *Species at Risk (NWT) Act*, the Species at Risk Committee,

and the assessment process. Staff provided information about the population estimate in the NWT, threats, and Wek'èezhì range planning for Tòdzì (boreal caribou) and the rationale for assessing Tòdzì (boreal caribou) as Threatened, particularly the expected decline of populations if habitat loss continues. As well, staff provided information about the continued implementation of the *Recovery Strategy for Boreal Caribou in the NWT*.

There was agreement in all communities to leave the listing of Tòdzì (boreal caribou) as Threatened and to reassess in ten years. Key points raised by community members at the consultations were that current work is really good and should continue for future generations; more research is required over the next ten years to get a better idea of what is going on out on the land; wildlife is slowly disappearing from Wek'èezhì; forest fires continue to be of great concern to all communities as well as climate change; and concern noted about impacts to Tòdzì (boreal caribou) once more mining starts to happen near Whatì.

The WRRB met on December 13, 2022, to discuss the proposed re-listing of Tòdzì (boreal caribou) as Threatened 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 Behchokò, Gamètì, Wekweètì and Whatì on October 12, 2022, October 13, 2022, November 6, 2022, and November 9, 2022, respectively, the WRRB passed **Motion #839-13-12-2022**, supporting the re-listing of Tòdzì (boreal caribou) as Threatened in the NWT.

Tłıchq Government

Boreal caribou has been listed as a Threatened species in the Northwest Territories (NWT) since 2014. Tłıchq Government staff have been involved in and support the consensus to add another 10-year term to the current expiration date for boreal caribou as a Threatened species on the Northwest Territories List of Species at Risk. The Tłıchq Government Department of Culture and Lands Protection (DCLP) held joint WRRB/TG community consultations in Behchokò, Gamètì, Wekweètì, and Whatì on October 12, 2022, October 13, 2022, November 6, 2022, and November 9, 2022. Tłıchq Citizens supported leaving Tòdzì as Threatened and for a further 10-year period. With respect to the continued recovery strategy, Tłıchq Government expects that implementation will continue to be a collaborative effort of co-management authorities and partners.

The Tłı̨chǫ Government's Chiefs Executive Council (CEC) met on February 23, 2023 and supported the re-listing of T̨ǫdzı (boreal caribou) as Threatened in the NWT.

Government of the Northwest Territories

The Government of the Northwest Territories' (GNWT) position on re-listing was formed through review of the species status report and assessment and engagement with Indigenous governments and Indigenous organizations, as well as the public. The Department of Environment and Climate Change (ECC) 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 assessment and proposed re-listing of boreal caribou. The comment period was August 8 - October 31, 2022. The GNWT invited comments using a news release, print ads, fact sheets, radio announcements, social media posts, an online survey, the GNWT public engagement portal, the NWT Species at Risk website and an email distribution list.

The GNWT received five comments on the re-listing of boreal caribou through this process. Four supported listing as a Threatened species and one was against listing. The comments were considered in forming the GNWT's position on listing.

Indigenous Governments and Indigenous Organizations

The GNWT's assessment is that the action of adding another 10-year term to the current term for boreal caribou as a Threatened species will not infringe on Aboriginal or treaty rights. There are no automatic prohibitions or protections for species or habitat that come into effect upon adding another 10-year term to the current term. The action of listing the species under the *Species at Risk (NWT) Act* will not change harvest quotas, regulations or land management already in place. The *Recovery Strategy for the Boreal Caribou (Rangifer tarandus caribou) in the Northwest Territories*, completed in 2017, will continue to provide conservation and recovery goals and objectives for the species.

The GNWT engaged with Indigenous governments and Indigenous organizations (IGOs) through letters. IGOs located in or near the NWT range of boreal caribou were invited to comment on re-listing boreal caribou to the NWT List of Species at Risk as a Threatened species for an additional term of 10 years. One group responded expressing support for listing the species as Threatened. Another group shared knowledge that more boreal

caribou are being observed in their region and expressed concern about insufficient use of Indigenous Knowledge in the assessment and listing process. The GNWT responded and shared additional information about Indigenous knowledge that was incorporated in the species status report and how criteria based in Indigenous and community knowledge were used to assess the species. All the comments were recorded and were considered in forming the GNWT's position on listing.

The IGOs engaged are listed below. Full records of engagement are on file at Wildlife and Fish Division, ECC, Yellowknife.

- Tłıchq Government
- Dehcho First Nations
- Gwich'in Tribal Council
- Délı̨ne Got'ı̨ne Government
- Denı̨nu Kúę First Nation
- Yellowknives Dene First Nation (Ndlı̨q)
- Yellowknives Dene First Nation (Dettah)
- Łutsel K'e Dene First Nation
- Salt River First Nation #195
- Ka'a'gee Tu First Nation
- West Point First Nation
- Jean Marie River (Tthets'ėhk'ėdėl) First Nation
- Sambaa K'e First Nation
- Pehdzėh Kı̨ First Nation
- Nahanni Butte Dene Band
- Kátł'odeeche First Nation
- Deh Gáh Got'ie First Nation
- Smith's Landing First Nation
- Łı̨ı̨dlı̨ Kúę First Nation
- Dene Tha' First Nation
- First Nation of Na-Cho Nyäk Dun
- Acho Dene Koe First Nation
- Northwest Territory Métis Nation
- Fort Resolution Métis Government
- Fort Smith Métis Council
- Hay River Métis Government Council
- Fort Providence Métis Council
- The Métis Association Local 52 – Fort Simpson, N.W.T.
- North Slave Métis Alliance
- Sahtú Secretariat Incorporated
- Kaska Dena Council
- Inuvialuit Regional Corporation
- Inuvialuit Game Council
- Nunavut Tunngavik Incorporated