



NWT CONFERENCE OF MANAGEMENT AUTHORITIES

CONSENSUS AGREEMENT ON LISTING DOLPHIN AND UNION CARIBOU (*Rangifer tarandus groenlandicus x pearyi*)

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

To add Dolphin and Union Caribou to the Northwest Territories List of Species at Risk as a species of ‘special concern’.

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, ‘Dolphin and Union Caribou’ refers to the Dolphin and Union population of Barren-ground Caribou.

For greater certainty, Management Authorities for Dolphin and Union Caribou are: the Government of the Northwest Territories and the Wildlife Management Advisory Council (NWT).

WE THE UNDERSIGNED, having reached this consensus on this 14th day of November 2014, provide this Consensus Agreement to the Minister of Environment and Natural Resources, Government of the Northwest Territories and the Wildlife Management Advisory Council (NWT).



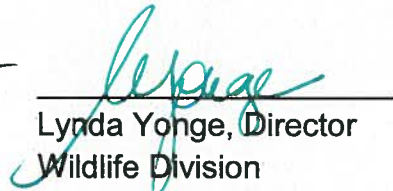
Witness



Rob Gau, Member
Wildlife Management Advisory Council (NWT)



Witness



Lynda Yonge, Director
Wildlife Division
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ANNEX A

REASONS FOR THE CONSENSUS AGREEMENT

On December 20, 2013, the Northwest Territories (NWT) Species at Risk Committee (SARC) provided the assessment and status report for Dolphin and Union Caribou (*Rangifer tarandus groenlandicus x pearyi*) to the Conference of Management Authorities (CMA) and recommended that Dolphin and Union Caribou be added to the NWT List of Species at Risk as a species of 'special concern'. 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 between June and September 2014), and the results of Crown consultation duties performed by the Government of the Northwest Territories. No information was provided to SARC by the CMA or a Management Authority under paragraph 31(1)(c) and no written clarification was provided by SARC under section 34 of the *Species at Risk (NWT) Act*. Actions taken by 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.

The reasons for the Consensus Agreement are the following:

SARC assessed the biological status of Dolphin and Union Caribou on December 11, 2013 as a species of 'special concern' in the NWT. An assessment of 'special concern' means that SARC determined that Dolphin and Union Caribou may become threatened or endangered in the NWT because of a combination of biological characteristics and identified threats. SARC further determined that Dolphin and Union Caribou met criteria (a) and (b) for 'special concern' under SARC's Species Assessment Process (2012): (a) the species has declined to a level at which its survival could be affected by population characteristics, genetic factors or environmental factors but the decline is not sufficient to qualify the species as threatened and (b) the species may become threatened if negative factors are neither reversed nor managed effectively.

The following reasons for assessment were noted by SARC:

- Although there is too little information to assess long-term population trends of Dolphin and Union Caribou, there is evidence that the population has declined between 1997 and 2007.

- There is no possibility of rescue from neighbouring populations. Dolphin and Union Caribou are considered to be discrete from Peary Caribou and Barren-ground Caribou, based on their morphology, genetics and behaviour (i.e., the distinct rutting area as well as the herd's seasonal migrations across the sea ice of the Dolphin and Union Strait).
- Dolphin and Union Caribou are vulnerable to major environmental events such as changes in the timing of sea-ice formation, changes to the thickness of sea-ice, and icing and crusting events on their fall and winter range.

The Management Authorities for Dolphin and Union Caribou, the Government of the Northwest Territories and the Wildlife Management Advisory Council (NWT), did not receive any information indicating that the assessment of Dolphin and Union Caribou as 'special concern' in the NWT was incorrect. After reviewing the results of consultation, the Government of the Northwest Territories' assessment is that the action of listing Dolphin and Union Caribou as 'special concern' will not infringe on Aboriginal or treaty rights. Based on this, and their support for SARC's conclusions and methodology, the Management Authorities agree that Dolphin and Union Caribou should be added to the NWT List of Species at Risk as a species of 'special concern' in the NWT.

ANNEX B

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

As provided for in section 36(3)(b) of the *Species at Risk (NWT) Act*, the Government of the Northwest Territories (GNWT) and the Wildlife Management Advisory Council (NWT), having reached consensus on adding Dolphin and Union Caribou (*Rangifer tarandus groenlandicus x pearyi*) to the NWT List of Species at Risk, are reporting the actions each Management Authority has undertaken or agrees to undertake with respect to the required approvals and its participation in listing the species:

Wildlife Management Advisory Council (NWT)

The Wildlife Management Advisory Council (NWT) (WMAC (NWT)) position on listing Dolphin and Union Caribou was formed through review of the species status report and assessment and its consultation meetings with the Inuvialuit Settlement Region (ISR) Hunters and Trappers Committees (HTCs) and the public.

WMAC (NWT) arranged for consultation meetings to be held in the six ISR communities between June 22 and July 21, 2014. All meetings were arranged with the HTCs and were advertised and open to the public. The proposed listing of Dolphin and Union Caribou was discussed, as was the process involved when a species is listed under the *Species at Risk (NWT) Act*. WMAC (NWT) members and/or representatives answered all questions put forward.

The comments regarding the proposed listing included many questions: about the NWT species at risk process in the ISR and degree of Inuvialuit involvement; about the biological information that SARC used in their species assessment and the current status and threats for Dolphin and Union Caribou; and about future consultations after the species is listed. WMAC (NWT) recorded all the comments and provided clarification and answers to the questions.

All the comments and concerns were recorded and were considered in forming the WMAC (NWT) position on listing. After reviewing and considering the results of the consultation at the Council's September 2014 Regular Meeting, the Council will support the listing of Dolphin and Union Caribou as a species of 'special concern' in the NWT.

Government of the Northwest Territories

The GNWT's position on listing was formed through review of the species status report and assessment, public engagement, and Aboriginal and treaty rights 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 assessment and potential listing of Dolphin and Union Caribou. The comment period was July 9 – September 8, 2014. The GNWT invited comments using print ads, green screens, posters, the NWT Species at Risk website and an email distribution list.

The GNWT received three comments on Dolphin and Union Caribou through this process. One supported the listing. The other two were questions about Dolphin and Union Caribou management and concerns in Nunavut. The GNWT did not receive any information indicating that the assessment of Dolphin and Union Caribou as special concern in the NWT was incorrect.

The GNWT recorded all the comments and provided clarification and answers to questions. All comments were considered in forming the GNWT's position on listing.

Aboriginal and Treaty Rights Consultation

The GNWT was responsible for consulting with Aboriginal organizations in respect of potential infringement of established or asserted Aboriginal or treaty rights. Consultation was done mainly through letters. Consultation was triggered with organizations that hold asserted or established Aboriginal or treaty rights in or near the NWT range of Dolphin and Union Caribou.

The GNWT explained the consequences of listing and explained that listing would not result in any automatic prohibitions or protections for species or habitat, and that listing would not change any harvest quotas or regulations already in place. The GNWT requested input on how the proposed listing may have the potential to adversely affect established or asserted Aboriginal or treaty rights. The GNWT provided clarification and answers to questions as needed.

No concerns were expressed with respect to the potential listing of Dolphin and Union caribou.

After reviewing the results of consultation, the GNWT's assessment is that the action of listing Dolphin and Union Caribou as special concern will not infringe on Aboriginal or treaty rights. However, it is not known what management actions may be contemplated in the future after the species is listed. Possible approaches to manage the species will be discussed during the development of the management plan. The GNWT recognizes that there is potential for future management actions arising from the NWT species at risk process to infringe on Aboriginal or treaty rights. Therefore, the GNWT is committed to continued consultation as the management plan is developed. The GNWT is also committed to being inclusive in the development of the management plan.

The GNWT consulted the Inuvialuit Game Council and Nunavut Tunngavik Inc. with respect to the listing of Dolphin and Union Caribou. Full records of consultation are on file at Wildlife Division, Department of Environment and Natural Resources, Yellowknife.