



## NWT CONFERENCE OF MANAGEMENT AUTHORITIES

### CONSENSUS AGREEMENT ON ACCEPTING A RECOVERY STRATEGY FOR HAIRY BRAYA (*Braya pilosa*)

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

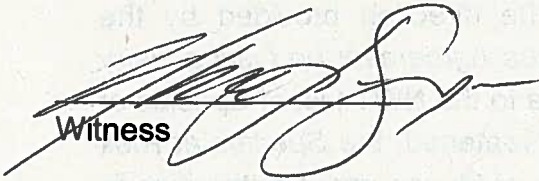
To accept the *Recovery Strategy for the Hairy Braya (Braya pilosa) in the Northwest Territories*.

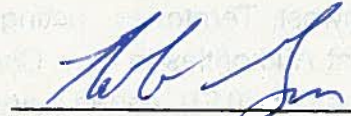
#### INTERPRETATION

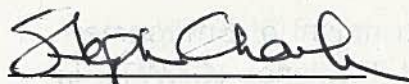
For greater certainty, terms and processes in this Consensus Agreement are as defined and described in the *Species at Risk (NWT) Act*.


For greater certainty, Management Authorities for hairy braya (*Braya pilosa*) are: the Government of the Northwest Territories and the Wildlife Management Advisory Council (NWT).

WE THE UNDERSIGNED, having reached this consensus on this 16<sup>th</sup> day of October 2015, 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  
Dept. of Environment and Natural Resources  
Government of the Northwest Territories

## ANNEX A

### REASONS FOR THE CONSENSUS AGREEMENT

On February 27, 2014, 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 Hairy Braya (Braya pilosa)* (December 2013), added hairy braya 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.

A recovery strategy for hairy braya was prepared by the Department of Environment and Natural Resources (ENR), Government of the Northwest Territories (GNWT), in accordance with the Conference of Management Authorities' guidelines and template for recovery strategies. There were many steps involved in the process; this included discussions with communities in the Inuvialuit Settlement Region (ISR), conducting Crown consultation with regard to Aboriginal or treaty rights, and providing the opportunity for public comment. Feedback was incorporated into the strategy, which was reviewed by all parties involved in managing this species, including the GNWT, the Wildlife Management Advisory Council (NWT) (WMAC (NWT)), the Inuvialuit Game Council, Environment Canada and the Inuvialuit Regional Corporation (IRC).

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 between June 2014 and August 2015), 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 Management Authorities for hairy braya, the Government of the Northwest Territories and the Wildlife Management Advisory Council (NWT), did not hear any significant concerns about the recovery strategy. After reviewing the results of consultation, the Government of the Northwest Territories' assessment is that the recovery strategy and its implementation will not infringe on Aboriginal or treaty rights.

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 hairy braya, 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 decide what actions to take, how to prioritize their work, and how to allocate their resources in order to conserve and recover hairy braya.

For these reasons, the Management Authorities agree to accept the *Recovery Strategy for the Hairy Braya (Braya pilosa) in the Northwest Territories*.

### Recovery of the Northwest Territories

The GNWT's position on the recovery strategy was formed through review of the proposed recovery strategy, 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 proposed recovery strategy for hairy braya. The comment period was July 18 - August 19, 2015. The GNWT invited comments using different routes: the NWT Species at Risk website, and an email distribution list.

These organizations commented on the hairy braya recovery strategy through this process. They included suggestions for improving the recovery strategy. The GNWT recorded all the comments and provided clarification and answers to questions. All comments were considered and revisions were made to the recovery strategy where appropriate.

In addition, comments about the recovery strategy were raised.

### Aboriginal and Treaty Rights Consultation

The GNWT was responsible for consulting Aboriginal organizations in respect of potential infringement of established or asserted Aboriginal or treaty rights. Consultation was done through letters. Consultation was triggered with organizations

## 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 Government of the Northwest Territories (GNWT) and the Wildlife Management Advisory Council (NWT), having reached consensus on accepting the recovery strategy for hairy braya (*Braya pilosa*), 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:

#### **Government of the Northwest Territories**

The GNWT's position on the recovery strategy was formed through review of the proposed recovery strategy, 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 proposed recovery strategy for hairy braya. The comment period was June 18 - August 10, 2015. The GNWT invited comments using print ads, posters, the NWT Species at Risk website, and an email distribution list.

Three organizations commented on the hairy braya recovery strategy through this process. They included suggestions for improving the recovery strategy. The GNWT recorded all the comments and provided clarification and answers to questions. All comments were considered and revisions were made to the recovery strategy where appropriate.

No significant concerns about the recovery strategy were raised.

#### **Aboriginal and Treaty Rights Consultation**

The GNWT was responsible for consulting Aboriginal organizations in respect of potential infringement of established or asserted Aboriginal or treaty rights. Consultation was done through letters. Consultation was triggered with organizations

that hold asserted or established Aboriginal or treaty rights in or near the NWT range of hairy braya.

The GNWT explained the consequences of the recovery strategy and the implementation agreement to follow. The GNWT explained that the recovery strategy would not result in any automatic prohibitions or protections for species or habitat, and that the recovery strategy would not change harvest quotas for any species or any other regulations already in place. The GNWT requested input on how the proposed recovery strategy, if implemented, could potentially adversely affect established or asserted Aboriginal or treaty rights.

No comments or concerns were expressed with respect to the proposed recovery strategy or its implementation. After reviewing the results of consultation, the GNWT's assessment is that acceptance and implementation of the recovery strategy will not infringe on Aboriginal or treaty rights.

The GNWT recognizes that there is potential for future recovery actions arising from the NWT species at risk process to adversely affect Aboriginal or treaty rights. Therefore, if changes to regulations or land management are contemplated in future, or any other action that may potentially have an adverse effect on Aboriginal or treaty rights, GNWT will consult on these changes before implementing them.

With respect to the hairy braya recovery strategy, the GNWT consulted the Inuvialuit Game Council, the Inuvialuit Regional Corporation, and Nunavut Tunngavik Inc. Full records of consultation are on file at the Wildlife Division, Department of Environment and Natural Resources, Yellowknife.

### **Wildlife Management Advisory Council (NWT)**

The Wildlife Management Advisory Council (NWT)'s (WMAC (NWT) or the Council) position on the recovery strategy was formed through review of the document itself and the results of the consultation and engagement meetings with the Inuvialuit Settlement Regions (ISR) Hunters and Trappers Committees and the public.

WMAC (NWT) invited input from the Inuvialuit Game Council (IGC) and Hunters and Trappers Committees for the draft hairy braya recovery framework process, and when a final draft recovery strategy had been prepared. More specifically, WMAC (NWT) visited all the communities in the Inuvialuit Settlement Region (Inuvik, Sachs Harbour, Ulukhaktok, Aklavik, Paulatuk, and Tuktoyaktuk) in June and July 2014. These meetings provided an opportunity for members of the public and interested

organizations to discuss the draft hairy braya recovery framework. WMAC (NWT) then held public engagement sessions on a final draft of the recovery strategy in Ulukhaktok in June 2015 and Inuvik in July 2015 to review content and discuss potential issues. Review and discussion of the final draft with the IGC and all other HTC's was solicited by letter in the summer of 2015.

The comments received included many questions, in particular about the rate of erosion and about possible locations of the plant in places outside Cape Bathurst and the Baillie Islands. The Council recorded all the comments, provided clarification and answers to questions where possible, and investigated other issues to its satisfaction.

All the comments and concerns were recorded and were considered in forming WMAC (NWT)'s position on the recovery strategy. After reviewing and considering the results of the consultation at the Council's September 2015 Regular Meeting, WMAC (NWT) will support the acceptance of the hairy braya recovery strategy.