



## NWT CONFERENCE OF MANAGEMENT AUTHORITIES

### CONSENSUS AGREEMENT ON LISTING NORTHERN MOUNTAIN 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 northern mountain 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*.

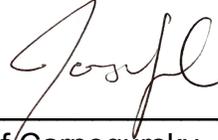
For greater certainty, the Management Authorities for northern mountain caribou are: the Gwich'in Renewable Resources Board, the Sahtú Renewable Resources Board, and the Government of the Northwest Territories.

For greater certainty, ‘northern mountain caribou’ refers to the northern mountain population of woodland caribou

WE THE UNDERSIGNED, having reached this consensus, provide this Consensus Agreement on this 29<sup>th</sup> day of April 2021, to the Minister of Environment and Natural Resources, Government of the Northwest Territories and the undersigned Management Authorities.



Witness



Jozef Carnogursky, Chairperson  
Gwich'in Renewable Resources Board



Witness



Camilla Tutcho, A/Chair  
?ehdzo Got'Inę Gots'ę Nákedı (Sahtú  
Renewable Resources Board)



Witness



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

## ANNEX A

### REASONS FOR THE CONSENSUS AGREEMENT

On April 29, 2020, the Northwest Territories (NWT) Species at Risk Committee (SARC) provided the assessment and status report for northern mountain caribou (*Rangifer tarandus groenlandicus*) to the Conference of Management Authorities (CMA) and recommended that northern mountain 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), 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.

The reasons for the Consensus Agreement are the following:

SARC assessed the biological status of northern mountain caribou on April 22, 2020, as a species of Special Concern in the NWT. An assessment of Special Concern means that SARC determined that northern mountain caribou may become Threatened or Endangered in the NWT because of a combination of biological characteristics and identified threats. SARC further determined that northern mountain caribou met criterion (b) for Special Concern under SARC's Species Assessment Process: (b) The species may become Threatened if negative factors are neither reversed nor managed effectively.

The following reasons for assessment were noted by SARC:

- The range of this species is remote and relatively undisturbed outside of localized areas. However, northern mountain caribou in the NWT are subject to a number of important threats.
- Northern mountain caribou are vulnerable to the effects of climate change, particularly the already noticeable decline in ice patches in the Mackenzie and Selwyn mountains. These areas, used to escape insects and cool down in the summer, are considered critical habitat components.
- Other threats include harvesting, recreation activities, resource development, and disrespectful harvesting behaviour. Although most of these threats are localized at the scale of the whole range of northern mountain caribou, they are expected

to result in measurable negative impacts in some significant portions of the range, including within the calving and summering range of the Redstone herd, the largest herd in the NWT.

- There is strong local interest and support for management interventions in the range of northern mountain caribou. However, there exists strong concern that this is not being translated into meaningful management actions.
- Northern mountain caribou have a number of limiting biological characteristics that make them particularly vulnerable to the effects of climate change (e.g., cold-adapted, reliance on ice patch habitat) and can limit population recovery in the event of a decline (e.g., low reproductive capacity, high levels of calf mortality).
- SARC feels that, based on the available information, northern mountain caribou have the potential to become Threatened if the effects of climate change continue within their habitat and localized threats are not managed effectively.
- Additional factors:
  - Population declines or displacement have been reported by Indigenous knowledge holders in the Sahtú and Gwich'in regions. This has been particularly noticeable over the last 10-12 years for the Redstone herd. However, much of the scientific population data are outdated.
  - Although rescue from neighbouring population is possible, the NWT contains the two largest subpopulations of northern mountain caribou in Canada and would more likely act as a source population.

After reviewing the assessment and the results of engagement, the Management Authorities determined that listing northern mountain caribou as a species of Special Concern is appropriate based on the current and potential future threats to this species. The Government of the Northwest Territories' assessment is that the action of listing northern mountain caribou as a species of Special Concern will not infringe on Aboriginal or treaty rights. Based on this, the Management Authorities agree that northern mountain caribou should be added to the NWT List of Species at Risk as a species of Special Concern.

The Government of the Northwest Territories notes that SARC's status report and assessment highlighted some important knowledge gaps and uncertainties respecting the biological status of northern mountain caribou. Indigenous knowledge holders have reported changes in northern mountain caribou abundance but it is unclear whether these are a result of population decline or displacement (movement). Localized threats including industrial development, roads, hunting and recreational activity are affecting caribou in certain areas but there is uncertainty about the scale of these impacts on NWT's population of northern mountain caribou as a whole. There is also uncertainty

about how the caribou population will respond to habitat changes due to climate change. Although SARC's report presents the best available information on the species, scientific information is lacking where data have not been collected or are out of date. Further research and monitoring are recommended to better understand the status of northern mountain caribou in the NWT and the factors affecting them. Capacity, priorities and budgetary constraints will play a role in determining future research and monitoring activities.

## ANNEX B

### ACTIONS THE 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 Management Authorities, having reached consensus on adding northern mountain caribou (*Rangifer tarandus caribou*) to the NWT List of Species at Risk, are reporting the actions they have undertaken or agree to undertake with respect to the required approvals and their participation in listing the species:

#### **Gwich'in Renewable Resources Board**

The Gwich'in Renewable Resources Board (GRRB) followed its rules and procedures for consultation to prepare a position on the proposed listing for northern mountain 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 and Gwich'in Tribal Council (GTC), Lands Department, were sent the final species status report and consultation material for northern mountain caribou in the NWT for review on June 23, 2020, by email. The draft *Northern Mountain Caribou Status Report and Assessment* was also sent to the RRCs and GTC for review on June 20, 2019.

#### 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. In the Gwich'in Settlement Area (GSA), northern mountain caribou are a lesser known species and generally are not harvested. The RRCs have indicated in the past that they prefer to not be fully engaged (i.e. a face to face public meeting) for lesser known/not harvested species; in addition, the global COVID-19 pandemic restricted meetings. Therefore, consultation packages were provided to each RRC. This included a letter outlining the process, a printed version of the PowerPoint presentation, a fact sheet and a questionnaire. Each RRC councillor received honoraria for the completion of the questionnaire. A face to face meeting was also offered, but no RRC took up this opportunity. Consultation packages were also provided for members of the public, who would be provided with a gift card for \$20 or a cheque upon completion of



The SRRB has undertaken a five-part hearing (referred to as Public Listening Sessions - PLS) on the topic, “What is the most effective way to conserve caribou?” The PLS series is scoped to include the three ecotypes of caribou within the Sahtú region, including shúhta goʔepé/shíhta goʔədə (northern mountain caribou) as well as barren-ground and boreal caribou.

The first PLS, entitled *Sahtú Ragóʔa (Hunting Laws) and Approaches to Wildlife Harvesting*, was convened in Colville Lake on January 21-23, 2020, and addressed caribou status as well harvest regulation. Considerable support was provided for Sahtú community Parties to prepare submissions to the Colville 2020 PLS, including two regional workshops and local preparation sessions. In the October 30, 2020, report on the Colville PLS, the SRRB made a finding of fact that “precautionary conservation measures are required for all three caribou ecotypes in the Sahtú, and measures are also required to conserve Dene ts'ı̄l̄ı̄ (ways of life), including Dene béré (country food systems).” With respect to shúhta goʔepé/shíhta goʔədə, the report noted that these are “designated bek'e k'énadets'ewə (we need to keep an eye on it; special concern) in the outfitter areas that fall within the Tulít'a District (south of Turéhj̄ Deé [Twitya River]). The SRRB supports the current harvest restriction of one caribou per person for resident and non-resident hunters.”

The Colville 2020 report takes note of the *Nío Nę P'ęnę Begháré Shúhta Goʔepé Narehʔá* plan jointly prepared by a working group established by the Tulít'a and Norman Wells Renewable Resources Councils and Tu Łidlini (Ross River, Yukon) Dena Council and submitted to the public registry, along with Tu Łidlini's harvest regulation protocol pertaining to mountain caribou and moose within their homeland in Yukon. The report includes the recommendation that “a proposal for harvest regulation of shúhta goʔepé (mountain caribou) be co-developed by Tulít'a and Norman Wells and submitted to the SRRB for consideration as part of the 2021-2024 series of public listening sessions” (Recommendation 1.1).

On November 16, 2020, a letter was sent to all Sahtú leadership organisations with information about the proposed listing, inviting comment. Soon afterward, the SRRB presented the Colville 2020 PLS report at workshops with Fort Good Hope Desh̄ta Got'ı̄nę (Renewable Resources Council), and Norman Wells and Tulít'a Renewable Resources Councils, the primary community stewards of shúhta goʔepé/shíhta goʔədə in the Sahtú region. At the same time, the proposed special concern listing was presented and discussed. The Fort Good Hope Desh̄ta Got'ı̄nę acknowledged that the primary conservation concerns regarding shíhta goʔədə are in the Tulít'a district where there is more access from visiting hunters. The Norman Wells Renewable Resources Council was strongly supportive of the Special Concern listing. The Tulít'a Renewable Resources Council submitted a letter supporting a community conservation planning approach to addressing conservation concerns, citing the SRRB's finding in the Colville

2020 report that “the best conservation outcomes are based on processes that are driven by local communities.”

Based on the conservation picture presented for shúhta goṛepé/shíhta goṛədə in the Colville 2020 report as well as the comments shared by Sahtú communities, the SRRB reconfirms its support for the Special Concern listing.

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

The Government of the Northwest Territories’ (GNWT) position on 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 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 northern mountain caribou. The comment period was July 31-November 6, 2020. The GNWT invited comments using print ads, posters, the NWT Species at Risk website and an email distribution list.

The GNWT received five comments on the listing of northern mountain caribou through this process. Four supported listing as a species of Special Concern and one was against listing. The comments were considered in forming the GNWT’s position on listing.

### **Indigenous Governments and Organizations**

The GNWT’s assessment is that the action of listing northern mountain caribou as a species of Special Concern will not infringe on Aboriginal or treaty rights. There are no automatic prohibitions or protections for species or habitat that will come into effect upon completing the listing. The action of listing the species under the Act will not change harvest quotas, regulations or land management already in place. The only direct consequence of listing the species is the requirement that a management plan be developed within two years of listing. The management plan will recommend objectives and approaches to manage northern mountain caribou in the NWT. There is already a national management plan and a regional community-based planning process that could help fulfill this requirement. If actions for the management of northern mountain

caribou that have the potential to adversely affect Aboriginal and/or treaty rights are contemplated in the future, the GNWT would consult on those actions before implementing them.

The GNWT engaged with Indigenous governments and Indigenous organizations (IGOs) through letters. IGOs located in or near the NWT range of northern mountain caribou were invited to comment on the potential listing of the species. One group responded expressing support for listing the species as Special Concern. 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, ENR, Yellowknife.

- Dehcho First Nations
- Deh Gáh Got'ie First Nation
- Fort Providence Métis Council
- Fort Simpson Métis Local #52
- Łíídlı́ Kúé First Nation
- Ka'a'gee Tu First Nation
- West Point First Nation
- Jean Marie River First Nation
- Sambaa K'e First Nation
- Pehdzéh Kí First Nation
- Nahanni Butte Dene Band
- Acho Dene Koe First Nation
- Gwich'in Tribal Council
- Ehdı́itat Gwich'in Council
- Tetlit Gwich'in Council
- Nihtat Gwich'in Council
- Gwichya Gwich'in Council
- Sahtu Secretariat Incorporated
- Ayoni Keh Land Corporation
- Yamoga Lands Corporation
- Tulita Land Corporation
- Fort Good Hope Métis Nation Local #54 Land Corporation
- Norman Wells Land Corporation
- Fort Norman Métis Community
- Behdzi Ahda' First Nation

- Fort Good Hope (Kasho Got'ine) Dene Band
- Tulita Dene Band
- Liard First Nation
- Ross River Dena Council
- First Nation of Na-Cho Nyäk Dun
- Mountain Island Métis