



NWT CONFERENCE OF MANAGEMENT AUTHORITIES

CONSENSUS AGREEMENT ON LISTING

WOOD BISON

(Bison bison athabasca)

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

To add wood bison to the Northwest Territories List of Species at Risk as a 'threatened' species.

INTERPRETATION

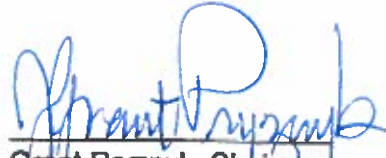
For greater certainty, terms and processes in this Consensus Agreement are as defined and described in the *Species at Risk (NWT) Act*.

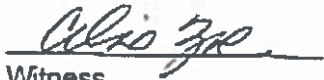
For greater certainty, the Management Authorities for wood bison are: the Wek'èezhii Renewable Resources Board, the Tłıchǵ Government, and the Government of the Northwest Territories.

The Tłıchǵ Government supports the listing of wood bison as threatened in the NWT, but does not support any protection measures that encourage the further distribution of wood bison on Tłıchǵ Lands.

WE THE UNDERSIGNED, having reached this consensus on this 13 day of April 2017, provide this Consensus Agreement to the Minister of Environment and Natural Resources, Government of the Northwest Territories and the undersigned Management Authorities.



Witness


Grant Pryzyk, Chairperson
Wek'eezhii Renewable Resources Board


Witness


Grand Chief Eddie Erasmus
Tłı̨chǫ Government


Witness


Mr. Fred Mandeville, Assistant Deputy Minister
Operations
Dept. of Environment and Natural Resources
Government of the Northwest Territories

ANNEX A

REASONS FOR THE CONSENSUS AGREEMENT

On April 15, 2016, the Northwest Territories (NWT) Species at Risk Committee (SARC) provided the assessment and status report for wood bison (*Bison bison athabasca*) to the Conference of Management Authorities (CMA) and recommended that wood bison be added to 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 between July 2016-January 2017), 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 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 wood bison on April 7, 2016 as a 'threatened' species in the NWT. An assessment of 'threatened' means that SARC determined that wood bison are likely to become endangered in the NWT if nothing is done to reverse the factors leading to their extirpation or extinction. SARC further determined that wood bison met criterion (c) for 'threatened' under SARC's Species Assessment Process: (c) there is evidence that the population size is small and there is a decline in population size such that it could disappear from the NWT in our children's lifetime.

The following reasons for assessment were noted by SARC:

- The entire wood bison population in the NWT is estimated at about 2,500 animals in three disjunct populations (Greater Wood Buffalo Ecosystem, Mackenzie and Nahanni).
- An overall decline of at least 10 percent (%) was estimated over the past three bison generations. An overall decline of 50% was estimated over the most recent bison generation. In the most recent bison generation, only the small Nahanni population has shown an increase.
- The main threats are:

- Three infectious bacterial diseases are currently of concern to the conservation of wood bison in the NWT (anthrax (*Bacillus anthracis*), bovine tuberculosis (*Mycobacterium bovis*), and bovine brucellosis (*Brucella abortus*)). The 2012 anthrax outbreak is of particular concern for the Mackenzie population.
- Predation primarily by wolves and bears, especially on newborn calves.
- Human-caused mortality, including bison-vehicle collisions, disease management actions and harvest contribute cumulative threats to wood bison.
- Various factors may contribute to a loss of meadow habitat (e.g., changes in floods/drawdowns, fire regime, snow pack and water levels, and increased shrub encroachment).
- Additional factors:
 - Future road encroachment in wood bison habitat may increase the zone of influence of human activity, especially for the Greater Wood Buffalo Ecosystem and Mackenzie populations.
 - Anticipated future industrial development and corridors within certain segments of wood bison habitat may adversely impact wood bison populations in the NWT.
 - The NWT is home to an estimated 32% of the global/continental population of wood bison.

The Management Authorities for wood bison did not receive any information indicating that the assessment of wood bison as 'threatened' in the NWT was incorrect. After reviewing the assessment and the results of engagement, the Management Authorities determined that listing wood bison as 'threatened' is appropriate based on the population of the species and the threats it faces. After reviewing the results of consultation, the Government of the Northwest Territories' assessment is that the action of listing wood bison as 'threatened' 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 wood bison should be added to the NWT List of Species at Risk as a 'threatened' species in the NWT.

Significant concern with the expansion of wood bison range into the Tłıchq region was raised, with many people asserting that wood bison are not indigenous to the Tłıchq region and that their presence threatens the health of culturally and economically important indigenous species like boreal and barren-ground caribou. The Management Authorities agree that these concerns warrant discussion and attention and commit to a fulsome discussion on the matter during recovery planning.

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 Management Authorities, having reached consensus on adding wood bison (*Bison bison athabascae*) 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:

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, 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.

Additionally, the GNWT considered new information from wood bison population surveys that were conducted in 2016. This information was not available at the time of the Species at Risk Committee's (SARC) assessment of wood bison. Following SARC's methodology, with the inclusion of new survey results from 2016, the estimated population size for wood bison in the NWT is slightly lower than the estimate used by SARC and estimated population declines are similar to the estimates used by SARC. Therefore, the new information does not suggest a different status than that determined by SARC.

Public Engagement

The GNWT provided an opportunity for members of the public and interested organizations to comment on the assessment and potential listing of wood bison. The comment period was July 8 – September 2, 2016. The GNWT invited comments using print ads, posters, the NWT Species at Risk website and an email distribution list.

The GNWT received three comments on the wood bison listing through this process. One supported listing as threatened, one supported listing but was unsure of the appropriate status, and one was against listing because of concerns about inadequate information. The 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 through letters. Consultation was triggered with organizations that hold asserted or established Aboriginal or treaty rights in or near the NWT range of wood bison.

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.

One group responded expressing support for listing the species as threatened. One other group stated they did not agree with the listing and expressed concerns about possible restrictions. The GNWT provided clarification that there are no automatic prohibitions or protections that would come into effect upon listing, and listing would not change harvest quotas, regulations or land management systems already in place. All the comments and concerns were recorded and were considered in forming the GNWT's position on listing.

After reviewing the results of consultation, the GNWT's assessment is that the action of listing wood bison as threatened will not adversely affect asserted or established Aboriginal or treaty rights. The action of listing the wood bison 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 recovery strategy be developed within two years of listing. The recovery strategy will recommend objectives and approaches to conserve and recover the wood bison in the NWT. There is already management planning underway that could be adopted to fill this requirement. If there are any potential adverse effects on asserted or established Aboriginal or treaty rights identified during recovery planning, GNWT will consult before any new management actions are implemented.

The Aboriginal governments and organizations consulted are listed below. Full records of consultation are on file at Wildlife Division, ENR, Yellowknife.

- Acho Dene Koe First Nation
- Akaitcho Treaty 8 Tribal Corporation
- Akaitcho Territory Government
- Deninu K'ue First Nation
- Łutsel K'e Dene First Nation
- Yellowknives Dene First Nation (Dettah)
- Yellowknives Dene First Nation (N'Dilo)
- Aklavik Northwest Métis Council

- Athabasca Chipewyan First Nation
- Athabasca Denesuline
- Athabasca Denesuline Nene Land Corporation
- Ayoni Keh Land Corporation
- Begaa Deh Shuh Tah Got'ie
- Behdzi Ahda First Nation Band Council
- Black Lake Denesuline First Nation
- Daylu Dena Council
- Dease River First Nation
- Deh Gah Got'ie Dene Council
- Dehcho First Nations
- Délıne First Nation
- Délıne Land/Financial Corporation
- Dene Tha First Nation
- Ehdiitat Gwich'in Council
- Fond du Lac Denesuline Nation
- Fort Chipewyan Métis Local 125
- Fort Good Hope Métis Local #54
- Fort Liard Métis Council, Local #67
- Fort McPherson Métis Local #58
- Fort Providence Métis Council, Local #57
- Fort Smith Métis Council
- Gwich'in Tribal Council
- Gwichya Gwich'in Council
- Hay River Métis Council
- Inuvik Métis Local #62
- Jean Marie River First Nation
- Ka'a'gee Tu First Nation
- K'asho Got'ine Community Council
- Kaska Dene Council
- Kat'odeeche First Nation
- Kwadacha Nation
- Liard First Nation
- Liidlil Kue First Nation
- Mikisew Cree First Nation
- Mountain Island Métis/Yellowknife Métis Council
- Nahanni Butte Dene Band
- Nihtat Gwich'in Council
- Norman Wells Land Corporation
- North Slave Métis Alliance
- Northwest Territory Métis Nation
- Pehdzeh Ki First Nation
- Prince Albert Grand Council
- Ross River Dena Council

- Sahtú Secretariat Inc.
- Salt River First Nation
- Sambaa K'e Dene Band
- Smith's Landing First Nation
- Tłıchq̓ Government
- Community Government of Behchok̓
- Community Government of Gamètı
- Community Government of Wekweètı
- Community Government of Whatı
- Tetlit Gwich'in Council
- Tulı́t'a Band Council
- Tulı́t'a Land Corporation
- Tulı́t'a Yamoria Community Secretariat
- West Point First Nation
- Yamoga Land Corporation

Tłıchq̓ Government

The Tłıchq̓ Government, through the Tłıchq̓ Agreement, has a responsibility for wildlife protection and management and for protecting the way of life for Tłıchq̓ people. In most situations, the protection of wildlife and the protection of Tłıchq̓ culture work together in harmony. When dealing with bison, however, there is a direct conflict between wildlife protection and protection of the way of life of the Tłıchq̓ people. This is a serious issue, and one that we must work together collaboratively to resolve.

The Tłıchq̓ Government and Wek'èezhì Renewable Resources Board (WRRB) undertook a consultation tour in the communities of Whatı (November 2016) and Behchok̓ (January 2017). On January 31, 2017, Chief Executive Council (CEC) met and agreed to conditionally support the listing of wood bison as threatened.

Joint Consultation

In November 2016, community consultations were advertised through the Tłıchq̓ Government and WRRB social media pages, along with posters provided to Community Directors for posting. In January 2017, community consultations were advertised with posters provided to Community Directors for posting.

Community consultations were held, during evening sessions, in Behchok̓ on November 7, 2016 and in Whatı on January 17, 2017. Approximately 46 participants in total attended the two community consultations.

The WRRB and Tłıchq Government staff cooperated in joint consultation, and provided information on the proposed listing of wood bison as threatened, as prepared by the GNWT. Staff described and explained the *Species at Risk (NWT) Act*, the Species at Risk Committee, and the assessment process. Staff provided information about the current population of wood bison in the NWT and the rationale for assessing wood bison as threatened. As well, staff provided information about recovery documents, which is the next step in the process.

Key points raised by community members at the consultations were concerns about the impacts of bison to barren-ground caribou, boreal caribou and other big game species, i.e., moose, including how bison bring in predators and disease, compete for remaining forage left after the recent severe fire seasons, and compete with harvesters. Additionally, the Tłıchq All Season Road was identified as a potential corridor for bison to move further into caribou range. In general, bison were “not wanted” or not viewed as “belonging” in the Tłıchq region, i.e., bison belong further south and are only a recent addition to Tłıchq region. It was noted that there is limited Tłıchq knowledge about bison and, subsequently, uncertainties about how to properly harvest and utilize. Elders also said they have concerns that more information on bison will be needed as they continue to move North and West into Tłıchq region, and as things continue to change. Information will be needed for future decisions to be made, and so that people will learn more about bison, i.e., elders know about caribou (behaviours, movements, and use) but, with continued declines, youth may need to harvest bison.

Overall in the communities, the elders and in discussion with the Tłıchq leaders, there is a strong sense that bison are not native to the traditional territory of the Tłıchq people. They are not part of our culture. They are not one of the species that our people harvest for food or for their survival. They compete with indigenous species—the wildlife on which we depend for our way of life—for food and habitat. They bring disease. They attract predators, like wolves, that threaten our already deeply threatened caribou herds. The bison are intruders, interlopers, into our traditional lands. They are not part of the Tłıchq way of life and we do not want them on our lands or in our traditional territory.

The CEC has met on January 31, 2017 to discuss the proposed listing of wood bison as threatened as required under the *Species at Risk (NWT) Act*.

CEC Decision

The community members', elders' and Chiefs' concerns place us in a difficult position. While Tłıchq Government supports the protection of species of animal that evidence

shows to be threatened, the Tłıchq Government cannot support an unconditional listing of bison. The Tłıchq Government supports the listing of bison as threatened in the NWT, but any protection measures must not encourage the further distribution of wood bison on Tłıchq traditional lands. In fact, we hope that specific management measures will be developed to discourage the movement of bison east of Mosquito Creek.

Wek'èezhii Renewable Resources Board (WRRB)

As per clause 12.5.1 of the Tłıchq Agreement, the WRRB carried out joint consultations with the Tłıchq Government on the proposed listing in November 2016 and January 2017 in two Tłıchq communities, and then passed a motion to support the listing of wood bison as threatened at its February 2017 meeting.

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The WRRB met on February 9, 2017 to discuss the proposed listing of wood bison 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 Tłıchǫ Government and WRRB staff in Behchokǫ and Whatı on November 7, 2016 and January 17, 2017, respectively, the WRRB passed Motion #527-09-02-2017, supporting the listing of wood bison as threatened in the NWT.