



## NWT CONFERENCE OF MANAGEMENT AUTHORITIES

### CONSENSUS AGREEMENT ON ACCEPTING A RECOVERY STRATEGY FOR BOREAL CARIBOU (*RANGIFER TARANDUS CARIBOU*) IN THE NORTHWEST TERRITORIES

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 Boreal Caribou (Rangifer tarandus caribou) 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 boreal caribou (*Rangifer tarandus caribou*) are: the Government of the Northwest Territories, the Tłı̨chǫ Government, the Wildlife Management Advisory Council (NWT), the Gwich'in Renewable Resources Board, the Sahtu Renewable Resources Board, and the Wek'èezhii Renewable Resources Board.

WE THE UNDERSIGNED, having reached this consensus on this 20<sup>th</sup> day of October 2016, provide this Consensus Agreement to the Minister of Environment and Natural Resources, Government of the Northwest Territories and the undersigned Management Authorities.

  
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Grand Chief Eddie Erasmus  
Tłı̨chǫ Government

  
Eugene Pascal, Chair  
Gwich'in Renewable Resources Board

  
Grant Pryznyk, Chair  
Wek'èezhii Renewable Resources Board

  
Michael Neyelle, Chair  
Sahtu Renewable Resources Board

  
Rob Gau, Member  
Wildlife Management Advisory Council (NWT)

  
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 Boreal Caribou (Rangifer tarandus caribou)* (December 2013), added boreal caribou 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 unless an extension under subsection 59(2) of the *Species at Risk (NWT) Act* is applied. In this case, a one year extension (to February 27, 2017) was applied.

A recovery strategy for boreal caribou 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 and Management Authorities, 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 Management Authorities, Dehcho First Nations, NWT Métis Nation, Salt River First Nation, North Slave Métis Alliance, Acho Dene Koe First Nation, and Kát'odeeche First Nation. Comments and concerns that the Management Authorities heard regarding the recovery strategy were meaningfully considered and addressed as described in Annex B.

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 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 boreal caribou, 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 boreal caribou.

For these reasons, the Management Authorities agree to accept the *Recovery Strategy for Boreal Caribou (Rangifer tarandus caribou) in the Northwest Territories*.

## 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 Management Authorities, having reached consensus on accepting the recovery strategy for boreal caribou (*Rangifer tarandus caribou*), 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:

#### Tłıchq Government

##### Joint Consultation between the Tłıchq Government and the Wek'èezhìi Renewable Resources Board

In May 2015, community consultations were advertised through the Tłıchq Government and Wek'èezhìi Renewable Resources Board (WRRB) websites and Facebook pages, along with posters provided to Community Directors for posting.

Community consultations were held in Gamèti on May 7, 2015, Whatì on May 21, 2015 and Behchokò on May 26, 2015 during evening sessions where dinner was provided and discussion occurred afterwards. Approximately 52 participants in total attended the three community consultations.

The WRRB and Tłıchq Government staff cooperated in joint consultation, and provided information on the Boreal Caribou Recovery Strategy in the NWT as prepared by the GNWT. Staff explained the listing of *tòdzı* (boreal woodland caribou) as Threatened in the NWT, and the subsequent requirement to prepare a recovery document to community participants. Staff also shared information on research that the WRRB and Tłıchq Government had done on *tòdzı* habitat and habitat use in Wek'èezhìi, highlighting the similar perspectives of both Tłıchq and scientific knowledge. The information provided focused on *tòdzı* habitat requirements, and the impacts of fires to habitat quality and quantity, as well as *tòdzı* displacement.

Key points raised by community members at the consultations were concerns about impact(s) of fire, and how fire will be actioned when it comes to wildlife; identifying critical habitat areas for *tòdzı* using elders/hunters knowledge of *tòdzı*; requirement for ongoing information sharing on *tòdzı*, including habitat status, development, population estimates, etc.; community members need to be directly involved in *tòdzı* management, including the appropriate Tłıchq knowledge experts and youth

hunters; elders and youth are critical to the implementation of the recovery strategy and this will require additional meetings/workshops to discuss specific topics and approaches; and, ongoing concern about management decisions, including aboriginal harvesting rights.

#### Chief Executive Council Decision

The Chief Executive Council met on October 24<sup>th</sup> and approved the NWT Boreal Caribou Recovery Strategy.

#### 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 Recovery Strategy for the 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 discuss the material. The RRCs were contacted in early November 2014 and were sent the Draft Recovery Strategy and Framework. They were contacted by phone in early January to discuss these documents and any concerns they may have. There were no concerns, and three out of four RRCs (Ehdiitat, Tetlit and Gwichya Gwich'in) approved the framework. The RRCs were contacted again at the end of April 2015, and were sent the revised Draft Recovery Strategy.

#### 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. Public meetings were held in Aklavik (May 2015), Inuvik (June 2015), and Fort McPherson (August 2015). The Recovery Strategy was discussed at the RRC meeting in Tsiigehtchic (September 2015).

#### 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

Recovery Strategy for Boreal Caribou in the NWT. While no RRC provided written responses, all communities voiced their approval at the meetings.

#### Community concerns

Community comments included suggestions for alternative management tools particularly in response to high predation from wolves, the need for more collaring and genetic studies, increased public and hunter education, increased harvest monitoring, and requests for more information on how the territorial and federal Species at Risk Acts work together.

#### Board decision

During the October 5-6, 2016 Board meeting in Tsiigehtchic, staff provided a summary of the reasons why boreal caribou has been listed as Threatened in the NWT, an overview of the Recovery Strategy process, a summary of community consultation results and main concerns and how these were addressed in the Recovery Strategy, and provided staff recommendations. The GRRB made a motion to approve the Recovery Strategy for Boreal Caribou in the NWT.

#### Wek'èezhii Renewable Resources Board

As per clause 12.5 of the Tłıchq Agreement, the Wek'èezhii Renewable Resources Board (WRRB) reviewed the draft NWT Boreal Caribou Recovery Strategy, carried out joint consultations with the Tłıchq Government on the proposed recovery strategy in May 2015 in three Tłıchq communities, and then passed a motion to support the listing at its August 2016 meeting.

#### Joint Consultation

In May 2015, community consultations were advertised through the Tłıchq Government and WRRB websites and Facebook pages, along with posters provided to Community Directors for posting.

Community consultations were held in Gamèti on May 7, 2015, Whati on May 21, 2015 and Behchokò on May 26, 2015 during evening sessions where dinner was provided and discussion occurred afterwards. Approximately 52 participants in total attended the three community consultations.

The WRRB and Tłıchq Government staff cooperated in joint consultation, and provided information on the Boreal Caribou Recovery Strategy in the NWT as prepared by the GNWT. Staff explained the listing of *tqdzı* (boreal woodland caribou) as Threatened in the NWT, and the subsequent requirement to prepare a recovery

document to community participants. Staff also shared information on research that the WRRB and Tłıchq Government had done on t̄dzı habitat and habitat use in Wek'èezhı, highlighting the similar perspectives of both Tłıchq and scientific knowledge. The information provided focused on t̄dzı habitat requirements, and the impacts of fires to habitat quality and quantity, as well as t̄dzı displacement.

Key points raised by community members at the consultations were concerns about impact(s) of fire, and how fire will be actioned when it comes to wildlife; identifying critical habitat areas for t̄dzı using elders/hunters knowledge of t̄dzı; requirement for ongoing information sharing on t̄dzı, including habitat status, development, population estimates, etc.; community members need to be directly involved in t̄dzı management, including the appropriate Tłıchq knowledge experts and youth hunters; elders and youth are critical to the implementation of the recovery strategy and this will require additional meetings/workshops to discuss specific topics and approaches; and, ongoing concern about management decisions, including aboriginal harvesting rights.

The WRRB met initially on May 6, 2015 and again on August 15, 2016 to discuss the proposed NWT Boreal Caribou Recovery Strategy as required under the *Species at Risk (NWT) Act*.

#### Board Decision

Based on traditional knowledge and scientific information available, and public input during joint community consultations held by the Tłıchq Government and WRRB staff in Gamèti, Whatı, and Behchokò on May 7, 21 and 26, 2015, the WRRB passed Motion #495-15-08-2016, approving the NWT Boreal Caribou Recovery Strategy with the addition that the North Slave Region, following the 2015 forest fire season, is now below the 65% threshold for critical habitat.

#### Government of the Northwest Territories

The Government of the Northwest Territories' (GNWT) position on the recovery strategy was formed through review of the 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 draft recovery strategy for boreal caribou. The comment period was June 18 – July 20, 2015. The GNWT invited comments using print ads, posters, the NWT Species at Risk website, and an email distribution list.

Twenty-three organizations and individuals provided written submissions on the recovery strategy through this process. They provided a total of 147 comments, including suggestions for improving the recovery strategy. Issues raised included but are not limited to: the importance of implementing recovery actions; protection of critical habitat under the federal *Species at Risk Act*; tracking and managing habitat disturbance; boreal caribou harvest levels; and consideration of alternative management tools for boreal caribou. The GNWT recorded all the comments and provided clarification and answers to questions. All comments were fully considered and the recovery strategy was revised extensively to address the input received. Detailed records of comments and how they were addressed are on file at the Wildlife Division, Department of Environment and Natural Resources, Yellowknife.

## 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; meetings were held when requested. Consultation was triggered with organizations that hold asserted or established Aboriginal or treaty rights in or near the NWT range of boreal caribou. The organizations consulted are listed below:

- Northwest Territory Métis Nation
- North Slave Métis Alliance
- Mountain Island Métis
- Akaitcho Treaty 8 Tribal Corporation
- Salt River First Nation
- Smith's Landing First Nation
- Kát'l'odeeche First Nation
- Dehcho First Nations
- Acho Dene Koe First Nation
- Dene Tha' First Nation
- First Nation of Nacho Nyak Dun
- Kaska Dene Council
- Gwich'in Tribal Council

- Sahtú Secretariat Incorporated
- Tłı̨chǫ Government
- Inuvialuit Game Council
- Nunavut Tunngavik Incorporated.

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 or any other regulations already in place. The GNWT requested input on whether the conservation and recovery objectives, approaches and actions in the recovery strategy, if implemented, could potentially adversely affect asserted or established Aboriginal or treaty rights.

GNWT received responses from the First Nation of Nacho Nyak Dun, Kát'odeeche First Nation, Deh Gah Go'ie Dene Council, Dene Tha First Nation, Salt River First Nation, North Slave Métis Alliance, Gwich'in Tribal Council, Acho Dene Koe First Nation and Fort Liard Métis Local #67. GNWT followed up directly with each organization to address the concerns that were raised. All comments were meaningfully considered and the recovery strategy was revised as appropriate.

After reviewing the input received through section 35 consultation, GNWT's assessment is that the boreal caribou recovery strategy and its implementation will not adversely affect asserted or established Aboriginal or treaty rights as there are no automatic prohibitions or protections for species or habitat that come into effect upon completing the recovery strategy or the implementation agreement. Completing the recovery strategy and implementation agreement does not change harvest quotas, regulations, or habitat protection already in place.

GNWT recognizes that future management actions arising from the NWT species at risk process may have the potential to adversely affect Aboriginal or treaty rights. If actions that have the potential to adversely affect Aboriginal or treaty rights are contemplated in future, such as changes to regulations or harvest quotas, GNWT would consult on these changes before implementing them.

Full records of consultation are on file at the Wildlife Division, Department of Environment and Natural Resources, Yellowknife.

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

The Wildlife Management Advisory Council (WMAC) (NWT)'s position on accepting the boreal caribou recovery strategy was formed after a review of the draft recommended objectives and approaches for the conservation and recovery of boreal caribou, as well as descriptions of threats, positive influences, and the goals and objectives of the strategy. Consultation meetings were held within the Inuvialuit Settlement Region (ISR), with Hunters and Trappers Committees (HTCs) and the public.

WMAC (NWT) attended consultation meetings on the "framework" of the recovery strategy in the four mainland ISR communities in April/May 2013, and the two island communities in August 2013. Follow-up meetings were held between June and September 2014 as the strategy was drafted. All meetings were arranged with the HTCs but were advertised and open to the public. WMAC (NWT) members and/or representatives went through a summary presentation and answered all questions put forward.

Most of the questions raised were about the NWT species at risk process in the ISR and degree of Inuvialuit involvement. WMAC (NWT) recorded all the comments and provided clarification and answers to questions.

After reviewing and considering the results of the consultation, and reviewing and considering the edits suggested by all other Management Authorities after the WMAC (NWT) completed its consultation sessions, at the Council's June 2016 Regular Meeting, WMAC (NWT) agreed to accept the recovery strategy.