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Submission to the Nunavut Wildlife Management Board

2020 Bluenose East Hearing

February 17, 2020

Background

The ᐱᕈᑦᑦᑦ ᑕᑦᑦᑦᑦ ᑕᑦᑦᑦᑦ ᑕᑦᑦᑦᑦ (Sahtú Renewable Resources Board – SRRB) was established by the Sahtú Dene and Métis Comprehensive Land Claim Agreement with a mandate in wildlife, habitat and harvesting in the Sahtú Region, NWT. In 2016, the SRRB held a Bluenose East (BNE) Hearing in Déᑕᑦᑦᑦ, NWT. The Hearing Report contained 39 decisions that marked a shift in the Board’s approach to implementing its mandate.

In 2019, faced with conservation concerns related to all three caribou ecotypes that live in the Sahtú, the Board decided to launch a series of five “Public Listening” (Hearing) Sessions. These Sessions are both broadly scoped and narrowly scoped. They are broadly scoped by encompassing the three caribou ecotypes, but also narrowly scoped by focusing on specific conservation “hot topics”¹. All five Public Listening Sessions will together address key issues with respect to the central question, “What is the most effective way to *conserve* caribou?”

The SRRB envisions undertaking one Session per year in partnership with and located at each of the Sahtú communities. The first Session took place in Colville Lake on January 21-23, 2020, addressing the topic, “What is the most effective way to *regulate the harvest* of caribou?”² This is the third Public Hearing convened by the Board since its creation in 1993. All hearing documents, including proceedings, reports and responses from the Minister of NWT Environment and Natural Resources, can be found on the SRRB’s online Public Registry³.

The SRRB is currently preparing its report on the Colville 2020 Public Listening Session, and cannot at this time disclose the decisions in development. However, the Board can speak to decisions related to BNE caribou conservation made in 2016, caribou monitoring and action planning that has taken place since that time, and the Board’s efforts at bringing together

¹ The “hot topic” is a concept used in the ACCWM’s *Taking Care of Caribou* plan for Cape Bathurst, Bluenose West and Bluenose East caribou (2014), referring to topics that are unresolved or remain controversial, for which finding agreement between different perspectives may be challenging.

² The topics for future sessions may evolve over the coming years, but currently are envisioned to include: Knowledge About Caribou and Landscapes; Wildfires and Climate Change; Predators; and the Mixed Economy.

³ www.srrb.nt.ca.

conservation and reconciliation objectives by supporting community-driven conservation planning initiatives combined with public hearing proceedings.

Linked to these processes, the SRRB has prioritized support for interjurisdictional or community-to-community dialogue as a critical component of caribou conservation planning. The SRRB is grateful for the opportunity provided by the NWMB Bluenose East Hearing for an exchange of evidence regarding harvest regulation in light of conservation concerns. In this submission, the SRRB will address the four topics identified by the NWMB as priorities for consideration, focusing on the Board's efforts to implement our mandate in conservation through a reconciliation approach.

Reconciliation in the Big Picture

The Canadian Truth and Reconciliation Commission's (TRC) report, delivered in 2015⁴, was focused on addressing the impacts of residential schools in Indigenous communities. However, the ripple effects of the report, viewed in light of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)⁵, have been much broader. In 2017 the SRRB reviewed its strategic plan in the context of the TRC and UNDRIP, as well as the concept of "ethical space" developed by the Indigenous Circle of Experts⁶ new developments in self-governance in the Sahtú Region. Over the subsequent year, the Board participated in a broader process to prepare a *Discussion Document and Calls to Action* related caribou conservation for discussion at the Indigenous Talking Circle at the 2018 North American Caribou Workshop (appended to this submission). The Board is now taking note of questions asked and insights offered in the recent publication by Dr. Graham White, *Indigenous Empowerment through Co-management: Land Claims Boards, Wildlife Management, and Environmental Regulation* (2020)⁷.

Bluenose East Status

The community of Délı̨nę is recognized in the Sahtú Region as the main stewarding community for ʔehdaı̨la ʔekwé (Caribou Point or BNE caribou). The SRRB therefore works primarily with Délı̨nę to consider traditional knowledge and science about ʔehdaı̨la ʔekwé status. In November 2019, Délı̨nę provided monitoring information about the status of ʔehdaı̨la ʔekwé in preparation for the annual status meeting of the ACCWM (Advisory Committee for Cooperation on Wildlife Management)⁸. The Board has supported the ACCWM's current status assessment that BNE caribou are in the Red Zone (low and declining). The SRRB is participating in

⁴ Truth and Reconciliation Commission of Canada. 2015. *What We Have Learned and Calls to Action*. Ottawa: Government of Canada. www.trc.ca.

⁵ www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html.

⁶ Indigenous Circle of Experts. 2018. *We Rise Together: Achieving Pathway to Canada Target 1 through the creation of Indigenous Protected and Conserved Areas in the spirit and practice of reconciliation*. Ottawa: Government of Canada. www.conservation2020canada.ca/ice

⁷ Vancouver: UBC Press.

⁸ See the ACCWM Bluenose East Monitoring Table, available on the SRRB's Colville 2020 Public Registry at www.srrb.nt.ca.

completion of the ACCWM's Action Plan for BNE caribou (forthcoming), in the context of a variety of initiatives identified by Délı̄nę within their *Belare Wı̄le Gots'ę ęekwę – Caribou for All Time* community conservation plan. The Délı̄nę plan was approved by the SRRB in 2016, and was revised in the fall of 2019 to reflect reduced availability of ęehdaı̄la ęekwę.

The Government of Nunavut's BNE Harvest Regulation Proposal

The SRRB appreciates the Government of Nunavut's (GN's) intention in supporting BNE caribou conservation actions, since BNE conservation in the Nunavut Region will clearly benefit both the herd and Sahtú harvesters. The Board supports any efforts in conservation that show evidence of achieving positive conservation effects. The SRRB has much to learn from different approaches and lessons learned elsewhere. Here we consider the two components of the GN's proposal in relation to decisions from the SRRB's 2016 BNE Hearing in Délı̄nę.

Total Allowable Harvest

In weighing evidence related to plans submitted by Délı̄nę and NWT Environment and Natural Resources (ENR) for the 2016 BNE Hearing, the SRRB was guided by the Sahtú Dene and Métis Comprehensive Land Claim Agreement provision that a Total Allowable Harvest (TAH) is a tool that should be used “only if required for conservation and to the extent necessary to achieve conservation” (Section 13.5.2). The Board found, based on the evidence, that the traditional Dene structures for caribou stewardship continue to be as or more effective than a TAH in meeting conservation needs. The Board also found that the Délı̄nę plan included a “better and more comprehensive list of conservation tools, compared to the two mechanisms offered in the ENR plan (TAH and predator control).”

The SRRB's 2016 Bluenose East Hearing Report consequently includes three linked decisions supporting a community conservation planning approach to harvest regulation, as follows⁹:

- An approach of community ęedets'ę k'áots'erewe (self-regulation) is a culturally appropriate and effective mechanism for addressing Bluenose East ęekwę conservation as required under the SDMCLCA (Decision 10).
- The SRRB will exercise its power under the SDMCLCA to review and approve community, regional and cross-regional BNE ęekwę conservation plans, and to contribute to ęełehé ęeghálats'eda (collaborative) implementation of approved plans (Decision 15).
- ... The SRRB accepts the principle that community-based monitoring and decisions are the most effective mechanism for ęekwę management and conservation in the Sahtú region (Decision 24).

The SRRB's 2016 decisions indicate that community conservation plans are an alternative to a TAH mechanism for conservation. However, the SRRB's 2016 Hearing Report did commit to

⁹ SRRB. 2016. *ęekwę hé Dene Ts'ı̄lı̄ Sustaining Relationships: Bluenose East Hearing Report*. Tulıt'a: SRRB. www.srrb.nt.ca.

assessing the need for a TAH limit “if an annual review and assessment of community conservation plans in the Sahtú region demonstrates that conservation concerns for Bluenose East Ɂekwé are not being adequately addressed” (Decision 28). The SRRB is currently engaged with Déljñę in reviewing their [revised plan](#) in the context of the Red Zone status of ɁehdaɁla Ɂekwé.

Male-Only Harvest Non-Quota Limitation

With respect to the GN’s proposal for a male-only harvest non-quota limitation (NQL), the SRRB respects the scientific evidence that supports such a measure. However, in weighing both science and traditional knowledge evidence presented at the SRRB’s 2016 Bluenose East Hearing, the Board determined that “a certain balance of bedzio [big males] and tsída [females] is required for Ɂekwé to remain healthy, although there remain questions in the scientific world about the specific balance needed and the impact of yárégo kanáts’ezé [smaller bull harvest] as encouraged by the ENR plan.” In 2016 the Board found “that a tsída kanáts’ezé (female caribou harvest) is not appropriate at this time, but that a majority yárégo kanáts’ezé (smaller male caribou harvest) important in order to address conservation needs” (Decision 30).

However, the SRRB’s 2016 Report goes on to accept “the adaptive management principle that supports monitoring the effects of tsída gha máhsi ts’ęjwe on the population and Ɂełehé Ɂeghálats’eda (working together) with Ɂehdzo Got’jñę to adjust the approach if BNE Ɂekwé decline to the red zone (low population threshold) as defined in the Taking Care of Caribou plan.” Given current consensus that ɁehdaɁla Ɂekwé are in the Red Zone, Déljñę has [revised its plan](#) for tsída harvest to address conservation needs, and this revision is under consideration by the Board.

Dene and Inuit Knowledge (Qaujimajatuqangit)

The SRRB’s submission related to Indigenous knowledge focuses on approaches to accommodating Dene and Métis knowledge in caribou conservation decision-making, including community conservation planning and the SRRB’s recently adopted Public “Listening” (Hearing) process.

Community Conservation Planning

The community-led planning approach to caribou conservation, adapted from the Australian Indigenous Healthy Country Planning model and supported by the SRRB following the 2016 BNE Hearing, brings Dene and Métis knowledge directly into a governance or stewardship framework. Evidence presented at the 2016 BNE Hearing indicates that this framework is multi-faceted and holistic, considering the full range of conservation actions needed.

Déljñę’s 2016 plan is founded in Dene ɁęɁa (law) and Dene ts’jłj (who we are, the whole concept of what being Dene meant to our grandparents). The plan commits to Ɂekwé gha máhsi ts’jñjwe (ceremonial caribou harvest) instead of a subsistence harvest, as well as support and

planning for Dene béré kats'jnjwe (harvest of alternative species for food security). The plan also outlines actions related to ʔededáhk'á (Habitat), ʔedets'é K'áots'erewe (Governance), and Dene Náowéré (Knowledge), which includes research, education, advocacy and communication.

The SRRB's 2016 Hearing Report includes a listing of components for a community conservation plan to be deemed complete. These components are considered to be inter-related as the basis for a coherent conservation system.

Since 2016, two additional community caribou conservation plans have been developed in the Sahtú Region. Of these, the *Dehlá Got'jnjé ʔada Plan and Ts'jduweh ʔeʔá (Harvest Law)* submitted by Colville Lake leaders is under consideration by the SRRB. The *Nío Nę P'ęné – Trails of the Mountain Caribou* plan has been a joint effort by three communities, with Tulít'a and Norman Wells engaged in a cross-boundary collaboration with the Ross River (Tu Łidlini) Dena Council, Yukon. The plan is currently under review by community leaders.

Public Listening Sessions

In planning for the Colville 2020 Public Listening Session, the SRRB reviewed the experience of the Board's 2007 Bluenose West Caribou Hearing and the 2016 BNE Hearing. The Board adopted additional mechanisms for supporting a fair process for Dene and Métis to contribute evidence in a cross-cultural context. Key features of the Board's approach in 2020 included:

- Partnership with the hosting community in scoping and coordinating the Session, and reviewing Hearing Rules.
- “Train the trainer” and regional workshops in Community Conservation Planning, with a focus on preparing presentations for the Public Listening Session.
- Support for oral submissions, with staff assistance in preparing written versions.
- Pauses for documenting, translating and discussing key terminology and concepts during the Session.
- Graphic recording during the Public Listening Session, with time set aside for Parties to validate the recording of their presentation.
- Indigenous language audio recordings, made available on the Public Registry.
- Review of transcripts and inclusion of Indigenous language orthography.

Inter-Jurisdictional Considerations

The Board has strongly encouraged dialogue among co-management partners across regions to support coordination of community-driven planning initiatives and development of best practices. This has included:

- Facilitation of community-to-community meetings, encouragement of joint planning initiatives (eg the Nío Nę P'ęné plan).
- Support for community delegates to participate in annual ACCWM status meetings.

- Support for delegations from neighbouring communities and regions to attend Sahtú Public Listening Sessions.
- Participation in Public Hearings and other caribou conservation activities in other regions.
- Facilitation of Indigenous forums associated with the North American Caribou Workshop (2010 and 2018).

The Board continues to seek ways to strengthen support and recognition for local, regional and cross-regional conservation planning activities as strong foundations for exercising its power to approve conservation plans.

Moving forward, a cross-regional forum for in-depth review of shared conservation objectives in relation to local and regional plans for BNE caribou could be of great value for all Parties. This could build on the ACCWM experience by providing enhanced space for community-to-community dialogue. The forum could provide an “ethical space” for concerned communities to share their respective conservation approaches and build consensus about objectives, evaluation and accountability with respect to action plans.

Conclusion

In 2016, the SRRB found measures identified in Délı̨nę’s *Belare Wı̨le Gots’ę ʔekwé* plan, including traditional Dene structures, to be as or more effective than a TAH in meeting conservation needs for ʔehdaı̨la ʔekwé. However, the Délı̨nę plan is being reviewed in light of the recently determined Red Zone status of this herd, and a TAH continues to be an option provided for in the Sahtú Land Claim Agreement if conservation concerns are not being adequately addressed. The Board respects and celebrates the diversity of conservation approaches being undertaken by different communities and regions. At the same time, the SRRB views inter-jurisdictional dialogue, coordination and collaboration as central to the success of BNE caribou conservation. The Board proposes a future cross-regional forum including community-to-community dialogue to support collaborative planning for BNE caribou at different scales.

APPENDIX

INDIGENOUS
TALKING CIRCLE



WORKING TOGETHER:

Indigenous Involvement in Caribou Stewardship

A Discussion Paper drafted by the Indigenous Statement Working Group

In 2010, for the first time ever, Indigenous Peoples came together from many parts of Canada to participate in an Aboriginal Talking Circle at the 13th North American Caribou Workshop. It was an opportunity to meet one another, to share knowledge and observations, and to discuss concerns regarding caribou and our shared future.

Since that time we have seen considerable change in our relationships with Canada. There is growing awareness of how past policies and actions have impacted Indigenous Peoples, and encouraging steps towards reconciliation that include recognition of our distinct cultures and values. Important developments like Article 8(j) of the Convention on Biological Diversity, the work of the Truth and Reconciliation Commission, and the Indigenous Circle of Experts are helping to create a new context in which the unique roles Indigenous Peoples play in conserving life on earth are being acknowledged and upheld.

At the same time, we are witnessing a worsening situation for caribou – an animal that defines our very lifeways and whose well-being and survival is intimately linked to our own. Since time immemorial we have sustained relationships with caribou, guided by our stories and traditions. Increasingly, living things like caribou and the lands and waters that sustain them are under threat. These problems were not created by Indigenous peoples, yet we are the ones most affected by them. Because of our deep connections with caribou, we see these as threats to our own languages, cultures, and ways of life. Still we are often excluded from important aspects of caribou conservation; our knowledge systems and ways of stewardship are not fully understood or accommodated, as management frameworks have not yet adapted to this new context. We have reached a critical point now and it is crucial that our voices be heard. It is time for us to shape the conservation dialogue. We are here to work in all levels of caribou stewardship – not only through contributing our knowledge, but as full partners. In order to develop a good collaborative relationship in caribou conservation, it is essential that the following points are understood:

RELATIONSHIPS WITH CARIBOU

For countless generations Indigenous Peoples have co-existed with caribou and sustained our relationships through a careful practice of respect and traditional life ways as defined by our stories. Caribou are central to our survival and well-being; our landscapes and languages, our cultures and economies are all shaped by caribou.

OUR RESPONSIBILITY

Indigenous Peoples feel a deep-seated responsibility to ensure our lands and waters remain healthy and abundant for future generations. We inherited this land and will also pass it on. We are thankful that animals like caribou have been provided for us and have a responsibility to ensure their continued well-being in a manner that is respectful to our spiritual and cultural understandings. We acknowledge that caribou live according to their own free will, so our responsibility includes a need to look after their home so that they can continue to live freely. We have a further responsibility to ensure that our original stories and teachings are not left behind. This means that our duty as stewards encompasses not just the caribou, but extends to the ecosystem and to our cultures, languages and lifeways.

GOVERNANCE

Indigenous law stems from natural law. Our governance is rooted in our values, our understandings of higher universal principles, our observations and experiences. As a result, we do not see ourselves as separate from the natural world. Knowing we are intimately connected to all living beings and spirits requires us to live within the bounds created by the natural world.

For the last two hundred years, imported governance models based on others' values and understandings have been imposed on Indigenous Peoples in Canada. They have shaped policies, practices, institutions, and decisions to form a management culture that effectively excludes us and has failed us as much as it has caribou.

Collectively, we need to create more space for Indigenous-led stewardship. Adapting resource management frameworks in a way that better accommodates current understandings of Indigenous responsibilities, title, law, and knowledge systems will move caribou stewardship forward in a way that benefits us all.

GENDER ROLES

All Indigenous people have roles to play in caribou stewardship – women, men, and those who define their gender in a more fluid way – just as caribou herds are structured according to the roles of individual animals. We all depend upon each other. The skills involved in harvesting, preparing meat and hides, sharing, and feeding and clothing our families and communities are highly specialised. But these roles are also flexible, depending on circumstances and individual gifts or powers. Everyone in our communities should be respected for their contributions in maintaining practices and spirituality in relation to caribou.

YOUTH

Youth also have important roles to play as caribou stewards. We have listened to the stories from our Elders, we remain connected to our caribou cultures, and so we have a strong desire and inherent right to have a say in how our futures will take shape. We are excited about the possibility that Guardian programs could be a way of mobilizing youth; we want to be of service to our community and continue to build our abilities as leaders. We see potential when we come together and cooperate respectfully, but we need to act now. We need continued support and encouragement from our Elders to do this. Share your teachings. Help us to further our education, knowledge and skills.

INDIGENOUS KNOWLEDGE

Our knowledge and wisdom are embedded in the land and our stories are as relevant today as they were thousands of years ago. It is challenging for non-Indigenous people to understand these keys to our cultures. We are also learning, as we renew our traditional relationships to the land, the animals, and our ways of life. We invite others to accompany us, to learn from the land the way we do, and really listen to our stories, as they teach us not only about survival, but about how to understand ourselves and make good decisions as human beings. Together, we can gain wisdom as we learn to see through each other's eyes.

TIME FOR ACTION

We are past the time for talk and ready to work collectively to sustain this sacred relationship with caribou for future generations. We have developed eight *Calls to Action* that can guide each individual in ways to take responsibility within their personal and professional life to create the space that is needed.

Indigenous Calls to Action for Caribou

Draft for discussion - October 22, 2018

INDIGENOUS
TALKING CIRCLE



As Indigenous Peoples and non-Indigenous Canadians are coming to terms with the dark parts of our history and taking steps towards **DECOLONIZATION** and **RECONCILIATION**;

We recognize that our shared landscapes and waters are increasingly unhealthy and some of our most valued animal relations are **UNDER THREAT**;

We take this opportunity to provide principles and actions that will help create an **ETHICAL SPACE** for working together;

A way of **MOVING FORWARD** that will support, reinforce and celebrate the diversity we bring through our differing cultural practices, beliefs and knowledge systems;

And builds on the strengths of both Western and Indigenous Knowledge systems to find new **SOLUTIONS** for caribou;

In order to achieve better **RELATIONSHIPS** amongst and between Indigenous Peoples and non-Indigenous Canadians that are based on a foundation of mutual **RESPECT**;

In the spirit of the Truth and Reconciliation Commission, and as a means of furthering and **MOVING BEYOND** those Recommendations, we call upon NACW participants and their affiliated organizations to take the following actions:

1. CONSERVATION

Support Indigenous-led conservation and stewardship initiatives in which Indigenous leaders, experts and community members have a defining role in protecting and conserving cultural keystone species like caribou, in ways that are based on the principles, values, laws, and protocols inherent in Indigenous cultures and knowledge systems.

2. CULTURE

Recognize and make room for the full expression of distinct cultural and socio-economic elements that characterize Indigenous Peoples' worldviews, including critical components such as deep spiritual connections to the land, a profound responsibility and respect towards animals like caribou, and all aspects of how we maintain our relationships with those animals, including harvesting.

3. WELL-BEING

Expand stewardship and conservation goals to include a more holistic definition of well-being that includes not just the health of caribou, but the health of our relationships with caribou, the land and each other. This encompasses our cultural, social, physical, mental and spiritual well-being.

4. GOVERNANCE

Uphold commitments to conservation in ways that elevate Indigenous rights, title and responsibilities and support cultural continuity on our lands and waters through acknowledging international agreements that are already in place, as well as embracing new initiatives that move a fuller understanding of Indigenous stewardship forward and are inclusive of all ages and genders.

5. ECONOMICS

Acknowledge, support and enable sustainable, mixed and/or land-based Indigenous economies and increasing stewardship opportunities so that our communities can renew and continue to uphold our relationships with each other, the land, animals like caribou, and our chosen ways of life.

6. EDUCATION

Assist in diversifying educational approaches and programs by supporting Indigenous language revitalization and the intergenerational transfer of knowledge, and by promoting respect for and restoration of Indigenous Knowledge systems, including land-based learning and Indigenous languages.

7. RESEARCH

Respect Indigenous systems regarding appropriate behaviours in knowledge acquisition, through the use of non-invasive research and monitoring techniques, and provide technical and financial support for research questions that are prioritized by Indigenous Peoples.

8. COLLABORATION

Create partnerships with Indigenous People on a basis of mutual respect and equality that do not perpetuate the imposition of foreign models or perspectives onto us, our knowledge or belief systems.