

NORTH SLAVE MÉTIS ALLIANCE

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Re: True North Safaris Application for General Wildlife Permit to Bait Bears

The North Slave Métis Alliance (NSMA) objects to the practice of using bait for spring outfitted bear hunts, and objects to the issuance of General Wildlife Permits in general, in the absence of adequate Consultation.

The NSMA, as the elected political organization mandated to assert, protect and implement North Slave Métis aboriginal, treaty, and other communal rights, has an inherent Aboriginal right to be involved in decision making wherever North Slave Métis lands and/or resources are potentially impacted.

To ensure that the North Slave Métis community is provided with a meaningful role in wildlife management decision making, the NSMA should, at a minimum, have a seat on the Wek'èezhii Renewable Resources Board, and an established, adequately funded, wildlife committee supported by the GNWT.

Adequate consultation begins with the provision of adequate information. In order to provide information to the community, mechanisms need to be in place to distribute information, to discuss the information and the issues regarding the information, and to reach a community consensus on community views. It is not adequate to provide single-sourced, and possibly biased, information to one individual in a community without the wider dissemination and discussion. This practice is particularly inappropriate if the single individual chosen to receive the information is in a conflict of interest. The community needs to evaluate the information provided to it by Government and may need independent expert advice, second opinions, or even have to collect its own data, and perform its own research, in order to meet the need for adequate information.

Once adequate information is obtained, the community needs adequate time and opportunity to prepare and present its views. Information needs to be interpreted, disseminated and discussed, and finally, needs to be recorded at a workshop by a qualified facilitator. ENR should ensure that the NSMA has adequate time and opportunity to prepare and present its views by providing capacity support to the NSMA to engage staff, consultants, facilitators, and to cover meeting and communication costs.

If ENR, and the WRRB, expect NSMA to respond in the same time frame as other agencies and First Nations who have full time staff devoted to wildlife management, then they should ensure that NSMA also has full time staff devoted to wildlife issues. It is completely unfair to expect that NSMA can perform the same work as 20 or more government workers do in the same time frame.

The third component of adequate consultation is full and fair consideration of NSMA views, and best efforts, in good faith, to accommodate our views through a process of negotiation. ENR has not responded adequately to the views we have expressed, and has not made any attempt to negotiate with us regarding the accommodation of our views.

ENR did not respond to or adequately address the following issues raised by the NSMA in our intervention of December 12th, 2009:

- ∞ Increased habituation of bears leading to increase in negative bear-human interaction, threats to human safety from injured and/or habituated bears, and increase in nuisance bear killings.
 - ENR's response was that people will not be fishing or picking berries in the area during the time of the activity.
 - The NSMA takes issue with ENR's response, since ENR does not know when or where NSMA members' fish, pick berries or conduct other traditional activities on the land, and since bears could easily remain habituated and/or injured long after the baiting activity ends. NSMA does not have an information sharing agreement with ENR that would enable the sharing of proprietary information, and does not have the capacity to negotiate or manage such an agreement without additional staff and financial resources.
- ∞ Depletion of bear population in other areas due to attraction into baited area.
- ∞ Changes in wildlife behavior and habitat use, including unnatural concentration in an area which could lead to wildlife injuries and illnesses, and/or habitat degradation.
- ∞ Reduced value of landscapes, objects or sites in the area that have heritage, cultural or historic importance to the Métis.
 - ENR requested NSMA to identify areas of importance within the proposed operating area so that they can be considered in the terms of the permit.
 - NSMA does not have an information sharing agreement with ENR that would enable NSMA to provide that information, and also does not have the information on where the bait sites will be in order to answer the question.
- ∞ Alteration of the vegetation community, including introduction of invasive species.
- ∞ Disturbances of wildlife and birds while young are being raised - possible population reduction and species diversity changes
- ∞ A greater than usual number of bears may be injured in fights when a greater than usual number of bears are attracted to one small area, and a more attractive than usual food source is present. Bear cubs may be particularly vulnerable.
- ∞ Increased bear density in areas with bait could increase the amount of contact between bears, including injured bears, and might lead to increased transmission of disease.
 - ENR's response is that they do not anticipate any disruption of normal movement patterns.
 - NSMA's issue with ENR's inadequate response is that ENR does not provide justification which leads us to believe there will likely be no disruption. They expect us to have faith that what they anticipate is based on fact rather than assumption and/or hope.
- ∞ The availability of highly attractive food sources in one area may discourage bears from ranging to other areas. Such a disruption of normal movement patterns and spatial distribution might cause habitat degradation for bears and for other species that occupy the same territory as bears.
- ∞ The cut lines which are used to give the shooter a clear view of the bait area may be susceptible to introduced species, potentially carried into the area on the shoes and other outdoor gear of hunters from any part of the world.
- ∞ Hunters are not always able to identify, and avoid killing, female bears. This could leave bear cubs orphaned, and detract from bear productivity.
 - ENR has responded that the permit conditions are to harvest only male bears.
 - NSMA's issue with this response is that hunters are not always able to tell. They can only tell for sure after the bear is shot. This condition is not enforceable. If hunters are going to be penalized for killing female bears, they will probably not even report the kills, further damaging the bear population.
- ∞ The removal of "trophy" bears might reduce the genetic diversity and quality of the bear population.
 - ENR's inadequate response is that mitigation is to limit the hunt to 14 bears.

- NSMA's issue with ENR's response is that there is no credible population estimate for black bears, and no studies provided to demonstrate that the harvest of 14 trophy males will not affect genetic diversity.
- ∞ Bears can become addicted to unnaturally rich baits, and may act unusually aggressive, and/or suffer health effects from an unhealthy diet.
 - ENR's inadequate response is that only unprocessed fats and meat, fish parts, etc will be used – normal foods in North Slave Region.
 - NSMA's issue with ENR's inadequate response is that any concentration of fat or meat, whether processed or not, is an unnaturally rich bait source. Black bears normally do not succeed in catching meat and fish all that often, and supplement their diet with vegetable sources. If the bait is not an unnaturally rich dietary source, it would not be called bait.
- ∞ Hunters tend to be boisterous and may disturb species other than bears and affect their use of habitat.
- ∞ Fed bears might become nuisance bears, and present safety issues for people in the area, and create a need for problem bear enforcement later on.
- ∞ Inadequate information about bear demographics.
 - ENR's response is that they will do a literature review, as background to a bear management plan, and share plan with NSMA.
 - NSMA's issue with the response is that the literature review should be the first step only, then data gaps need to be filled, then a plan developed, then the plan approved and adopted after adequate consultation, and then, maybe, spring bear hunting (with or without bait) should be allowed. Also, as noted above – sharing a plan is not consultation.
- ∞ Inadequate consultation regarding bait to be used and possible locations of baiting stations.
- ∞ Poor compliance record of applicant.
- ∞ Concern about management roles and responsibilities. How will the NSMA be involved in monitoring and enforcement, future review of the success, failure of permit conditions in achieving conservation and human safety goals? This becomes complicated considering the activities will be located in an overlap area between the Tlicho Settlement area, the Akaitcho Interim Measures Agreement area, and the Traditional Territory of the North Slave Métis. As happens so often, there is a high probability that the D'ene' groups will be more involved at the expense of the Métis.
 - ENR's inadequate response to this community concern was to commit to produce a report, and share it with the NSMA.
 - As explained above, the NSMA cannot make use of the report unless NSMA has the capacity to gain independent advice, to review the report, to discuss the report with the community, and to provide feedback to ENR with regards to the issues raised (or perhaps not raised) in the report.
- ∞ If non-aboriginal hunters are allowed to hunt with bait, then there will be no way to prevent aboriginal hunters from doing the same. All the problems will be magnified.
- ∞ Ethical considerations of hunting bears with bait – the community needs to come to consensus on the issue of whether baiting bears is acceptable or not.
- ∞ This is a Bear Management Policy decision that should be the result of an adequate community Consultation process, not permitted on an ad-hoc basis.
- ∞ Negative publicity for the region, and the NWT, related to the controversial practice may negatively impact on non-consumptive tourism businesses, and can even lead to diminished support for the recognition of Aboriginal Rights by animal rights groups who might normally be supportive.
 - ENR's response is to claim that the activity is allowed under the Wildlife Act.
 - NSMA's issue with this response is that the Wildlife Act itself infringes very strongly on NSMA's members Aboriginal and Treaty Rights, and cannot be used as a justification.
- ∞ Possible offence to community spiritual/cultural beliefs and practices related to the relationship between humans and bears – lack of mutual respect can lead to future problems.
- ∞ Non-aboriginal harvest of bears in competition with aboriginal harvest is contrary to Treaty 11 Rights. Elders want the bear gall bladders.

- ENR's inadequate response is that the proponent does not have exclusive rights to the area.
- NSMA's issue with the response is that there is a limit on commercial tags, and on outfitting licences, and on tourism licences. The NSMA has never been given fair access to any of these. Also, even though there is no rule against occupying the same area, the sport hunt makes the area unattractive for other uses, including subsistence hunting.
- ∞ Concern about the wastage of meat.
- ∞ People may now be afraid to eat bear meat due to concern about what the bear has been eating.
- ∞ There will be a community perception that it is too dangerous to fish or pick berries in areas where baited and potentially wounded bears may be. Large size of area which needs to be avoided extends to many NSMA camping, fishing, and harvesting sites.
- ∞ potential impacts to aboriginal Métis lifestyles and cultural values
- ∞ Land and resource use conflict if one aboriginal group, or First Nation, is provided with preferential access to benefits such as employment, training, business, and procurement, from resource exploitation in comparison to another equally entitled First Nation or aboriginal community.
- ∞ Members may feel that hunting bears in spring, when they have just emerged from hibernation and are very hungry, is not very sporting or fair to the bears.
- ∞ Members may not agree with "sport hunting" at all, or may not agree that using bait is fair, or necessary.
- ∞ Members may have a preference for hunting with other methods, such as by using dogs.
- ∞ Members may be upset with the competition of commercial hunters for the best hunting locations.
- ∞ Members may be concerned about the contradictory messages being provided by government to Métis youth. If a fed bear is a dead bear, then how will the number of "fed bears" be limited to only those few bears that will be harvested?
- ∞ Members may be concerned about encountering wounded bears and may have to avoid the area. This applicant has not always assured the retrieval of all wounded animals.
- ∞ Members may also be inclined to avoid the area for fear of being shot accidentally.
- ∞ Members may have a spiritual connection with bears, and object to what they consider disrespectful treatment of bears.
- ∞ The lack of Crown Consultation means that ENR and True North Safaris cannot know where NSMA camps, trails, or areas of current or planned activity are or will be during this spring hunting season.
- ∞ Members may not agree with permitting a second year of baiting after the infractions that occurred last year.
- ∞ Members may have socioeconomic concerns with regards to "white competition" for hunting opportunities, and preferential hiring practices favoring Tlicho D'ene'
- ∞ Members may wish to have a say in the distribution of meat, claws, teeth, galls, hide, and other by-products of sport hunting.
- ∞ Members are very likely to have significant property rights issues, since ownership of the wildlife, and the wildlife habitat, is not established.

The NSMA notes that ENR did not refer the proposal for environmental assessment based on the proposition that a Black Bear Management Plan be produced, and that the terms and conditions of the permit could mitigate all concerns. The NSMA does not have any faith in ENR's ability to prepare a proper Black Bear Management Plan as we do not believe there is adequate information about black bears upon which to base a plan. As well, ENR has clearly demonstrated that the preparation of a plan does nothing whatsoever to assist the subject species (take caribou for example) and that the adoption of any plan prepared by ENR under their current inadequate consultation procedures and with their inadequate budget is not likely ever to be adopted or implemented.

As well, NSMA does not believe that the terms and conditions included in the WRP are at all capable of protecting NSMA heritage or cultural values, or of respecting North

Slave Métis Aboriginal and Treaty Rights. The Wildlife Act itself does not respect North Slave Métis Aboriginal and Treaty Rights, as evidenced by the complete disregard for many of NSMA's concerns repeated above. The Wildlife Act should not, and cannot, be used to justify infringements of North Slave Métis Aboriginal and Treaty Rights. There has never been adequate consultation with regards to that faulty piece of legislation, either.

The North Slave Métis Alliance submits these comments as the elected political representative of the indigenous North Slave Métis People. The jurisdiction of the North Slave Métis Alliance applies to Métis Rights, including Aboriginal Rights and Titles and Treaty Rights throughout the area which lies between Great Bear Lake and Great Slave Lake, from the Mackenzie River to Contwoyto Lake. The North Slave Métis have shared their homeland with bears for many generations, and have practiced bear management since long before Europeans established effective control over bear management in our territory. The Constitution of Canada guarantees our right to continue doing so.

Sincerely,



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