



Response to Interveners Request for Information

Prepared by Tłıchǫ Government
December 21, 2009

1. Why has this proposal been distributed to the public as a joint proposal with joint recommendations when there is so much uncertainty and disagreement as actions to be taken?

- Despite the fact that the Tłıchǫ Government does not agree with certain recommendations, we feel that the rest of the recommendations are logical to follow through with, in order to work towards the recovery of the Bathurst caribou herd.

2. Do the elders and the younger population groups of the Tłıchǫ agree with this joint proposal? Was there a breakdown of votes?

- In the regional Caribou workshop held in October 2009 to discuss the issues and in general, the recommendations that you see in the proposal reflect the overall consensus of elders and the younger population that were present. There were of course a few individuals who felt differently, but overall the proposal reflects what the community members expressed.

3. Do you think it is administratively prudent to have individuals within a community overseeing reporting/enforcement etc. of their own community members?

- In order to ensure reporting and enforcement of community members, there is a role for both local community members and ENR to play. If community members are adequately trained combined with an intensive conservation education program in place, these members may be more successful in obtaining harvest information and encouraging proper hunting practices. ENR would play a role in helping to train these members, in a culturally appropriate manner.

4. What are post-calving grounds? Is the Tłıchǫ Government proposing to allowing oil and gas and tourism activities on these grounds? Why was mining singled out as an activity?

- Post Calving grounds can be defined as the Peak of calving plus 3 weeks. Given that definition, the Bathurst are generally still in Nunavut and have not moved onto Tłıchǫ

lands at this point. This is a period when the caribou move the least and do not go far distances.

Regardless, there is currently a moratorium on Tłıchǵ lands that has been extended until October, 2011. Until this time there will be no development on Tłıchǵ Lands. We have not completed our Land Use Plan yet and are not able to comment as to what types of development will be allowed or not allowed on Tłıchǵ Lands. However you can be assured that the impacts any development will have on the caribou population and health will be considered in any application for development on Tłıchǵ lands.

Mining has not necessarily been singled out as the primary cause of the decline of the herd, but is likely one of many influences on the caribou. From a Tłıchǵ perspective and experience, mining has had various impacts on the Caribou. Alterations to the landscape caused by mining have inevitably had some impact on the land, and the caribou and animals that depend on that land. Ekati – the source of caribou fat and where the caribou health comes from, now has a diamond mine in the middle of this important caribou corridor. There are new smells, sounds and contaminants, each having an impact of some sort on the caribou. Emissions from the mines move with the wind and fall to the ground. They fall on lichen which readily absorb it like a sponge and the caribou eat the lichen. Our people believe there must be an impact.

Ice roads, traffic on these roads and airplanes are reaching the caribou in places that were not accessible in previous times, except by canoe or dogsled. This has changed the landscape and the caribou's behaviour. These roads impact the caribou in various ways – direct impact from collision with vehicles, broken legs caused by moving over steep banks and large boulders, and foot problems possibly caused by walking on the road surface. Roads also create an illusion of a caribou fence, traditionally used by aboriginal people to steer caribou. This may lead to the caribou altering their migration.

These are only a few points of how the Tłıchǵ believe the mines are potentially impacting the caribou. This is not to say we are against mining entirely, however more traditional knowledge and scientific understandings of these impacts need to be assessed and considered. There are many influences on the caribou at this point – climate change, development, population increases, local weather changes, contamination, predation and harvesting. No single one can be entirely blamed - but we can be certain given that we are engaging in this discussion, that the caribou are being impacted – cumulatively.

5. Does the Tłıchǵ Government have a specific map that outlines the land claims areas for the Tłıchǵ and other aboriginal communities in NWT, including those with fee simple lands, those that are traditional territory and those that are lands identified for a special purpose or protection from activity. Please advise as to the routes of the caribou throughout these areas and where the calving grounds are on these areas.

- See Appendix A for a map of Tłıchǫ lands. As for the other land claim areas and their areas of protection, please see each individual land use plan and ENR for the caribou migration routes. As mentioned, our Land use plan is not complete at this time.

6. Has the Tłıchǫ Government had any meetings with community groups and individuals other than the Tłıchǫ in preparing this joint proposal? Have other aboriginal and Inuit groups been involved? Were NWT residents involved when this joint proposal went before the Tłıchǫ community in the summer of 2009? Were any other organizations consulted in preparation of this joint proposal?

- On the Tłıchǫ government's behalf, there was no additional consultation with other aboriginal groups nor residential hunters or outfitters. The Tłıchǫ Government does not have the duty to consult with the above mentioned parties whereas ENR does. In addition, we do not have the capacity to do this sort of consultation.

7. Why are aboriginal hunters and resident hunters not required to report the number of caribou they harvest? Would this be valuable information in understanding the caribou situation in the NWT?

- Yes. This would be valuable information to have in order to understand the caribou situation. There is a checkpoint set up on the winter road that will contribute to this information gap as well as a proposed community liaison in each community to contribute to this information gathering. This is an area that the joint proposal has touched on and we can expect improved monitoring and harvest information collection in the near future.

8. Was this proposal reviewed by the Tłıchǫ legal advisors prior to its submission to the public?

- Yes.

9. The proposal indicates that consultation and collaboration with the Nunavut Government and co-management groups will be needed to ensure that proper protection is maintained for each calving ground, as the Bluenose East, Bathurst and Ahlak calving grounds are all in Nunavut. Why is the GNWT and Tłıchǫ Government proposing to restrict resident and non-resident hunters when it cannot be certain that these calving grounds will be protected? Why are precautions not being required in Nunavut at the same time as in NWT? Why is the NWT taking the lead if the calving grounds are in Nunavut?

- If harvest pressure remains the same on a quickly declining herd, this will cause the herd to decline further and faster. We all need to do our part in order to assist the herd to recover. The Tłıchǫ Government did not recommend harvest restrictions on aboriginal people as there is a logical concern of aboriginal peoples expressing the challenge to their aboriginal rights to harvest under section 35(1) of the Constitution Act, 1982. Changes in regulations and law raise significant red flags. Therefore the Tłıchǫ Government has decided to go the route of conservation education, and working with our people through

internal measures, of conservation education, consultation, monitoring and enforcement as well as increased harvest information collection.

Though the calving ground are in Nunavut and mining may be one factor among many in the cause of the decline, harvest is one tangible thing that we can influence with the herd population in decline, it is a part of the solution that may help the herd to recover.

10. Who funded community hunts of caribou in the past? How many caribou were taken during these hunts? Is this subsistence hunting and traditional hunting? How may aboriginals rely purely on subsistence hunting these days?

- Community hunts are subsidized by the Tłıchǫ Government and ENR. From 2000-2007 the fall and spring hunts cost \$90,000. In 2008-2009 approximately \$230,000 was spent on community hunts. This is hunting for subsistence by community members who live in the communities and are largely dependant on caribou and fish for their subsistence. This will differ between individuals and demographics but it does make up a significant part of many Tłıchǫ diets, particularly the elders.

11. The proposal indicates that " A limited low number of breeding females may be allowed to be harvested from the Bathurst herd in the winter months for scientific purposes (health and condition and assessment of pregnancy rate). Meat will be distributed to Aboriginal elders. The numbers to be collected are to be discussed further with Tłıchǫ Aboriginal hunters, members of the WRRB and ENR biologist". How can members of the NWT public comment on this proposal when these numbers have not been agreed to? Why is meat only to be distributed to Aboriginal Elders?

- Aboriginal elders are the ones who will be most impacted by a decrease in harvest. From a practical perspective, resident hunters and other more agile and employed aboriginal people simply have greater access to other food sources than an elder in a community. In a moral and ethical sense, caribou meat is an integral part of an elders traditional diet.

12. The proposal indicates " No harvest of females is to take place when caribou of different herds are mixed together in the winter time to avoid accidental hunt of Bathurst cows. When this situation occurs, it is recommended that males only be hunted (ENR's position). Consultation between Industry, Tourism and Investment (ITI) and ENR will take place to explore avenues to provide financial support to hunters to access new hunting areas." What is the Tłıchǫ position? What does the consultation aspect really mean? What does access to new hunting areas mean? Who provides financial support and to whom?

- The Tłıchǫ position is that there will be no limit on harvest, so mobile hunting zones are not of concern to us. Please refer to ENR for the rest of your questions.

13. The proposal indicated " The Diamond Mines' Wildlife and Environment Monitoring programs (WEMP) will be redesigned to adjust for results and findings acquired through several years of data collection and new proposed monitoring will be presented to the Tłıchǫ Government and

communities for their inputs." What is involved here? What are the plans that you want people to comment on? Why are these plans not also presented to NWT residents?

- Please refer to ENR.

14. During Tłı̨chǫ Government hosted meetings, did any of the elders indicate that they should also reduce the harvesting of male and female caribou?

- There were discussion back and forth between the elders on the restriction of harvest and some felt one way and others differently, however in the eventual consensus reflected in the proposal - no restriction on caribou harvest.

16. Did the Tłı̨chǫ Government and GNWT consider instilling means to ensure that all caribou harvesting is being conducted according to the traditional values of Elders and good hunting practices?

- Yes. This is a critical part of an education program.

17. The proposal allows for Tłı̨chǫ hunters to assess presence/absence of fetuses in 20 cows hunted during winter which is a joint decision but previously indicated that Tłı̨chǫ want unlimited hunting of cows. Please explain.

- Given that we recommended no limitation on hunting of cows, assessing 20 animals for presence/absence of fetuses is logical.

18. Does the Tłı̨chǫ Government need to determine whether wolves are hunting caribou as recommended in this proposal? How would you do this? What cost would be involved in doing so? Would providing incentives to hunters to trap and hunt wolves not be more efficient, fair, effective and economical than the actions proposed in this proposal?

- Given that the impact of wolves on the caribou population is currently not known, the Tłı̨chǫ Government supports the precautionary principle before we begin a culling campaign. ENR and the Tłı̨chǫ Government will work together to determine the best methods to increase our understanding of the role that wolves play and the impact they may have on the caribou population.

Appendix A

**MQWHÌ GOGHA DÈ NITLÈÈ, WEK'ÈZHIÌ,
TĚCHQ LANDS AND EZQDZITÌ**

