



Recommendations Report

ENR Proposal for Bathurst Caribou Management Actions

September 2007

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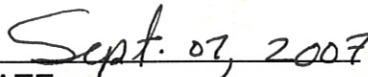
WRRB RECOMMENDATION

To make its recommendation, the Wek'èezhii Renewable Resources Board has relied upon all the information on the public record in this proceeding. Having considered the evidence, the Wek'èezhii Renewable Resources Board has made its recommendation in accordance with Chapter 12 of the Tlicho Agreement.

The WRRB recommends that ENR's December 15, 2006 proposal to undertake management actions to reduce the harvest of the Bathurst caribou herd not be implemented as submitted.



ALFONZ NITSIZA



DATE

PLAIN LANGUAGE SUMMARY

The Wek'èezhii Renewable Resources Board (WRRB or Board) is a wildlife co-management authority established by the Tlicho Agreement (TCA). The WRRB is responsible for the management of wildlife, plants, forests and protected areas within the Wek'èezhii management area.

This report sets out the recommendations of the WRRB in response to a proposal submitted by the Department of Environment and Natural Resources (ENR) on December 15, 2006 outlining proposed management actions for the Bathurst caribou herd.

The ENR December 2006 proposal stated that, based on the results of the 2006 calving ground survey of the Bathurst caribou herd, actions must be taken to reduce harvest and collect accurate harvest information. The proposal included seven management actions to achieve a maximum target harvest level of 4%.

In view of the significance and implications of some of the management actions proposed, the WRRB decided to conduct a public hearing which was held at the Culture Centre in Behchoko on March 13-14, 2007. The WRRB's proceeding to review ENR's December 2006 proposal closed on July 6, 2007 after receipt by the WRRB of final written comments from ENR and the Tlicho Government.

Based on the WRRB's review of the evidence presented during the proceedings, the Board makes the following recommendations and observations:

- **The WRRB recommends that ENR's December 15, 2006 proposal to undertake management actions to reduce the harvest of the Bathurst caribou herd not be implemented as submitted.**
- In future proposals, the WRRB will treat any management action that proposes to limit any component of the harvest to a particular number (including zero) in relation to a specified total harvest as a proposal for the establishment of a total allowable harvest.
- The WRRB recommends that the GNWT and the Tlicho Government, with input from the public including outfitters, engage in discussions to consider whether outfitted caribou hunts for non-residents should be permitted in Wek'èezhii on a long-term and sustainable basis.

- Regarding co-management and consultation, the WRRB strongly recommends that:
 - a) Parties to the TCA with wildlife management authority in Wek'èezhìi, as well as the resource users and any other stakeholders, work together in a collaborative fashion to manage wildlife and wildlife habitat in Wek'èezhìi;
 - b) Any party developing a wildlife management proposal for submission to the WRRB be aware of, and abide by, the provisions of the Tlicho Agreement regarding the need to consult;
 - c) Any party submitting a wildlife management proposal to the WRRB be aware of, and allow for, the time required for proper and effective consultation; and
 - d) Wildlife management proposals be based on the best available information including traditional knowledge, scientific information and expert opinion.

The WRRB strongly encourages ENR and the Tlicho Government to continue their consultations towards the development of a new, mutually-agreed proposal for the management of the Bathurst caribou herd. In support of this, the WRRB has provided the parties and others with a summary of its opinions on the specific caribou management actions discussed during this proceeding.

1.0 INTRODUCTION

The Wek'èezhìi Renewable Resources Board (WRRB or Board) was established in August 2005 by the Tlicho Agreement (TCA or Agreement) and implementation legislation as a wildlife management authority for Wek'èezhìi. In accordance with the TCA, the WRRB is the main instrument for wildlife management in the management area known as Wek'èezhìi (see map below). The provisions of the TCA set out the Board's mandate and responsibilities and provide specific guidance for the conduct of its affairs. The Board is still developing internal and external policies and procedures.

By letter dated December 15, 2006, the Department of Environment and Natural Resources (ENR) submitted a proposal to the WRRB outlining proposed management actions for the Bathurst caribou herd. In its letter, ENR indicated that the proposal was based on actions identified in the Bathurst Caribou Management Plan and the discussions at a December 4-6, 2006 caribou workshop held in Yellowknife.

ENR went on to state in the proposal that, based on the results of the 2006 calving ground survey of the Bathurst caribou herd, actions must be taken now to reduce harvest and collect accurate harvest information.

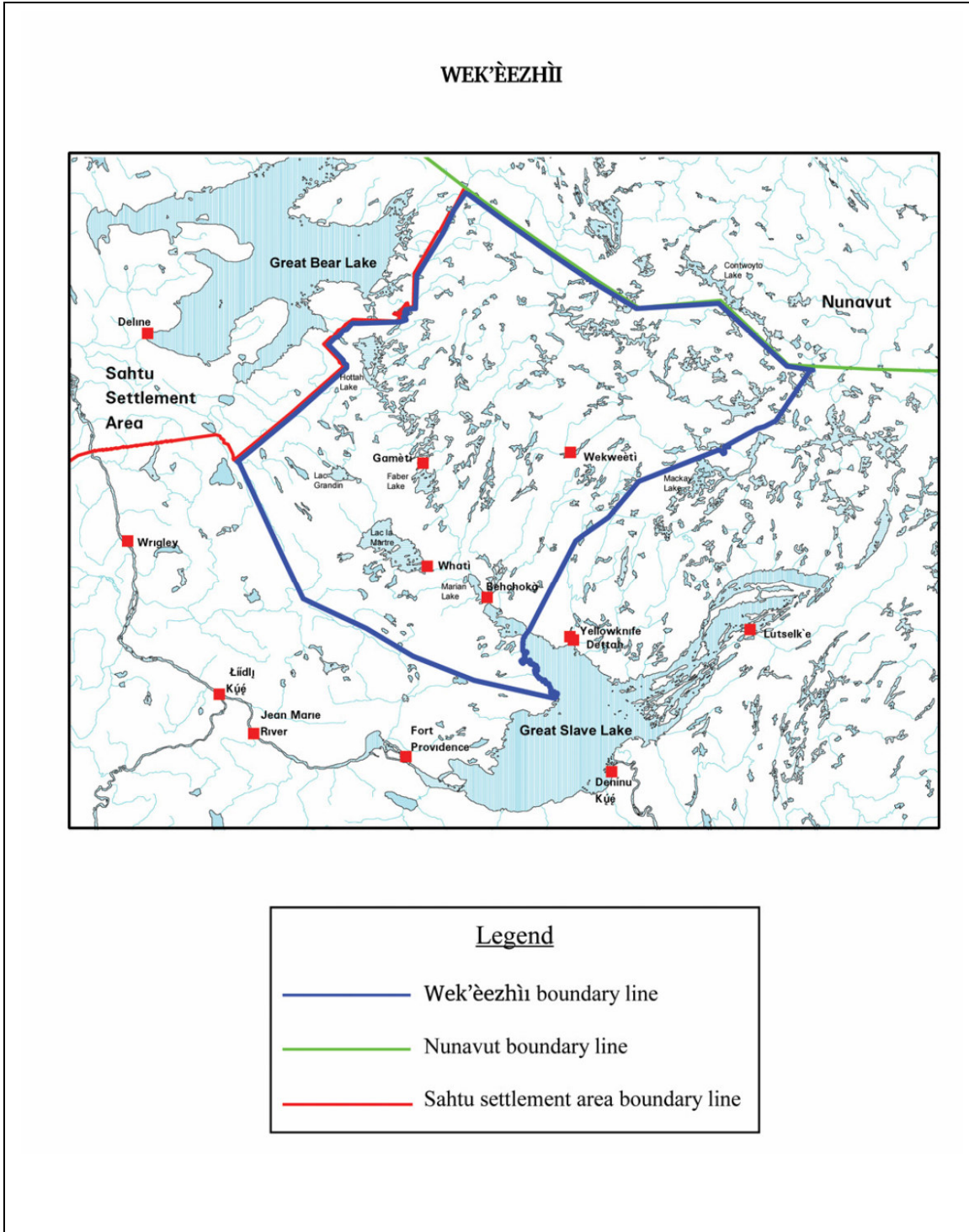
The Board notes that ENR's December 2006 caribou proposal is the first significant wildlife management proposal to be submitted to the Board, the first proposal for which the Board decided to hold a public hearing and the first proposal for which the Board has issued a detailed Recommendations Report. It should also be noted that the proposal addresses a subject of significant concern to the Tlicho Government and to the public in Wek'èezhìi.

1.1 *WRRB Mandate and Authorities*

The WRRB is the main instrument for wildlife management in the management area known as Wek'èezhìi. The WRRB is an institution of public government and it must act in the public interest.

Structurally and operationally the WRRB has been set up to address wildlife management proposals using a co-management approach. Appointments to the WRRB are shared equally by the Tlicho Government (50%) and by the Government of Canada and the Government of the Northwest Territories (50%). On a day to day basis, the WRRB and the federal, territorial and Tlicho governments and any other bodies with wildlife management authority are required to consult with each other, thereby collaborating in the management of renewable resources and especially wildlife within Wek'èezhìi.

Recommendations Report for ENR Bathurst Caribou Proposal



Recommendations Report for ENR Bathurst Caribou Proposal

The WRRB's areas of responsibility include the management of wildlife, plants, forests and protected areas. In exercising its powers, the WRRB is guided by several key principles set out in the TCA including:

- Making management decisions on an ecosystem basis to recognize the interconnection of wildlife with the other components of the physical environment;
- Applying the principles and practices of conservation;
- Using the best information available (traditional knowledge, scientific information and expert opinion) and where there is an absence of complete information, implementing reasonable conservation measures if there are threats of serious or irreparable damage.

Part 12.5 of the Agreement outlines the Board's duties and authorities with respect to its review of proposed wildlife management actions. Key sections include 12.5.1, 12.5.4, 12.5.5, 12.5.6, 12.5.8 and 12.5.11. The Parties to the TCA include the Tlicho Government, the Government of the Northwest Territories and the Government of Canada.

Section 12.5.1 requires that any Party, before taking any action for management of wildlife in Wek'èezhìi, must submit its proposal to the WRRB for review under section 12.5.4. These proposals may be about protection or enhancement of habitat, research, identification and reporting requirements, monitoring, total allowable harvest levels, limitations on methods of harvesting, allocations of any total allowable harvest levels, designation of species or stocks at risk and identification of lands where harvesting or access for harvesting is prohibited for safety reasons.

Section 12.5.4 specifies that the WRRB shall review a proposal submitted to it. Before making its determination or recommendation under 12.5.5, the Board is required to consult with the Party that submitted the proposal and any other Party or body with powers to manage any aspect of the proposal.

Section 12.5.5 specifies that the WRRB shall make a final determination (i.e. a decision) on proposals regarding a total allowable harvest for wildlife species (except for fish) within Wek'èezhìi including the allocation of portions of any total allowable harvest. Parts 12.6 and 12.7 prescribe how this shall be done. For any other proposal, the WRRB shall recommend implementation of the proposal as submitted, recommend revisions to it or recommend it not be implemented.

Section 12.5.6 indicates that the WRRB may, without waiting for a proposal from a Party, make recommendations on its own on matters such as wildlife management actions and wildlife management plans or make determinations on a total allowable harvest level for any population of wildlife (except for fish) within

Wek'èezhii or the allocation of any total allowable harvest (in accordance with 12.6 and 12.7).

Section 12.5.8 requires the WRRB to forward its determination or recommendation with written reasons to each Party with powers under its laws to implement the determination or recommendation. In doing so, the WRRB is required to indicate the date by which a Party is expected to respond or implement them and give public notice of these determinations and recommendations.

Section 12.5.11 specifies that each Party with power under its laws to implement a recommendation of the WRRB shall accept, reject or vary such a recommendation. In making its decision, each party is required to consult with any other Party or body with power to manage any aspect of the recommendation. Where a Party rejects or varies any recommendation received from the Board, it is required to provide its decision in writing, with reasons, to the Board and to the other Parties and give public notice of that decision.

In conclusion, the provisions of the Agreement clearly indicate that the Parties and the WRRB are expected to work together in a collaborative and transparent fashion to manage wildlife and wildlife habitat in Wek'èezhii.

1.2 ENR Proposal

The December 15, 2006 proposal (set out in full in Appendix A) from ENR states that barren-ground caribou herds in the NWT are declining. In particular, it suggests that the Bathurst caribou herd had declined to an estimated 128,000 caribou in 2006. This represents a 73% reduction from the peak size of this caribou herd of 472,000 in 1986.

ENR's estimate of the 2005-06 harvest levels for the Bathurst herd is shown below:

Commercial caribou tags	75 caribou
Outfitted hunts	769 caribou
Residents	400 caribou
Aboriginal	<u>4500</u> caribou
TOTAL	5744 caribou

The estimated annual harvest of 5,744 animals is 4.5% of the estimated 2006 herd size (128,000). ENR noted its concern that the current harvest levels are not sustainable and that further harvest reductions are required.

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ENR proposed that the WRRB consider a series of management actions to reduce harvest levels in a manner consistent with the TCA and the Bathurst Caribou Management Plan:

- Using the precautionary principle, ENR recommended that harvest levels not exceed 4% of the 2006 herd size. This equals 5,120 animals; and,
- ENR recognized that commercial and resident harvest must first be addressed before subsistence harvest.

ENR's proposed maximum harvest target for each group of licensed hunters is shown below:

Commercial caribou tags	0 caribou
Outfitted hunts	220 caribou
Residents	400 caribou
Aboriginal	<u>4500 caribou</u>
TOTAL	5120 caribou (4% of 2006 herd size)

The specific management actions proposed by ENR to achieve its maximum harvest target level of 4% are summarized below:

- Eliminate commercial caribou tags
- Reduce commercial outfitting tags to 350 for 2007
- No further changes to resident harvest levels
- Compulsory reporting of harvest for resident and Aboriginal hunters
- Establish a 2 km no hunting corridor along both sides of the Tlicho winter road
- Continue monitoring herd
- Provide WRRB with a report on the 2006-07 harvest levels

In its December 15, 2006 letter of transmittal, ENR noted that it was seeking direction from the WRRB as soon as possible to provide direction to outfitters, collect data on the winter harvest and have sufficient time to prepare the regulations required to enact a no hunting corridor on the Tlicho winter road.

2.0 WRRB SUMMARY OF PROCEEDING

For reference, a listing of the documents filed with the WRRB during the proceeding is provided in Appendix B.

2.1 Summary of Proceeding

The WRRB met on December 20, 2006 to consider the ENR proposal and the process it would follow to review the proposal, including obtaining comments on the proposal from other interested parties and the public.

In view of the significance and implications of some of the management actions proposed, the WRRB decided to hold a public hearing before making its decision on the proposal.

By letter dated January 8, 2007, the Minister of ENR informed the WRRB that, given the WRRB decision to hold a public hearing and the amount of time which might be needed to complete this process, ENR had decided, on an interim basis, to set the number of tags available for outfitted hunts in Unit "R" at a total of 750 tags for 2007. The rationale provided for this decision was the fact that the Barren-Ground Caribou Outfitters Association had asked for some certainty so that outfitters could market and sell a limited number of hunts for the 2007 season.

By letter dated January 18, 2007, the Minister of ENR informed the WRRB that it was revising its method for allocating the 750 tags available to outfitters for the 2007 season. This letter asked that the WRRB respond by January 26, 2007 acknowledging ENR's proposed 2007 tag limit of 750 for Unit "R".

The WRRB wrote to the Minister of ENR on January 23, 2007 to express its concern with the actions taken by ENR. The letter went on to note that by reaching a decision on the 2007 tags for outfitters in Unit "R", ENR and its officials had failed to respect the WRRB's role regarding wildlife management in Wek'èezhii and the process that the Board intended to follow in reviewing ENR's December 2006 proposal. As a result, the WRRB indicated that it would not be able to comment on ENR's proposed "interim step" or its allocation of the 750 tags as the WRRB had not yet held its public hearing.

By letter dated January 29, 2007, the WRRB advised ENR, the Tlicho Government and others of the process and schedule it intended to follow in conducting its hearing. Specifically, any parties interested in participating in the hearing were requested to notify the WRRB in writing. A public notice was also

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published in territorial newspapers to inform the general public of ENR's proposal and the WRRB's review process and schedule.

In order to manage the scope of the hearing and ensure it obtained the information it required, the WRRB issued information requests to ENR and other active participants and set a date of February 28, 2007 for the filing of responses.

The WRRB's hearing was advertised, interested parties and individuals registered to participate and the hearing was held at the Culture Centre in Behchoko on March 13-14, 2007. All registered parties and the public were given the opportunity to address the Board in response to the proposal.

During the course of the hearing, ENR officials admitted that the Minister and department had not consulted the Tlicho Government about their proposal, as required in the TCA, before it was submitted to the Board. Once the evidentiary phase of the proceeding was completed, the Board decided to adjourn the proceeding in order to give ENR and the Tlicho Government time to initiate a consultation process which is required by the TCA with respect to the proposal.

The WRRB's reasons for adjournment and directions to the parties were issued in a WRRB Decision dated March 26th, 2007. Specifically, ENR and the Tlicho Government were directed to report to the WRRB on the outcome of their consultations by April 23rd, 2007.

By letter dated April 17, 2007, the Minister of ENR wrote to the Tlicho Government and the WRRB advising that the Big Game Hunting Regulations had been amended to reduce the number of tags available for outfitted hunts for barren-ground caribou in Unit "R" to 750 for the 2007 season. The letter noted that this decision was made under the authority of section 12.5.14 of the Tlicho Agreement as ENR considered its action necessary due to an emergency situation regarding declining populations of the barren-ground caribou.

On April 20th, 2007 and April 23rd, 2007 respectively, the Tlicho Government and ENR filed letters with the WRRB describing the results of their consultation. The letter from the Tlicho Government indicated that the consultation process with ENR had not been concluded and requested an additional 90 days to finish the consultations.

By letter dated May 2nd, 2007, the WRRB advised ENR and the Tlicho Government that it had decided to extend the period of adjournment in the proceeding by another 30 days to permit the Parties to conclude the consultations. ENR and the Tlicho Government were instructed to report, in detail, to the WRRB by June 1st, 2007 regarding the outcome of these consultation meetings including any agreement reached about any aspect of ENR's proposal. The Board also indicated that if the consultation efforts were not producing substantial progress, it would bring the proceeding to a close as of

June 1st, 2007 and prepare its Recommendations Report for submission to the Minister of ENR and the Tlicho Government.

The WRRB also sent a separate letter to all parties registered in the proceeding explaining the extension to the consultation period and providing direction on procedural issues. Specifically, all parties were instructed to file any additional evidence, documents or expert reports with the Board by May 18th, 2007 and to file any final written comments on ENR's proposal by June 1st, 2007.

Final written comments were submitted to the WRRB by John Andre on May 18, 2007, by Bathurst Inlet Lodge on May 24, 2007 and by the Barren-Ground Caribou Outfitters Association on June 1, 2007.

2.2 Request for Extension

On May 30th, 2007 and June 4th, 2007 respectively, the Tlicho Government and ENR submitted letters to the Board indicating that they were making substantial progress and, if given adequate time to complete the work required, were of the view that they could develop a new mutually agreed upon caribou management proposal. Specifically, both Parties requested an extension to September 28th, 2007.

The WRRB noted that the Tlicho Government and ENR were making progress in their consultations and strongly encouraged both Parties to continue with these efforts. However, the Board advised these Parties that the requested extension would, if granted, require a third adjournment of the Board's proceeding

The WRRB also noted that both the ENR and Tlicho Government's letters expressed the expectation that the continuing consultation effort would lead to the development of a new, mutually agreed to caribou management proposal. In the Board's view, such a proposal would provide an important foundation for the co-management of the herd. It seemed clear to the Board, however, that a new joint proposal would, in effect, replace ENR's original December 15, 2006 proposal.

The Board was concerned that an adjournment to September 28, 2007 could adversely affect the interests of other parties affected by the proposal. ENR had already taken steps to implement portions of its proposal on the grounds that an emergency situation existed. Further extension of the proceeding to accommodate consultation which, in the Board's view should have taken place before the proposal was advanced, seemed inconsistent with the urgency asserted by ENR.

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Moreover, the WRRB wanted to establish a process which contributes to certainty in wildlife management and to thorough and expeditious consideration of wildlife management proposals.

In the circumstances, and for these reasons, the WRRB decided not to grant a further adjournment of its proceeding.

It is the Board's opinion that the public interest is best served by providing its recommendations at this time. If a new or amended proposal results from the consultation effort between ENR and the Tlicho Government, it will have to be considered by the WRRB in due course.

The WRRB's decision on the extension request was communicated to ENR, the Tlicho Government and the registered parties by letter dated June 26, 2007. ENR and the Tlicho Government were provided with an opportunity to submit final written comments to the WRRB by July 6, 2007.

The Board then undertook the deliberations necessary to finalize and explain its recommendations as required by the TCA.

3.0 WRRB RECOMMENDATIONS

During the course of this proceeding, a number of issues were raised and addressed by the parties. The WRRB would like to thank all participants for their efforts in this proceeding. The information and views provided have been very useful in helping the Board evaluate ENR's December 2006 proposal.

The issues for which the WRRB is making recommendations are outlined below.

3.1 ENR December 2006 Proposal

The WRRB's proceeding to review ENR's December 2006 proposal closed on July 6, 2007 after receipt by the WRRB of final written comments from ENR and the Tlicho Government.

Section 12.5.5 (b) of the Tlicho Agreement specifies that the WRRB shall, in relation to a proposal submitted to it and with respect to its application in Wek'èezhìi:

- recommend implementation of the proposal as submitted; or,
- recommend revisions to it; or,
- recommend that it not be implemented.

The WRRB recommends that ENR's December 15, 2006 proposal to undertake management actions to reduce the harvest of the Bathurst caribou herd not be implemented as submitted.

The WRRB's reasons for this recommendation are:

1. Certain of the management actions proposed for 2007 are now dated;
2. ENR has already amended the *Big Game Hunting Regulations* with respect to the 2007 tag limits for outfitted hunts; and,
3. ENR and the Tlicho Government expressed the expectation that their consultation process will yield a new, mutually agreed upon caribou management proposal.

3.2 Other Issues

While recommending that ENR's December 15, 2006 proposal not be implemented as submitted, the Board offers the following observations and recommendations based on information presented to the Board during its review of the evidence.

3.2.1 Total Allowable Harvest

The setting of a total allowable harvest (TAH) for a population or stock of wildlife is one of the most stringent conservation measures available to the WRRB.

As specified in section 12.6.1 of the Tlicho Agreement, a TAH

“... shall be determined for conservation purposes only and only to the extent required for such purposes.”

Section 1.1.1 of the TCA defines a TAH as follows:

“total allowable harvest” means, in relation to a population or stock of wildlife, the total amount of that population or stock that may be harvested annually”.

It is the Board's view, the Bathurst caribou herd can be characterized as a population or stock within the meaning of this definition.

In the hearing and in written submissions, ENR asserted that its proposal did not include a total allowable harvest. However, the proposal was to set a total harvest for outfitted hunts within the context of a total harvest described on the basis of a target of 4% of the Bathurst caribou herd population or 5120 animals. It appears based on the way that these proposed harvesting limits were described to the Board that at least the outfitters' portion of the harvest could be deemed to be a total allowable harvest. It is not necessary, in the Board's view, for the totals for all harvesters or groups of harvesters to be specified in order for a proposal to meet the TCA definition of a total allowable harvest.

In future proposals, the WRRB will treat any management action that proposes to limit any component of the harvest to a particular number (including zero) in relation to a specified total harvest as a proposal for the establishment of a total allowable harvest. In such circumstances, section 12.5.5 of the TCA specifies that the WRRB shall make a final determination on a proposal regarding a total allowable harvest for wildlife species (except for fish) within Wek'èezhii.

3.2.2 Outfitting Industry

ENR proposed to reduce the number of tags for non-resident hunters and non-resident alien hunters from 2 to 1 and to reduce tags in 2007 for all non-HTA and HTA outfitters from 1559 (1163 Non HTA+396 HTA) to a total of 350. ENR's rationale for these actions was to keep the total caribou harvest at 4% of the 2006 Bathurst caribou herd size estimate. ENR also stated that outfitted hunters should only be eligible for one tag due to increased requirements for conservation.

As noted above, the ENR made a decision in January 2007 to set the actual 2007 limit for outfitted hunts in Unit "R" at 750 tags and the Big Game Hunting Regulations were amended in April 2007 to reflect this decision. As a result, the WRRB has no recommendation to make regarding the 2007 tag limit for outfitted hunts in Wek'èezhìi as the Minister of ENR has already taken action on this matter.

The WRRB agrees that a reduction in outfitted hunts does provide some benefit to the Bathurst caribou herd by reducing the overall number of caribou harvested annually. Based on the evidence presented to it in this proceeding, however, the Board is uncertain that the reduction of outfitting tags by itself will prove an effective measure to facilitate the recovery of the Bathurst caribou herd.

The WRRB heard from a number of parties in its proceeding that a substantial reduction in the number of available outfitting tags would have economic impacts on the NWT economy, the guides and the community residents that receive caribou meat from the outfitted hunts. ENR provided no response to this evidence and it appears to the Board that these matters may have been addressed in private negotiations outside the public process. The WRRB suggests that the broader public interest implications of any proposed management action need to be addressed in order to ensure that the conservation benefits justify any social or economic impacts that may result from the proposed action.

Furthermore, the WRRB notes that the annual tag limit for outfitted hunts in Unit "R" is currently at 750 and will remain at this level until such time as a new proposal is submitted to the WRRB or new evidence becomes available to suggest that the current regulation should be amended. In the absence of a proposal, the WRRB also has the option to make management recommendations or determinations as outlined in section 12.5.6 of the TCA.

For purposes of the ongoing consultations that ENR and the Tlicho Government are engaged in and the need to develop a comprehensive management plan for the Bathurst caribou herd, the WRRB hereby recommends that the GNWT and the Tlicho Government, with input from the public including outfitters, engage in

discussions to consider whether outfitted caribou hunts for non-residents should be permitted in Wek'èezhìi on a long-term and sustainable basis.

3.2.3 Co-management and Consultation

The provisions in the Tlicho Agreement require that the federal, territorial and Tlicho governments and the WRRB perform their wildlife management functions on a co-management basis.

The WRRB notes that effective co-management requires proper and effective consultations during the development and review of wildlife management proposals and that there are numerous consultation requirements contained in the Tlicho Agreement.

For the future, the WRRB strongly recommends that:

- a) Parties to the TCA with wildlife management authority in Wek'èezhìi, as well as the resource users and any other stakeholders, work together in a collaborative fashion to manage wildlife and wildlife habitat in Wek'èezhìi;
- b) Any party developing a wildlife management proposal for submission to the WRRB be aware of, and abide by, the provisions of the Tlicho Agreement regarding the need to consult;
- c) Any party submitting a wildlife management proposal to the WRRB be aware of, and allow for, the time required for proper and effective consultation; and,
- d) Wildlife management proposals be based on the best available information including traditional knowledge, scientific information and expert opinion.

4.0 CONCLUDING COMMENTS

While the WRRB has recommended that the current proposal not be implemented for reasons discussed above, it strongly encourages ENR and the Tlicho Government to continue their consultations towards the development of a new, mutually agreed to proposal for caribou management.

Related to this, the WRRB believes that it may be useful to provide the parties and others with its opinions on specific caribou management actions discussed during this proceeding. This summary is provided in Appendix C.

APPENDICES

Appendix A – ENR Proposal (Dated December 15, 2006)

Proposal to Wek'eezhii Renewable Resource Board

BATHURST CARIBOU HERD HARVEST REDUCTIONS

ISSUE:

The Department of Environment and Natural Resources (ENR) is submitting this proposal to the Wek'eezhii Renewable Resources Board to undertake management actions to reduce the harvest of the Bathurst Caribou Herd.

BACKGROUND:

Barren-ground caribou herds in the NWT are declining. The surveys conducted in 2005 and 2006 confirm these declines. While many factors influence caribou herd declines, the only factor we have direct control over is managing human activity, such as harvest. ENR is concerned that current harvest levels for herds are not sustainable and further harvest restrictions are required. When herds are declining, any allowable harvest represents a risk that must be monitored closely.

In February 2006, ENR released the NWT Barren-ground Caribou Management Strategy to identify actions to help herds recover, monitor herd status and address hardships. Below is status of management actions recommended for three herds in the Inuvik and Sahtu regions by the wildlife co-management boards following community consultations:

<i>Recommendation</i>	<i>Impact</i>	<i>Status</i>
Eliminate commercial harvest - Inuvik and Sahtu regions (Cape Bathurst, Bluenose-East, Bluenose-West herds)	Affected 100 tags that were used by 5 outfitters and 100 tags used for meal sales to institutions.	Implemented
Eliminate resident harvest - Inuvik and Sahtu regions	Approximately 100 caribou harvested annually.	Implemented
Create new no hunting zone for Cape Bathurst herd	Will affect primarily residents of Tuktoyaktuk and Inuvik who used to harvest about 1000-1500 caribou/year.	Regulation being prepared by Justice.
Establish a total allowable harvest of four percent of the 2006 estimate of the Bluenose-West herd	This will cap subsistence hunt at 720 to be shared among the Inuvialuit, Colville and Fort Good Hope.	Supported by Inuvialuit and Gwich'in wildlife co-management boards. Waiting for support from Sahtu Renewable Resources Board in order to implement.

These management actions are resulting in hardships to users and a workshop was held in Inuvik on November 1st and 2nd, 2006, to identify the hardships and potential solutions. The workshop involved all affected co-management boards, the Porcupine Caribou Management Board, ENR, Industry, Tourism and Investment (ITI), Health and Social Services (H&SS), and Education, Culture and Employment (ECE). A draft report is expected in the New Year that will identify actions for agencies to consider.

ENR also reduced the number of tags for resident hunters across the NWT from five to two (bulls only) and reduced the quota for non-Hunters' and Trappers' Association (HTA) barren-ground caribou outfitters in the North Slave region from 1260 to 1163 for 2006, as a first phase reduction.

ENR has also recommended that a total allowable harvest be set for the Bluenose-East herd and the Sahtu Renewable Resources Board is considering this recommendation. This would affect hunters from Deline, Tulita and Gameti.

Wildlife Management Processes established under Land Claim Agreements

The Tłıchǫ Agreement, case law and Aboriginal rights require that commercial and resident harvest be reduced before Aboriginal harvest can be restricted. The Tłıchǫ Agreement also requires that public hearings be held if the board is determining or recommending a total allowable harvest level.

The mandate of the newly formed Wek'eezhii Renewable Resources Board is to perform the functions of wildlife management in Wek'eezhii, which is an area of land between Great Bear Lake and Mackay Lake. When exercising its power, the board must use the "Precautionary Principle" (12.1.5(c)), which states "lack of complete certainty shall not be a reason to postpone reasonable conservation measures." Before taking action in Wek'eezhii, a Party must submit its proposal to the board for review.

The Akaitcho Territory Government passed a resolution at their 2006 Assembly to withdraw all caribou hunting tags from non-Dene outfitters and not to issue any more licences. The Yellowknives Dene First Nation issued a press release in September 2006 regarding Aboriginal rights to hunt and recommending management actions to help caribou herds recover.

Bathurst Caribou Management Plan

The Bathurst Caribou Management Plan was released in December 2004. It identifies that the following management and monitoring actions should be considered when herds are declining or low:

- Monitor pregnancy caribou pregnancy rates, calf survival and condition annually.
- Monitor wolf and grizzly bear productivity and predation rates on caribou.
- Monitor all harvest.

- Determine size of herd and male:female sex ratio every 3 years.
- Reduce or eliminate commercial meat harvesting and outfitting.
- Establish no hunting corridors on winter roads.
- Reduce or eliminate resident harvest.
- Establish total allowable harvest as per land claim agreements.
- If wolf predation is key factor, provide support to wolf hunters and trappers to increase wolves harvested.

Bathurst Herd Size and Harvest Levels

In 2006, the Bathurst caribou herd was surveyed and the herd size was estimated at 128,000, which is a 73 percent reduction from 1986, when the herd size was estimated at 472,000 caribou. Harvest levels in 2005-06 for the Bathurst herd were:

Commercial meat tags	75
Outfitted hunts	769
Residents *	400
Aboriginal **	4500

TOTAL	5744= 4.5 percent of 2006 herd size

* Estimated from returns of annual survey to residents.

** Estimated from information on winter road check stations, community hunts, Lutselk'e harvest study.

Commercial Harvest (Unit R)

Appendix B provides information on the current commercial harvest in the North Slave region.

PROPOSAL:

ENR is concerned that current harvest levels of the Bathurst herd are not sustainable and further harvest reductions are required. Consequently, ENR is proposing that the Wek'eezhii Renewable Resources Board consider management actions identified in Appendix A to reduce harvest levels in a manner consistent with the Tłjchq Agreement and the Bathurst Caribou Management Plan:

- using the Precautionary Principle, ENR is recommending that harvest levels not exceed four percent of the 2006 herd size. This equals 5,120 animals.
- ENR recognizes that commercial and resident harvest must first be addressed before subsistence harvest.

The proposed management actions are intended to limit the harvest to 4% of the 2006 herd size. Proposed maximum harvest target for each group of licenced hunters is:

Commercial meat tags	0 caribou
Outfitted hunts	220 caribou
Residents	400 caribou
Aboriginal	4500 caribou

TOTAL	5120= 4 per cent of 2006 herd size

Impact of Actions

Management actions relating to reducing commercial outfitting tags will have an economic impact on ten outfitting businesses, three of which are joint ventures with First Nations (Gameti, Wekweti, Yellowknives Dene First Nation).

It is expected that the issue of compensation may be raised. However, past practice for other NWT businesses has been to assess impacts on a case-by-case basis and, if appropriate, use existing business programs to provide assistance. Business programs are within the mandate of the Department of Industry, Tourism and Investment.

Appendix A: Proposed Management Actions to reduce harvest and monitor Bathurst herd trend

Issue	Management action	Rationale
Commercial meat tags	Eliminate all meat tags held by Tłıchǰ communities. ENR has received support from Yellowknives Dene First Nation (YKDFN) to reduce their commercial quota.	Tłıchǰ communities have not used the commercial meat tags for many years. This action is consistent with the Tłıchǰ Agreement which states that WRRB shall give priority to non-commercial harvesting over commercial harvesting (12.6.6). Eliminating all commercial meat tags reduce annual Bathurst harvest by about 75 caribou.
Commercial outfitting tags	Reduce number of tags for non-resident hunters and non-resident alien hunters from 2 to 1. ENR will write to other jurisdictions to consider similar reductions. Reduce tags in 2007 for all non-HTA and HTA outfitters from 1559 (1163 Non HTA+396 HTA) to a total of 350.	To keep the harvest below 4% of the 2006 herd size estimate, harvest reductions are required. In 2005-06, 1243 tags were issued and 727 caribou were harvested by 716 outfitted hunters. With the increased requirement for conservation, outfitted hunters should only be eligible for one tag. The management goal is to have outfitted hunts harvest a maximum of 220 caribou. Issuing 350 tags assumes that success rate will be equal to or lower than the 62% success rate in 2006.
Resident harvest	No further restrictions. Residents may have up to 2 tags per licence (bulls only).	It is anticipated that the resident harvest will not exceed 400 caribou based on the expectation that caribou may not be harvested along winter roads.
Harvest Information	Compulsory reporting of harvest by resident hunters. Compulsory reporting of harvest by requiring tags for Aboriginal hunters. Tags to be issued by Tłıchǰ communities, YKDFN, ENR (for GHL's residing in Yellowknife or coming from South Slave region), North Slave Metis Alliance.	Currently, about 50% of resident hunters return their mail-in questionnaires. By requiring hunters to report, this will ensure that harvest data are accurate. This is identified in the Bathurst Caribou Management Plan. It is expected that Aboriginal hunters will harvest a minimum of 4500 caribou. By requiring hunters to report, this will ensure that harvest data are accurate. Collected data will help to determine any future harvest adjustments.

Winter road corridor	Establish special management zone to implement no hunting corridor on Tłıchǫ winter road (2 km on either side of road).	This is recommended in the Bathurst Caribou Management Plan as a measure to reduce harvest. This would be a no hunting zone for all hunting licences. ENR will consult with YKDFN regarding a no hunting corridor on the Gordon Lake winter road.
Monitoring of herd	ENR to monitor spring calf survival, condition, pregnancy rate, male:female sex ratio, wolf den occupancy and wolf condition.	These monitoring actions are identified in the Bathurst Caribou Management Plan when herd numbers are low.
Reassessment of Harvest Levels	ENR to provide report on 2006-07 harvest level to board to determine if further harvest restrictions required.	This would allow WRRB to reassess and adjust management actions for future years until the next calving ground survey in 2009.

Appendix B: Commercial Harvest in North Slave Region

Commercial Harvest

Commercial harvests were established for the Bathurst range in the 1980s. Commercial quotas were allocated equally among communities and non-HTA outfitters. Communities could choose to have the commercial tags allocated for outfitting purposes or for commercial meat hunting purposes. Communities have set up 3 joint venture outfitting arrangements (Gameti, Wekweti, Yellowknives Dene First Nation). The commercial tags for outfitting are described in the Schedule of the *Big Game Hunting Regulations* while commercial tags for sale of meat are described in the Schedule of the *Sale of Wildlife Regulations*.

For commercial tags available to non-HTA outfitters, the quota is allocated among 7 licences, which is the maximum number of licences allowed among three wildlife management zones in the North and South Slave regions (Units S,R,U) under the *Wildlife Business Regulations*.

The last quota increase was in 1999 when the number of commercial tags were increased from 924 for each group (HTA and non-HTA) to 1260 each (for a total commercial harvest of 2520). This equaled about 0.75% of the estimated herd size at that time (i.e. 350,000 caribou). All quotas are established under the condition that if herd size changes, so may the quota.

Non-resident and non-resident alien hunters may only hunt with an outfitter and are eligible for a maximum of 2 caribou tags (either sex). About 75% of these hunters purchase 2 tags. The success rate for outfitted hunters has declined since this industry began about 20 years ago. Initially hunting success was close to 100%. In the last five years, hunting success has declined to 85-90% (see attached table). In 2006, hunting success declined to 62%. In a typical year, outfitters have almost 700 hunters and they harvest about 900 or more caribou. In 2006, they had 716 hunters and harvested 727 caribou.

Of ten outfitter licences in Unit R (7 non-HTA and 3 HTA), eight businesses are owned by NWT residents. About half of the guides hired by the outfitters are NWT residents. Nine of the 10 outfitter licences have camps located on lands for which the Wek'eezhii Renewable Resources Board has authority for managing wildlife. One operation is located outside of Wek'eezhii.

The previous Minister of ENR met with NWT Barren-ground Caribou Outfitters Association in fall 2005 and spring 2006 and indicated that non-HTA quota would be reduced over a two year period for the non-HTA outfitters. For the 3 HTA outfitters, their quota is capped at 132 each in the regulations, which has been adequate for their operations. One of these outfitters rarely harvests caribou.

Accordingly, in 2006, the interim quota was set at 1163 based on tags reported sold by outfitters in May 2006. The previous quota was 1260. The Minister had also indicated to outfitters that the quota for 2007 would be reduced to 924 (186,000), which is what the quota was prior to the last quota increase in 1999, and that this number might be further reduced pending results of the 2006 survey. However, both quotas are still higher than the actual number of caribou harvested during outfitted hunts in 2006. Despite cautions regarding caribou herd declines issued by the Department at several meetings with outfitters, in 2006, several non-HTA outfitters increased the number of tags used by their operations in comparison to previous years.

North Slave Region Hunt Summaries

2005-2006

Name of Company	# of Hunters	BGC I.	BGC U.	Wolf I.	Wolf U.	Wolv. I.	Wolv. U.	B. Bear I.	B. Bear U.
862093 NWT Ltd. (Bathurst)	58	84	26	22	2	14	0	0	0
Arctic Safaris	53	89	59	26	1	26	4	0	0
Caribou Pass	113	205	174	90	6	76	2	0	0
J Group	48	96	90	17	2	17	0	0	0
Qaivvik	106	191	174	83	7	80	7	0	0
Rabesca Resources	63	126	76	38	5	28	2	0	0
True North Safaris	146	236	160	82	1	77	3	0	0
Non-HTA Outfitters - Total	587	1027	759	358	24	318	18	0	0
Dechi Laotl / Adv. NW	56	108	84	36	2	28	0	0	0
Gameti / Aurora Caribou Camp	41	72	44	26	0	25	2	0	0
Enodah / Deton Cho	2	4	4	0	0	0	0	0	0
HTA Outfitters - Total	99	184	132	62	2	53	2	0	0
All North Slave Outfitters - Total	686	1211	891	420	26	371	20	0	0

I = Issued

U = Used

2006-2007

Name of Company	# of Hunters	BGC I.	BGC U.	Wolf I.	Wolf U.	Wolverine I.	Wolverine U.	B. Bear I.	B. Bear U.
862093 NWT Ltd. (Bathurst)	110	179	105	81	1	62	1	0	0
Arctic Safaris	50	88	29	30	0	26	0	0	0
Caribou Pass	49	73	26	41	1	35	1	0	0
J Group	50	100	85	29	0	15	0	0	0
Qaivvik	165	286	271	148	14	140	2	0	0
Rabesca Resources	43	77	24	33	2	19	0	0	0
True North Safaris	160	274	129	114	7	87	2	0	0
Non-HTA Outfitters - Total	627	1077	669	476	25	384	6	0	0
Dechi Laotl / Adv. NW	42	75	7	39	0	33	0	0	0
Gameti / Aurora Caribou Camp	47	91	51	40	2	34	1	0	0
Enodah / Deton Cho	0	0	0	0	0	0	0	0	0
HTA Outfitters - Total	89	166	58	79	2	67	1	0	0
All North Slave Outfitters - Total	716	1243	727	555	27	451	7	0	0

I = Issued

U = Used

Appendix B – List of Documents on Record

WRRB Hearing on ENR Proposal on Bathurst Caribou Herd

Summary of Filed Documents

Proposals

- ENR Proposal – dated December 15, 2006

Responses to WRRB Questions

- ENR – dated February 28, 2007
 - Cover letter (1 page)
 - Responses (20 pages)
- Tlicho Gov't – dated February 26, 2007
 - Cover letter (1 page)
 - Responses (2 pages)
- B-G Caribou Outfitter's Association – dated February 22, 2007
 - Cover letter (1 page)
 - Responses (6 pages)
 - Ellis Economic Impact Study (24 pages)
 - NWT Outfitting Presentation – Nov 2006 (5 pages)
- Aylmer Lake Lodge Responses – dated February 17, 2007
 - Responses (letter-style, 3 pages)

Pre-Hearing Submissions

- March 2, 2007 letter and submission from the Environmental Monitoring Advisory Board (EMAB) – received by WRRB on March 5, 2007
- March 4, 2007 letter-style submission from the North Slave Metis Alliance – received by the WRRB on March 5, 2007

Hearing Documents

- Transcripts (March 13-14th)
- Exhibits (#1 to 22)
- Presentations
 - ENR
 - B-G Caribou Outfitters Association

- Tlicho Gov't
- Andy McMullen
- North Slave Metis Alliance
- NWT Tourism
- Yellowknives Dene First Nation

- Undertaking #1 (ENR)
 - Hayes et al, "Experimental Reduction of Wolves.."
 - Minutes of 1992 Meeting and 1992 Report, "Designing an Experiment for Large Mammal Recovery in the Aishihik Area.."
 - Cluff, "Summary of Biological Conclusions and Recommendations Based on Past Wolf Control Efforts" and supporting documentation
 - Yukon Wolf Conservation and management Plan
 - Three progress reports regarding actions to reduce predation on the FortyMile caribou herd in Alaska

Final Written Comments

- Bathurst Inlet Lodge
- John Andre
- Barren-Ground Caribou Outfitters Association
- Tlicho Government
- ENR

General Correspondence

- December 18, 2006 letter to Minister McLeod and MLAs from Boyd Warner – copied to WRRB on December 19, 2006
- December 20, 2006 letter to Minister McLeod from MLA Bill Braden – copied to WRRB on December 21, 2006
- January 8, 2007 letter to B-G Caribou Outfitter's Association from Minister McLeod – copied to WRRB on January 15, 2007
- January 8, 2007 letter to WRRB from Minister McLeod – received on January 15, 2007
- January 18, 2007 letter to WRRB from Minister McLeod – received on January 18, 2007
- January 23, 2007 letter from WRRB to Minister McLeod – sent on January 24, 2007
- January 29, 2007 letter to ENR, ITI, Tlicho Gov't and B-G Caribou Outfitters Association from WRRB – sent on January 29, 2007
- February 13, 2007 letter to ENR, Tlicho Gov't and B-G Caribou Outfitters Association from WRRB – sent February 13, 2007

Recommendations Report for ENR Bathurst Caribou Proposal

Appendix B

- February 22, 2007 response to IRs from the B-G Caribou Outfitters Association
- February 26, 2007 response to IRs from the Tlicho Government
- February 28, 2007 response to IRs from ENR
- March 2, 2007 submission from EMAB
- March 4, 2007 submission from North Slave Metis Alliance
- March 26, 2007 letter from WRRB to registered parties re: Adjournment Decision
- April 17, 2007 letter from Minister McLeod to WRRB and Tlicho Gov't re: 2007 Outfitting tags
- April 20, 2007 letter from the Tlicho Government re: consultations
- April 23, 2007 letter from ENR re: consultations
- May 2, 2007 letters from WRRB to ENR, Tlicho Government and registered parties re: consultation extension
- May 4, 2007 letter from WRRB to ENR re: additional IR
- May 7, 2007 email from J. Andre re: Ahiak Herd
- May 10, 2007 letter from counsel for J. Andre re: TerraMar report
- May 18, 2007 response from ENR re: IR
- May 18, 2007 final submission from J. Andre
- May 24, 2007 final submission from Bathurst Inlet Lodge
- May 30, 2007 letter from the Tlich Government re: extension request
- June 1, 2007 final submission from the B-G Caribou Outfitters Association
- June 4, 2007 letter from ENR re: extension request
- June 26, 2007 letter from the WRRB to ENR and the Tlicho Government re: extension request
- July 6, 2007 final submission from ENR
- July 6, 2007 final submission from the Tlicho Government

Appendix C – Comments on Caribou Management Actions

1. Status of Bathurst Caribou Herd

Summary of Evidence

The public hearings carried out in Behchoko in March 2007 were dominated by some outfitters questioning the ENR conclusion that the Bathurst caribou herd has declined. Some outfitters contend that ENR split the Bathurst herd into the Bathurst and Ahiak herds and that the Bathurst herd has not declined. The outfitters feel that caribou are using different migration patterns and are not in crisis. These arguments have caused anxiety and concern among the public.

The evidence on the record for a decline in the Bathurst caribou herd since 1996 is consistent from several sources. Information presented by ENR at the public hearing indicates that standardized photo counts on the Bathurst calving grounds since the early 1980s show that the Bathurst herd reached its largest recorded size in 1986 at 472,000 caribou (+/- 72,900) and was relatively stable until the mid-1990s. Subsequently, Bathurst caribou numbers declined to an estimated 128,000 caribou (+/- 50,000) by 2006.

Exhibit #3 of the public hearing provided traditional knowledge from Dogrib Elders indicating that Bathurst caribou numbers fluctuate. Over some periods, caribou were thin and not plentiful enough for camps while during other periods, caribou were fat and plentiful. Some outfitters have also indicated during the public hearing and in their submissions to the Board that they have observed changes in caribou antlers with exceptional years between 1994 and 1996 followed by an increase in non-typical antlers over the past 8 years. However, trophy antlers were observed again in 2006 season. Exhibit #11 of the public hearing also indicated that caribou trampling scars on black spruce roots were more abundant during the 1940s and 1990s and fewer during the 1920s, 1950s to 1970s, and around 2000.

The ratio of calves to cows indexes recruitment of calves to the herd and calf survival. Information provided to the Board by ENR in addition to Exhibit #18 of the public hearing indicates that calf survival between 2001 and 2006 was about half of what it was from 1985 to 1996. The most recent ratio (2007) indicates that calf survival has increased for at least 1 year. The sex ratio of caribou can indicate herd health. ENR stated in their presentation at the public hearings that often herds with a low proportion of bulls are declining in abundance. The most recent (2006) sex ratio of 37 bulls to 100 cows is relatively low.

ENR suggested that the Bathurst caribou herd is at or near the low point in the cycle as recent information from fall 2006 and spring 2007 indicate normal pregnancy rates, body condition, and improved calf survival.

WRRB Views

Barren-ground caribou are central to the way of life of the Tlicho and conservation of the Bathurst caribou herd and other caribou within Wek'èezhìi is the WRRB's highest priority as set out in the Tlicho Agreement.

The WRRB accepts that the Bathurst herd has declined and that management actions should not be delayed in the absence of complete knowledge. WRRB is aware of the outfitter's criticism of the ENR data and conclusions but the Board also recognizes that ENR's approaches and methods are consistent with those used by other caribou management agencies.

The WRRB acknowledges that recovery of the Bathurst herd will take longer if management actions are not implemented in the near future. However, on the basis of the evidence available to the Board at this point, the WRRB believes it is premature to implement a total allowable harvest. Instead, WRRB believes that other measures could be taken to aid herd recovery at this point.

In response to the concerns raised over caribou numbers and the scientific basis for the estimates of herd size, the WRRB will describe caribou monitoring and management for Ahiak, Bluenose East and Bathurst in a WRRB document entitled "Summary of Barren-Ground Caribou in Wek'èezhìi" which will be published under a separate cover.

2. ENR Proposed Management Actions

The following subsections set out ENR's proposed management action, a summary of the evidence from the public record and final comments from the parties. The Board's views related to each of the proposed management actions are provided.

2.1 Commercial Caribou Tags

ENR proposed to eliminate all commercial caribou tags held by Tlicho communities and reduce the quota for commercial caribou tags held by Yellowknives Dene First Nation (YKDFN).

Summary of Evidence

ENR states in the proposal that this action is consistent with section 12.6.6 of the TCA which states that non-commercial harvesting has priority over commercial

harvesting. ENR also believes this action would reduce annual harvest of Bathurst caribou by 75 caribou.

Currently, 75 commercial caribou tags are allocated to members of the YKDFN on an annual basis. In their submission to the Board, the YKDFN explained that they would not want their tags reduced to zero but are willing to consult with ENR about a reduction.

There has been little interest in or use of commercial caribou tags by the Tlicho in recent years. In their final comments, the Tlicho Government agreed with ENR proposed action to eliminate of all commercial caribou tags including those held by Tlicho communities.

WRRB Views

With the establishment of Tlicho Community Governments and the Tlicho Government, decisions on allocation and use of commercial caribou tags within Wek'èezhìi are up to the Tlicho Government.

While there is agreement between Tlicho Government and ENR to eliminate all commercial caribou tags, the WRRB feels that a future joint proposal from Tlicho Government and ENR can address elimination of Tlicho commercial caribou tags. The WRRB would also encourage ENR to continue consultation with YKDFN about the future use of the 75 commercial caribou tags by YKDFN.

2.2 Commercial Outfitting Tags

Please see section 3.4 above.

2.3 Resident Harvest

ENR proposed no further restrictions to resident harvest as, currently, residents may have up to 2 tags per license and are restricted to harvest only bulls.

Summary of Evidence

ENR stated in the proposal that the rationale for this action is that resident harvest will not exceed 400 caribou and is based on the expectation that caribou may not be harvested along winter roads.

In their final comments, the Tlicho Government agreed with ENR to maintain current number of tags available to resident hunters. YKDFN also supported this action in their submission to the Board.

WRRB Views

The WRRB agrees that no further changes to resident harvest tag limits are needed at the present time.

2.4 Harvest Information

ENR proposed to implement compulsory reporting of harvest by resident hunters and compulsory reporting of harvest by requiring tags for Aboriginal hunters.

Summary of Evidence

ENR expressed concern about the reliability and accuracy of data regarding the current level of harvest and stated in the proposal that mandatory reporting will ensure that harvest data is accurate and help to determine any future harvest adjustments.

Concerns were raised by the North Slave Metis Alliance, the Yellowknives Dene First Nation and the Tlicho Government indicating that compulsory reporting for Aboriginals is not desirable as it may be an infringement on Aboriginal and Treaty rights. The Tlicho Government agreed that compulsory reporting should be implemented for resident hunters in their final comments. However, the Tlicho Government did not agree with ENR on compulsory reporting for Aboriginal hunters through the issuing of tags.

WRRB Views

The WRRB believes that accurate and reliable harvest level estimates for barren-ground caribou herds within Wek'èezhìi are essential for effective management. However, the mechanism through which such estimates are developed is a matter which should be worked out collaboratively among harvesters and the Parties of the TCA.

The WRRB strongly encourages these parties to begin work in the near future to develop a mechanism which will generate reliable harvest information on a timely basis.

2.5 Winter Road Corridor

ENR proposed to establish a special management zone to implement a no hunting corridor on Tlicho winter road (2 km on either side of road) as a measure recommended in the Bathurst Caribou Management Plan to reduce harvest. This would be a no hunting zone for all harvesters.

Summary of Evidence

ENR indicated that winter roads have increased access for people to hunt caribou. Concerns were also raised by various parties about wastage along the

Tlicho winter road. Some parties indicated that all hunters should be encouraged to hunt away from the winter road. In addition, it was also recommended that hunters do not butcher caribou on the winter road nor leave gut piles on the lakes.

There was concern raised because this measure would effectively restrict access for Aboriginal harvesting. Section 12.6.2(b) of the Tlicho Agreement states that right of access under 10.5.1 cannot be limited for the Tlicho First Nation except for the purposes of safety.

In their final comments, the Tlicho Government indicated that it does not support a no hunting corridor on the winter road across Tlicho lands.

WRRB Views

The WRRB believes that a new, joint proposal should include measures to educate all hunters on respect for wildlife and develop a mechanism for monitoring harvesting along the Tlicho winter road. It may also be beneficial to identify Tlicho traditional laws and practices for respecting wildlife.

2.6 Monitoring of Herd

ENR proposed to continue to monitor spring calf survival, condition, pregnancy rate, sex ratio, wolf den occupancy and wolf condition. These monitoring actions are identified for implementation in the Bathurst Caribou Management Plan when herd numbers are low.

Summary of Evidence

Little information was put on the record with regards to specific details of the proposed monitoring actions.

The Tlicho Government and YNDFN are in agreement with ENR's proposed monitoring actions for the Bathurst herd.

WRRB Views

The WRRB agrees that monitoring of the Bathurst caribou herd needs to continue. The WRRB also encourages future consultation to identify the parties responsible for monitoring and explore options to develop ways for sharing such responsibilities associated with the collection of data.

2.7 Reassessment of Harvest Levels

ENR proposed to provide a report on 2006-07 harvest level to WRRB to determine if further harvest restrictions are required. ENR believed this would

allow WRRB to reassess and adjust management actions for future years until the next calving ground survey in 2009.

Summary of Evidence

ENR proposal included estimates for 2005-2006 harvest levels. This information was elaborated in an information request to detail the methods used to estimate the resident and Aboriginal components of the harvest. In addition, adjustments were made to the 2005-2006 harvest levels during ENR presentation during the public hearing to account for herd allocation.

ENR also indicated in the second information request from WRRB that they anticipate a reduction in the 2006-2007 harvest level on Bathurst compared to previous years due to the following reasons:

- Bathurst herd remained north of treeline in fall;
- Caribou were not located near winter roads;
- Winter road check indicated lower harvest numbers;
- Some hunters did not hunt for reasons of conservation; and,
- Bathurst herd was not near Lutselk'e in fall or winter.

The Tlicho Government agreed with ENR to provide a report on 2006-07 harvest levels to WRRB.

WRRB Views

The WRRB agrees that all available harvest information for caribou within Wek'èezhii should be submitted to the Board on an annual basis for review. This report should include allocation of harvest by herd and rationale for the allocation.

3. *Other Management Actions*

There were several additional management actions identified during the public hearings and submissions from the parties including hunter education, predator control, protection of calving grounds, cumulative effects, and a few others. The Tlicho Government also explicitly stated in their final comments that management proposals should not be limited to the management of caribou harvest.

The WRRB agrees with this statement and suggests that discussions undertaken as part of the consultation process for the development of a new proposal should include consideration of these potential management actions.

3.1 Education

Summary of Evidence

Education for all caribou users is needed to increase awareness for conservation. These concerns have been raised by Tlichó Elders who want to see hunter education as a priority. There is also concern about caribou wastage and the number of Aboriginal harvesters from other regions who come into Wek'èezhìi to harvest caribou.

WRRB Views

The WRRB believes that hunter education may prove to be an important contributor to the management actions necessary to conserve the Bathurst herd.

The Board feels that emphasizing the importance of respect for wildlife, increased awareness of the status of the herd, promotion of good hunting practices, and encouraging hunters to take only what is required has the potential to provide more relief to the herd than any sort of management action requiring enforcement.

3.2 Predator Control

Summary of Evidence

Evidence on the record indicated that both wolves and grizzly bears are major predators of caribou. While predation rates on the Bathurst herd are unknown, evidence indicated that wolves take between 15 and 30 caribou per year.

ENR annually monitors wolf carcasses and den activity to index trends in wolf abundance. Information from ENR's responses to the information requests and ENR's presentation at the public hearing suggest that wolf numbers are down. Little information was made available regarding the status of grizzly bear populations on the Bathurst caribou herd's range.

Predator control has been used to manage declining barren-ground caribou elsewhere. Undertaking #1 filed after the public hearing provides details on these efforts. In general, the evidence indicates that such efforts provided only temporary relief and that relief also depended on a reduction in human harvest.

The proceedings also identified concerns resulting from increased wolf presence around Tlichó communities. Elders voiced their concern about safety for the children and that something should be done about the wolves.

WRRB Comments

The WRRB feels that predator control undertaken for the purpose of conserving caribou is a separate issue from the safety concern expressed by the Elders.

The WRRB believes that any wildlife-human conflict should be dealt with appropriately to ensure safety for both humans and wildlife. This includes the need to identify and deal with the cause of wolf problems (i.e., food at dumps, dogs and dog food, or other sources of food attract wolves to the area). The WRRB strongly encourages the Parties to address this issue and will offer any help it can to deal with this in an appropriate and timely fashion.

For the purpose of caribou conservation, the WRRB feels that the option of predator control should be explored further.

3.3 Calving Ground Protection

Summary of Evidence

The public hearings and final written comments from the Tlicho Government identified the need to protect critical caribou habitat including calving grounds, migration routes and winter range.

WRRB Comments

The WRRB is concerned with the lack of consideration given to the importance of protecting caribou habitat.

The WRRB encourages the government Parties to begin consultation with the appropriate agencies to discuss the possibility of establishing protection for the Bathurst calving grounds.

The WRRB would also encourage the parties to consider the need for protecting migratory routes, water-crossings, and wintering habitat within Wek'èezhìi.

3.4 Cumulative Effects

Summary of Evidence

Currently, environmental reviews for industrial developments including the corresponding monitoring measure were established when caribou populations were increasing and high. Due to the changes in Bathurst herd status from increasing to decreasing, monitoring efforts may need to be increased and mitigation measures set out by licences and permits reexamined to account for cumulative effects.

The Tlicho Government, North Slave Metis Alliance, and Environmental Monitoring Advisory Board have raised these concerns and have asked WRRB to recommend that the Parties consider the need to develop models to evaluate cumulative effects of all land uses and industrial activities on caribou movements and population size.

WRRB Comments

The WRRB urges the Parties to take steps to develop a framework for cumulative effects analysis for barren-ground caribou and specifically for the Bathurst herd.

3.5 Other

Summary of Evidence

The Tlicho Government also requested in their final written comments that the following management actions be recommended by the WRRB:

- Only young bulls should be harvested
- Restrictions be placed on the harvesting of breeding bulls, cows and calves
- Diseased caribou should be reported to ENR

WRRB Views

The WRRB feels that the parties should assess if harvesting young bulls, or placing a restriction on hunting breeding bulls, cows and calves, could lead to a favorable affect on the Bathurst herd and aid in herd recovery.

The WRRB agrees that all diseased caribou should be reported to ENR.