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WEK'EEZHII RENEWABLE
RESOURCES BOARD
PUBLIC HEARING

ON JOINT PROPOSAL ON CARIBOU
MANAGEMENT ACTIONS IN WEK'EEZHII

Panel Members:

Co-Chairman	Grant Pryzynk
Co-Chairman	Joseph Judas
Member	Bruce MacDonald
Member	Charlie Rabesca
Member	Ray Case

HELD AT:

Cultural Centre
Behchoko, NT
August 5, 2010
Day 6 of 7

1 APPEARANCES

2 John Donihee) Board Counsel
3 Karin Clark) WRRB Staff
4 Allice Legat) WRRB Staff
5 Jody Snortland) WRRB Staff
6 Dr. Anne Gunn) Independent Expert
7
8 Grand Chief Joe Rabesca) Tlicho Government
9 Chief Edward Chocolate)
10 Chief Alfonz Nitsiza)
11 Chief Charlie Football)
12 Chief Clifford Daniels)
13 Bertha Rabesca Zoe) Counsel
14 Arthur Pape) Counsel
15
16 Amanda Peterson) Peterson's Point Lake
17 Margaret Peterson) Lodge
18
19 Barry Taylor) Arctic Safaris
20
21 Gary Bohnet) ENR
22 Susan Fleck)
23 Fred Mandeville)
24 Jan Adamczewski)
25 Karen Lajoie) Counsel

1 APPEARANCES (cont'd)
2
3 Todd Slack) Yellowknives Dene
4) First Nation
5
6 Gordon Van Tighem) City of Yellowknife
7
8 Joyce Rabesca) Rabesca Resources
9
10 Martin Knutsan) NWT Wildlife Federation
11
12 Karen McMaster) self
13
14 Robert Turner) self
15
16 David Livingstone) self
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1 --- Upon commencing at 9:30 a.m.

2

3 THE CO-CHAIRPERSON: Everybody's seated.
4 We're going to be starting with a prayer. We're going to
5 ask one (1) of the Elders to do a prayer for us. So
6 Harry Apple, pray for us.

7

8 (OPENING PRAYER)

9

10 THE CO-CHAIRPERSON JOSEPH JUDAS: Good
11 morning. I have to say this in my language for opening
12 remark, and so -- with the interpret -- it has to be
13 interpret. I know, once again, thank you for all coming
14 this morning.

15 My name is Joseph Judas. I'm the Co-chair
16 and followed by Grant, interim Chair beside me. I say
17 this in my language, and then -- then my comment.

18

19 (THROUGH INTERPRETER INTO ENGLISH)

20

21 THE CO-CHAIRPERSON JOSEPH JUDAS: Thank
22 you, citizens. I guess we're happy to be back here in
23 Behchoko to have another hearing, continuation of this
24 hearing. The -- most of the people at the public
25 probably aren't of it, but I guess mostly the -- the

1 people, the participants, are just are aware, you know,
2 why -- the reason why we're here this morning.

3 And today -- today, it's very important,
4 and most of the Wek'eezhii members are here today, or
5 were here this morning to hear your case.

6 Yes, I am -- I am a Co-Chair with the --
7 we're here in the Tlicho Government Land and, yes, I'd
8 like to more or less have to thank the Chief from
9 Behchoko, the Old Chief, to thank him to be on his home
10 land to have a public hearing. And we're always thankful
11 that everywhere we went we always appreciate everybody's
12 presence.

13 Yes, that most of us do have various
14 concerns about the -- the situation that's at stake.
15 And, yes, we have to go through this process because, you
16 know, we have to do it in fairly -- manage to accommodate
17 everybody's concern.

18 Yes, that we're here back to -- regarding
19 the caribou that -- Bathurst Caribou Herd that -- and
20 then the how -- what type of directions that we might be
21 going from here on. And this is we all have -- in any
22 case, we all do have a stake in the -- in the caribou. I
23 guess, you know, a lot of caribou users that are here
24 today that I guess it's always good to see them here. We
25 want to hear their case, as well, too.

1 Yes, I guess, you know, we -- as a Board
2 member I guess we're -- we're here at your interest and
3 we have resource people that work for the various
4 organizations set out here to present on their behalf of
5 their organizations. And we, as an Aboriginal people
6 from this area, I guess that we more or less rely on the
7 caribou from since time memorial. So the Elders that
8 always was concerned about -- the concerns about the
9 healthy of the animals and the well-being of the animals.

10 Yes, that we are not the only ones that
11 are the users of this caribou herd. I guess in a lot of
12 other people from other levels of government, such as
13 Nunavut, I guess, are using the same, as well, too. So
14 we pretty well have to share all that information
15 together in order to come up with a productive decision
16 how to make from -- in the very near future.

17 Yes, that we might have to hear the case
18 from the Tlicho Government, as well. Yes, that the joint
19 ventures that -- you know, joint proposal that's been
20 made with the Territorial Government I guess, you know,
21 these are things that we have to review over and -- and
22 knowing that the -- the animals are -- caribou, that is,
23 that are in question I guess and they roam all over the
24 country so -- so we have to hear all the vary -- users of
25 the animals that from various organizations and agencies

1 and company.

2 Yes, we had to take into consideration as
3 to -- consideration as to what the co-management means
4 and what it's all about. And the -- when you're involved
5 with a co-management, I guess, you know, and I just said
6 only the -- the Tlicho Governments are in there, because
7 the co-management is broader than the only Tlicho
8 Governments, you know. I guess we have some federal
9 government involved in it and at other levels such as
10 territorial government.

11 So this -- since the Tlicho Agreement came
12 into effect about almost five (5) years ago, that's --
13 that's where we sense we have this Wek'eezhii Board
14 hearings, I guess, you know. So with true -- with this,
15 the situation is coming from the Land Claim Agreement
16 from that area, so that's what we're concentrating our
17 hearings on.

18 Yes, the -- when you're talking about
19 Wek'eezhii area, that the amount of land that -- that
20 we're concentrating on, this is something that we have to
21 refer to because, you know, the -- the extent of the
22 Wek'eezhii Renewable Resources Board have jurisdiction
23 over.

24 So, yes, that we have to have other levels
25 of government, an interest in it in areas, well true, so

1 we're all in it. So how to -- how to control or -- their
2 behaviour and the caribou herd, I guess, in all issues,
3 it's a question, I guess, you know, like the -- most of
4 the people are aware as to the amount of caribou that's
5 in the area of the calving --area that I guess is still
6 we're concerned about. And the -- the amount of caribou
7 that migrate back into our area is a great concern, as
8 well.

9 Yes, the -- the amount of Board members
10 are here today, I guess, that we have a Tlicho Government
11 representative. It's Charlie Rabesca.

12 Yes, that the -- I guess we have Bruce
13 MacDonald and lands, I guess, are representing its
14 appointment from the Government of North Canada. I
15 guess, the -- and we have -- Ray Case is another member
16 from the -- representing the Territorial Government, and
17 he's here with us this -- this morning.

18 And we have Moise Rabesca and Charlie
19 Jermick'ca, I guess, another nominee from the Tlicho
20 Government nominees and also are the Board members.

21 Yes, the -- if you are a member on the --
22 on a public board like this, I guess, you know, that, you
23 know, your personal opinions are -- it's not at stake, I
24 guess. You know, we're always concerned about the
25 general public, interest that -- you know, that -- that's

1 what the Board meets out of.

2 Yes, we do have another expertise, such as
3 the now professional biologists and things like that. I
4 guess they probably might want to make their case, as
5 well, too, present their case to the Board. And I'm just
6 trying to give you a update on as to how we're selected
7 as Wek'eezhii Renewable Resources Board.

8 Yes, we do have some other legal counsel
9 with us today. It's John Donihee. And then we have
10 Allice Legat who is also our research and monitoring
11 coordinator. And Karin Clark, yes, she's one (1) of our
12 wildlife biologists.

13 And so these are the people that we rely
14 on as our resource staff that work for us. And we have
15 Jody. She's one (1) of our executive director, that
16 she's here this morning with us too, as well.

17 Yes, today we will begin the hearing as to
18 a continuation of the Board's public hearing since last
19 March 2010. And, yes, today -- up to date, I guess, you
20 know -- we're to date, I guess, and then what we're going
21 to do from today on, I guess. You know, these are things
22 that we might have to discuss through the hearing.

23 And the ENR have to make their own
24 presentation, as well, and the reason -- what type of
25 joint proposal that has come about, I guess. They're the

1 ones that might want to talk on -- on that areas.

2

3 (INTERPRETATION CONCLUDED)

4

5 THE CO-CHAIRPERSON JOSEPH JUDAS: And,
6 yes, certainly, I guess, you know, that all the
7 information's that up-to-date, I guess, is pretty well
8 distributed amongst various participants, I guess, you
9 know. And where we're at to date with the -- with the
10 wildlife situations, I guess, is pretty well public.

11 Interest in the -- yes, that -- knowing
12 that the -- the subject -- subject on thi -- on this
13 hearing, I guess, you know, that's very important to the
14 public, I guess. You know, public are largely -- largely
15 concerned about, you know, what the outcome of the -- the
16 hearing will come up with. And so I'll -- I know that,
17 at times, I guess, you know, there might be some intense
18 new information that might have to come up, I guess, you
19 know.

20 When the time comes, that I hope you
21 people will be able to try to -- to respond to the Chair,
22 you know, in order to -- not to go a little too far more
23 than they know what expectation from the Chair.

24 Yes, the -- knowing that, you know, we
25 pretty well have to hear one another out in fairly as

1 much -- as fairly as possibly. Yes, the -- yes, we, as
2 Tlicho members, I guess, you know, we're always obligated
3 to speak our own aboriginal language. That's the reason
4 why I'm addressing you in my -- in my own language this
5 morning.

6 Thank you to hearing me this morning. And
7 I'd like -- certainly, like to welcome you back to the
8 public hearing again here in Behchoko.

9 And, like I said, I guess the publics are
10 -- are quite concerned about the outcome of this hearing.
11 And we pretty well have to consider the caribou as it is
12 because -- you know, because where the numbers are at and
13 how far it's going down and what is it -- would like to
14 stabilize the caribou herd. Thank you.

15 Now Grant will have the floor at this
16 point. Thank you.

17 THE CHAIRPERSON: Good morning, everyone.
18 Good morning. Yes? Great, thank you.

19 My name is Grant Pryzynk and I'm the
20 Interim Chair of the Wek'eezhii Renewable Resources
21 Board. Joseph Judas and I will be co-chairing this
22 public hearing for the next two (2) days.

23 We are on Tlicho Government land, and we
24 thank the community of Behchoko and the Tlicho Government
25 for their hospitality.

1 This hearing will give all stakeholders a
2 chance to a play a part in managing the Bathurst caribou
3 herd. We must all do our best to ensure that the herd is
4 there for all the people of Wek'eezhii in the future.

5 Use of this resource is of primary
6 importance to everyone. Dene people in the Wek'eezhii
7 area -- excuse me one moment. The Tlicho language is on
8 channel 4 of your earpieces.

9 Dene people in the Wek'eezhii area have
10 lived with the caribou since time immemorial, and
11 resident hunters harvest caribou for food and outfitters
12 rely on them as part of their livelihood.

13 We must remember that there are other
14 users of the Bathurst caribou herd, both in the NWT and
15 in Nunavut. The WRRB must make a decision that is fair
16 to everyone and yet allows the herd to sustain itself.

17 Our Board was established by the Tlicho
18 Agreement when it came into force in August of 2005.
19 Today, the WRRB is responsible for managing wildlife,
20 forests, plants, and protected areas within the
21 Wek'eezhii area.

22 Our Board is a co-management Board as 50
23 percent of our members are appointed by the Tlicho
24 Government and 50 percent are appointed by the
25 Governments of Canada and the NWT.

1 The WRRB operates as an institution of
2 public government and acts in the public interest.

3 Our jurisdiction is the Wek'eezhii
4 management area. The map on the wall over there clearly
5 defines the area in which the Board is responsible for
6 wildlife management as set out in the Agreement.

7 You will also see that the range of the
8 Bathurst caribou herd is much larger than the area over
9 which the Board has jurisdiction.

10 At this point I'd like to introduce the
11 other Board members. Charlie Rabesca and Joseph Judas
12 are Tlicho Government nominees, Bruce MacDonald and I are
13 Government of Canada nominees, and Ray Case is the
14 Government of the Northwest Territories nominee. Moise
15 Rabesca and Charlie Jermick'ca, who are also Tlicho
16 Government nominees, are -- are Board members.

17 In November 2009, Moise declared a
18 conflict of interest related to this proceeding.
19 Although he is here today, he will play no part in the
20 Board's deliberations on this revised joint management
21 proposal after the hearing is over and the record is
22 closed.

23 As Charlie was just appointed to the Board
24 in June 2010, he will also play no part in the Board's
25 deliberations on this proposal.

1 Over on our -- my right we have John
2 Donihee, our legal counsel; Allice Legat, our research
3 and monitoring coordinator; Karin Clark, our wildlife
4 biologist; and Jody Snortland, our executive director.

5 The hearing, which begins today, is a
6 continuation of the Board's March 2010 public hearing.
7 On the final day of that hearing the Tlicho Government
8 made an application for an adjournment, with support of
9 the Government of the Northwest Territories, to prepare a
10 more detailed and complete proposal.

11 On May 31st, 2010, our Board received the
12 Revised Joint Proposal on Caribou Management Actions in
13 Wek'eezhii from the Tlicho Government and GNWT. The
14 Revised Joint Management Proposal focuses on reducing
15 death rates of the Bathurst caribou over the next two (2)
16 years through reduced hunter harvest and wolf predation.
17 An adaptive management cycle has been developed which
18 incorporates monitoring actions, as well.

19 Although our Board will consider all
20 proposed management and monitoring actions in making its
21 final recommendations, the Board has decided to limit the
22 focus of this hearing to the first five (5) management
23 actions which are related to harvesting.

24 Specifically, GNWT and Tlicho Government
25 have requested that our Board review, consider and make

1 recommendations on management actions to reduce and/or
2 restrict harvesting on the Bathurst caribou herd,
3 including the possible establishment of a total allowable
4 harvest.

5 Section 12.3.10 of the Tlicho Agreement
6 gives the Board the discretion to hold a hearing when
7 considering a wildlife management proposal and makes it
8 mandatory to hold a hearing when a total allowable
9 harvest is being considered.

10 Public notice of this Hearing was given in
11 News/North and the Yellowknifer on July 14th, 16th, 19th,
12 30th, August 2nd and August 4th. Beginning July 30th,
13 the public notice was also provided daily on CBC, CKLB
14 and CJCD Radio.

15 The Board established a public registry on
16 its website on November 17th, 2009 and updated it
17 regularly. All documents pertaining to the proceeding
18 are posted on the public registry.

19 There are twenty-two (22) registered
20 parties for this proceeding, nineteen (19) Intervenors,
21 one (1) independent expert, GNWT and Tlicho Government.

22 The Board staff and legal counsel have
23 been working with the parties to ensure that this hearing
24 process is fair, runs smoothly, and that Board is
25 provided with the information it needs to respond to the

1 Joint Management Proposal.

2 Hearing instructions were provided on July
3 16th, 2010 to all registered parties.

4 These proceedings are being recorded and
5 will be transcribed later by Wendy Warnock of Digi-Tran -
6 - Digi-Tran Incorporated, reporter on my left.
7 Therefore, I ask that when you speak at a microphone, at
8 a microphone stand, please state your name, who you
9 represent, before your presentation or your question that
10 you may have.

11 Please be mindful that we have
12 interpreters, and these proceedings are being
13 simultaneously translated, so pace yourself accordingly.
14 I may be going too fast here too.

15 The order of proceedings will be as
16 follows: The Board will hear from both GNWT and Tlicho
17 Government regarding the Revised Joint Management
18 Proposal before the Board. They will have 30 minutes to
19 make their presentation, followed by a one (1) hour
20 question period.

21 Once the two (2) governments have
22 completed their presentation, the order of questioning
23 will be as follows: independent expert, registered
24 Intervenors as listed in the hearing schedule, then Board
25 legal counsel and/or the staff. The Board members will

1 have the last opportunity to ask questions.

2 Each registered party will have five (5)
3 minutes to question the two (2) governments. Once the
4 questioning is complete, if time allows, registered
5 parties may ask additional questions in the same order as
6 before. When the questions to ENR are completed, we will
7 proceed to Dr. Anne Gunn's closing argument. Dr. Anne
8 Gunn has been retained as an independent expert for the
9 WRRB's public hearing.

10 The Board's approach to retaining Dr. Gunn
11 was developed with the goal of ensuring that she could
12 contribute to the hearing while ensuring that the
13 requirements of fairness are met. Dr. Gunn will play no
14 part in the Board's deliberation on the proposal after
15 the hearing is over and the record is closed. She will
16 present for twenty (20) minutes.

17 Registered Interventions -- Intervenors
18 will present next. Each registered Intervenor will have
19 twenty (20) minutes to make closing arguments. More than
20 one (1) person can deliver a presentation, but there is
21 still a twenty (20) minute time limit for the entire
22 presentation. WRRB staff will be timing the
23 presentations and will remind you of your time remaining
24 at the five (5) and one (1) minute marks.

25 The parties that filed the request, the

1 GNWT and Tlicho Government, will be the last. Their
2 closing comments will be limited to thirty (30) minutes
3 each. The Co-chairs will make closing comments and the
4 hearing will come to a close.

5 The Board wants this hearing to be as
6 informal as possible. However, the Board is bound by the
7 rules of procedural fairness. The Co-chairs are
8 responsible for the conduct of this hearing, so all
9 questions and comments are to be addressed to either of
10 the Co-chairs from the mic -- microphones provided. The
11 Co-chairs will recognize each speaker.

12 We must all respect each other and speak
13 to the issues of caribou management. Interrupting
14 speakers or engaging in personal attacks does no one any
15 good, and we request your cooperation.

16 The hearing is scheduled from 9:00 to 5:00
17 today and tomorrow. Each day we will break for lunch
18 from 12:00 to 1:00 p.m., and a lunch will be provided,
19 and we will take appropriate rest breaks in the morning
20 and the afternoon. Coffee and refreshments are at the
21 back of the room, so please help yourself whenever you
22 feel like having a coffee or a snack.

23 Now before we proceed to the GNWT and
24 Tlicho Government joint presentation, are there any other
25 preliminary or legal issues?

1 (BRIEF PAUSE)

2

3 THE CHAIRPERSON: None? Okay. Thank you
4 very much. So let's proceed with the GNWT and Tlicho
5 Government presentation. Thank you.

6

7 PRESENTATION BY GNWT:

8 MR. GARY BOHNET: Good morning, Board
9 members, Grand Chief, Chiefs, Elders, Intervenors,
10 members of the public. My name is Gary Bohnet. I'm the
11 Deputy Minister of Environment and Natural Resources.

12 I'd like to introduce the -- some of my
13 colleagues. On my immediate left is Susan Fleck, the
14 director of wildlife management. Further down is Karen
15 Lajoie, who is legal counsel with the Government of the
16 Northwest Territories. On my right here is Jan
17 Adamczewski who is a wildlife biologist specializing in
18 caribou. And I have Fred Mandeville, who is the acting
19 director -- acting superintendent for the North Slave
20 Region.

21 We have a short presentation this morning,
22 basically to address the key points of the Revised Joint
23 Proposal submitted by the Tlicho Government and the
24 Government of the Northwest Territories.

25 The main objectives of the Revised

1 Proposal are to take immediate actions to further stop
2 the decline of the herds over the next two (2) years and
3 co-operatively develop a long-term management plan by
4 2012 that allows input from all people who share these
5 herds.

6 I also want to emphasize, right at the
7 start, that caribou numbers fluctuate naturally and many
8 factors contribute to -- contributed to the decline we
9 have been seeing across the Northwest Territories.

10 As far as the actual presentation, I'll
11 ask the director of wildlife management, Susan Fleck, to
12 do the presentation. Thank you.

13 MS. SUSAN FLECK: Good -- good morning
14 everyone, Susan Fleck, director of wildlife. The Tlicho
15 Government and Environment and Natural Resources
16 requested an adjournment in March to seek agreement on
17 the key issue of aboriginal harvest of Bathurst and
18 Bluenose East caribou in Wek'eezhii.

19 In developing the Revised Joint Proposal,
20 it was critical to support the traditional relationship
21 between Tlicho and caribou and respect the objectives of
22 the Tlicho Agreement.

23 This slide outlines the key points in the
24 Revised Proposal to support recovery of caribou herds in
25 Wek'eezhii.

1 First, I'll review proposed actions for
2 the Bathurst herd which usually winters east of the
3 Tlicho winter roads.

4 The most important action for recovery is
5 to increase calf and cow survival. This means reducing
6 harvest and predation. There had been previous agreement
7 by both governments to recommend closing the resident,
8 commercial and outfitter harvest. There is now agreement
9 on aboriginal harvest.

10 Although the best option for recovery is
11 no harvest, there is limited risk of further decline with
12 a small harvest that is mostly males.

13 Both governments are proposing the total
14 harvest of the Bathurst herd, both within and outside of
15 Wek'eezhii, should be limited to around 300 caribou.
16 This proposal does not preclude the right to harvest for
17 other aboriginal groups and it doesn't diminish the
18 GNWT's requirement to consult with other aboriginal
19 groups.

20 To reduce predation, the Proposal
21 recommends options to increase the harvest of wolves, and
22 we've also proposed that new information is looked at
23 each year to see if actions are working. This is called
24 adaptive management.

25 To respect the Tlicho Agreement, we are

1 working to increase Tlicho involvement in monitoring of
2 caribou and support traditional practices to rebuild
3 respect for caribou in Wek'eezhii.

4 The other actions in the Joint Proposal
5 are for the Bluenose East herd. This herd usually
6 winters north of Whati and Gameti. This herd has also
7 been declining but not as quickly or dramatically as the
8 Bathurst herd.

9 In Sahtu, resident, commercial and
10 outfitter harvest was previously closed. Both
11 governments proposed these actions also be implemented in
12 Wek'eezhii.

13 This herd is shared with Sahtu, Dehcho,
14 Inuvialuit, and Kitikmeot communities. The Sahtu Board
15 previously proposed a voluntary maximum harvest of 4
16 percent of the herd size in Sahtu.

17 Last winter, the estimated harvest from
18 Sahtu, Dehcho, and Nunavut was about three thousand five
19 hundred (3,500) caribou, of which over half were cows.
20 The Revised Proposal also supports a harvest target of
21 about 4 percent of the herd size for the next two (2)
22 years, focussing on bulls.

23 A small part of the -- another herd, the
24 Ahiak herd, is sometimes found in Wek'eezhii during
25 winter east of Wek'weeti. Most of these caribou winter

1 further to the -- to the east of Great Slave Lake. That
2 group of animals is traditionally hunted by Akaitcho,
3 South Slave, Keewatin, and Saskatchewan communities.
4 These caribou have also been decreasing in numbers.

5 And the communities that use this herd
6 have asked that the GNWT support -- not have the har --
7 have the harvest of Bathurst caribou replaced by
8 increasing the harvest of those animals. That also was a
9 recommendation from the Beverly and Qamanirjuaq Caribou
10 Management Board.

11 Finally, the Proposal recognizes the need
12 for long-term management plans to be completed by all
13 caribou herds, and to do that by working with everyone.

14 The Revised Joint Proposal includes plans
15 to kill more wolves than have been taken in the Bathurst
16 herd in recent years, and this would initially be by
17 supporting trappers and hunters in the short term. This
18 should increase survival of calves and adults in the
19 Bathurst herd.

20 We can use hunter observations to target
21 particular areas in winter and help trappers or hunters
22 to get to those areas.

23 So the GNWT, we can work with our other
24 department, Industry, Tourism and Investment, to increase
25 the advance for prime well-handled wolf pelts, and we can

1 increase the price for wolf carcasses for which -- from
2 which we get important information about sex and age.

3 The target is to at least double the wolf
4 harvest, and after one (1) year we can see how successful
5 this was and see whether other actions are needed.

6 I'll just quickly review why it's
7 important to reduce hunting for the Bathurst herd. And I
8 want to emphasize what Mr. Bohnet said, that the decline
9 was likely caused by many factors, but if caribou numbers
10 are going to increase then we do need to look at harvest.

11 And at the bottom of the slide, in yellow,
12 it says that when the herd was large the harvest was only
13 a very small amount of the herd. Now when the herd is
14 down to thirty-two thousand (32,000) caribou, an
15 estimated harvest of over four thousand (4,000) caribou a
16 year makes up a very large part of the herd, and that's
17 too much for any herd.

18 So, as I said, when the herd went down
19 very quickly in the last three (3) years we need to be
20 careful and there's no guarantee that the herd would stop
21 declining even if there was no harvest. So the proposal
22 recommends to keep the harvest very low so that the herd
23 can stabilize and start to increase.

24 As I indicated, the Joint Proposal
25 recommends a harvest of about three hundred (300) caribou

1 per year from the entire herd. And to help cows survive
2 the proposal suggests the harvest be mostly bulls.

3 Because the herd travels both inside and
4 outside Wek'eezhii the proposal recognizes the harvest
5 would have to be shared with others, such as Akaitcho.

6 In Wek'eezhii, it will be up to the Tlicho
7 Government and Tlicho communities to determine how to
8 divide the harvest.

9 So both governments agree that
10 implementing the changes must be done in ways that build
11 on Tlicho rules about hunting and by harmonizing Tlicho
12 laws with ENR's regulations, and we must build renewed
13 respect for caribou.

14 The revised joint proposal contains
15 options for self-regulating of har -- harvest by Tlicho
16 hunters and it talks about a number of ways that this can
17 be done. To decide on the best options further
18 discussions by both governments with communities and
19 hunters is needed to develop an implementation plan.

20 Earlier I just went -- I -- I reviewed
21 these recommendations for the Bluenose East Herd and
22 surveys were conducted this summer to obtain a new
23 estimate for the size of this herd, and this new estimate
24 should be available in September.

25 The revised joint proposal suggests that

1 new information is looked at each year to see if these
2 actions are working and if new actions are needed, and
3 this is called adaptive management. New information
4 would include both traditional knowledge and scientific
5 information from surveys and this will help us to see if
6 the management actions are working and meet the
7 objectives of stopping the decline and helping the herds
8 to increase.

9 Although our main focus in the next two
10 (2) years and in this proposal is to manage the two (2)
11 things that most directly impact caribou death rates,
12 which is wolves and -- and hunting, we also know habitat
13 is important. We need to take care of the land and so we
14 want to see that longer term planning looks at land use
15 activities, including mining, and we want to see that
16 caribou calving grounds are protected and key winter
17 range is also protected.

18 The Joint Proposal is primarily focussed
19 on the short term and what can be done to stop the
20 decline, but we know we also need long-term management
21 plans for all the caribou herds. And to do this will
22 involve a number of governments and aboriginal groups and
23 also all users need to be involved.

24 Both governments want to see large herds
25 of caribou again, and to make this happen we all need to

1 work with each other. We can learn from traditional
2 knowledge and past history, and it's our responsibility
3 to make difficult decisions and, in Wek'eezhii, we are
4 guided by the Tlicho Agreement.

5 Outside of Wek'eezhii, ENR will continue
6 to work with other aboriginal groups to develop
7 management actions to help the herds recover.

8 We look forward to working collaboratively
9 with the Tlicho Government to implement recommendations
10 from the Board for management actions so we can have
11 caribou forever. Thank you.

12 THE CHAIRPERSON: Thank you, Ms. Fleck.
13 Let's start off with the -- the questioning period which
14 starts for one (1) hour.

15 Did the Tlicho Government have any remarks
16 that they wanted to add, sorry?

17

18 (BRIEF PAUSE)

19

20 PRESENTATION BY TLICHO GOVERNMENT:

21 GRAND CHIEF JOE RABESCA: Mahsi, Mr.
22 Chair.

23

24 (THROUGH INTERPRETER INTO ENGLISH)

25

1 GRAND CHIEF JOE RABESCA: Thank you, Mr.
2 Chair. Thank you for coming back to reconvene -- I mean,
3 to the Board members, thank you for coming back here and
4 all the -- the Intervenors that are here, that you were
5 here before and have listened to all the things that were
6 said.

7 And also, I know that there are a lot of
8 people here that I seen for the last few years and there
9 have been quite a number of people that are listening,
10 but thank you for coming to my community and listening.

11 Even though this is -- that this is not
12 happening in our area, even though this was -- even
13 though if this hearing was held other -- in other place,
14 we still would have took part because this, the caribou,
15 forever is very important. We are here to listen.

16 The Elder that has -- that has said we're
17 here -- during the opening prayer he said that we are
18 here to listen. I know that we have a good interpreter.
19 I know that he will listen to me properly.

20 From the time we can remember, our Elders
21 and people like myself and -- and they have work closely
22 with the caribou. The caribou that we are talking about,
23 Mr. Chair, the caribou that we're talking about, it is
24 very important, we have survived by it and -- and today
25 we're not say -- we -- we don't depend on it, we don't

1 live by it, but we still continue to use it. We still
2 live by it.

3 But not only here, but in other -- other -
4 - there are a lot of other people that live by the -- by
5 the caribou. But as an aboriginal people, as Dene
6 people, the -- the caribou -- the -- the caribou that --
7 that we're talking about, there are ancestors and our
8 forefathers that -- that had shared -- shared stories
9 with us for a number of years.

10 People -- the people have its -- its own
11 way of doing things as an aboriginal people throughout
12 our area. A lot of your people, Mr. Chair, may not
13 believe what I'm saying, but when we listen to our
14 stories and our tradition and -- and also that in the
15 past, the caribou and the human used to communicate --
16 used to communicate one (1) way or another.

17 The reason why I'm saying that is because
18 that we have a lot of traditional stories that we have
19 heard over the years when the caribou are down -- when
20 the caribou -- there were no caribou, and also when the -
21 - when the -- people used to communi -- communicate with
22 the caribou so the caribou can come to where there --
23 there is need, not only here but people around the Great
24 Bear Lake area.

25 We used to travel from here to Great Bear

1 Lake area. This is part of our tradition, part of our
2 story. And -- and I know that things have changed a lot
3 over the years, that things have changed dramatically.
4 And in our area, like, the people like Hudson Bay and --
5 and the fur traders, and now that they have -- the -- the
6 white people have come around and now that that way of
7 life had changed. Today is not like the way it once was.

8 On January 3rd -- I was born January 3rd,
9 1949. Now you will know how old I am, being born January
10 3rd, 1949. In the past we used to paddle from here out
11 to the tundra, out to the barrens, out to the tundra,
12 that's a very far distance. Long journey.

13 But today -- like yesterday -- like
14 yesterday we -- we have said that we have heard that we -
15 - we were going to -- planning on travelling to or
16 paddling to the tundra, but a lot of us leaders are
17 fairly busy. But this is the kind of things that we have
18 did because the caribou was very important source of --

19 It's just like the Elder that did the
20 opening prayer this morning, Mr. Chair, they used to
21 paddle. They used to paddle for a month and they used to
22 be gone for a month out to the barrens just to bring two
23 (2) pack of caribou. And also just for the hide for the
24 clothing. And there's two (2) bundles of meat we used to
25 bring back, pack back all the way and it wouldn't --

1 didn't even last -- doesn't even last a month.

2 But now all those kind of things have
3 changed. Things have changed a lot over the years.
4 Today if you want to go hunting people go hunting by
5 plane and that's what -- in 19 -- from 1970, things have
6 changed a lot since 1970 now that we depend on plane,
7 aeroplane, to go hunting.

8 When -- when we want to go hunting even
9 our guns have changed. We're using snow -- from
10 snowmobile. Now the snowmobiles are getting larger and
11 bigger and faster but -- and also now that we have roads
12 in all of our -- to our community, now that when we can
13 bring back as much caribou as we want, we sometime we --
14 we -- we sometime harvest more than we should. And --
15 but today we know that the decline of the caribou had
16 dropped dramatically; this is what we have -- we -- we --
17 we have seen.

18 But today, what is it that we can do for
19 the good of the caribou? That's the purpose of being
20 here to help the -- the decline of the -- the caribou.

21 Mr. Chair, the presentation that was been
22 given before me, if you want to help the caribou, and I
23 know that it would be hard on the aboriginal people and
24 also they might think what is the purpose of helping the
25 caribou, but the -- but to know that things are not going

1 to be like it was -- like it once was with the caribou.

2 If you want to help increase the
3 population of the caribou what is the best way and -- of
4 a good way to?

5 Be -- before we have further declination
6 of the caribou what is -- what is -- we should -- we have
7 to look at the -- of how we can help the inc -- the
8 caribou. If the caribou continue to decline, what's
9 going to happen? This is what we think. What -- what's
10 going to happen if the caribou further decline?

11 We also have to -- Mr. Chair, we have to
12 think about the future of our people. We also have to
13 think, what if there isn't anything for the future of our
14 people? This is what we think, this is what we have to.
15 So that's -- but to -- now that things -- we have to
16 think about the kind of things we did in the past but
17 what -- what is it that we can do about it now.

18 Like, as a -- as a government, Mr. Chair,
19 as a government, in 2005, the effective date happened
20 here in -- in this building and we're still in this
21 building. The -- the effective date of 2005 -- Mr.
22 Chair, I may be a little off the topic, but -- but still,
23 when the -- when -- when the effective date came into
24 place that we -- I knew -- I knew at that time that the -
25 - when there are times to make it -- at that time, I knew

1 the decision.

2 I knew that -- I knew at that time that
3 any decision that we do make where people will not be
4 assured. But now that the -- because of the effect --
5 the effective date, we are -- we are the decision maker,
6 any laws or rules that we can make.

7 We're also talking about the future of our
8 people. We're also talking about the future of the young
9 people. But -- but as -- as a government, we have to
10 help each other, and also, we have to help the Board, as
11 well.

12 What is -- what is most important for the
13 future -- for the future of our people? This is what
14 we're looking at today, the future of our people. And
15 also, we're looking at the communities.

16 And also, we have to look at the leaders
17 in the communities and what kind of a decision that we
18 will make what is the -- of how we can help the increase
19 of the caribou. This is what -- Mr. Chair, this is what
20 we have to look at -- if we cannot wait till the -- the
21 caribou further decline, but if the caribou had dropped
22 dramatically, it will be hard to get the -- the increase
23 of the caribou. But today, a decision might be made
24 today, Mr. Chair, but that -- that decision we make today
25 will not be there forever. It could be changed.

1 But according to the stories and the
2 things that we have heard, quota -- we had quotas for --
3 for the beavers -- the beavers, muskrat, moose, martin.
4 We had -- we were allowed to kill -- we were allowed to
5 harvest so many at that time, when our Elders were the
6 chiefs, but the -- but even -- most of the -- most of the
7 things had -- the wildlife had increased, not only today,
8 but this kind of thing will probably happen down the road
9 sometime in the future.

10 But -- but we're -- we're not here to say
11 we're not thinking about this kind of -- if we do not do
12 anything about it, if we do not make any decision, who
13 will make?

14 But we have to -- to de -- we have to help
15 -- we have to help each other, the -- the Board, the
16 government, who -- whoever else -- whoever else can help
17 us help the increase of the caribou, what kind of a right
18 decision that we can make.

19 But -- but here, as a leader, we have to
20 teach each other, educate each other. And, Mr. Chair, we
21 have to look at how we used to hunt at one time the --
22 the caribou. But then sometimes when we shoot some --
23 kill some caribou, there were a lot of -- we have to
24 educate each other not to over harvest.

25 And there -- but there -- I myself had

1 just seen a carcass. I've seen only the head was taken.
2 Only the hindquarter was taken. And I'm not going to say
3 who did it, but which -- but if we educate each other,
4 teach oth -- teach each other, talk to one another, if we
5 do not do these kind of things, teaching each other of
6 how -- know the -- the caribou to help increase the
7 population of the -- the caribou.

8 And also, as of today -- just like, Mr.
9 Chair, I told you that I have paddle -- I have paddled
10 from Behchoko all the way to Gameti, during the bef -- I
11 have seen a lot of moose, paddling, but we shot only one
12 (1) moose on the way to Gameti.

13 And also, we did it because the moose will
14 be there for the future of our people. And also, on the
15 way back, paddling back, we have seen a lot of caribou.
16 If you do not -- if you don't need it, don't bother
17 because it will be there for the future of our people.

18 If you need it, then you can -- then you
19 can harvest it and kill it, because if you need it -- if
20 you are there to use that as -- as money, don't even
21 bother with them. We're not -- we're not here to -- to
22 use the caribou for money. Even the hide, the bones,
23 respect it. Don't play with it.

24 The Elders have passed on that knowledge,
25 but those kind of things we don't worry about: educating

1 each other, using the caribou the right way -- but you
2 have gave me five (5) minutes to speak, but then we will
3 be here for the next couple of days. I'm not the only
4 one (1) here; there are other Chiefs that are here, the
5 Tlicho Government, all of the Tlicho Government, the
6 Assembly members.

7 And also, during the break, we can
8 approach some of the Elders that are here and even if we
9 can talk among ourselves and -- and also the -- like
10 yesterday, I was on the radio because prior to this
11 meeting there's some Elders that might want to ask us
12 some questions. We have the staff here, the Tlicho
13 Government is here, our staff here and all the -- the
14 people that are working for the Tlicho Government are
15 here.

16 If there's any questions from anybody,
17 we're not -- well, thank you anyways, Mr. Chair, for
18 reconvening in this community, but as a leader, any
19 decision you make -- and I know that people were not -- a
20 lot of people were not -- will not be happy with the
21 decision we're about to make, but what is the right way
22 of making a good decision?

23 But as a leader, that's -- that's the way
24 it is, all the leaders all over the world, even the Prime
25 Minister. And even the Prime Minister, any decision he

1 Adventures? Shoshone Wilderness Adventures, questions?

2

3

(BRIEF PAUSE)

4

5

THE CHAIRPERSON: No questions for

6

Shoshone.

7

Arctic Safaris is next on the list for

8

questions. Five (5) minutes, thank you.

9

MR. BARRY TAYLOR: I'd prefer to defer my

10

questions until my own presentation.

11

THE CHAIRPERSON: Could you give us your

12

name and who you represent, please, Barry? Thank you.

13

MR. BARRY TAYLOR: I still didn't hear

14

him. Oh, Barry Taylor, Arctic Safaris. I'd prefer to

15

defer my questions until my presentation; some are in it.

16

I have questions in my presentation.

17

THE CHAIRPERSON: Okay, thank you very

18

much, Mr. Taylor.

19

Yellowknives Dene First Nation...?

20

MR. TODD SLACK: Todd Slack, Yellowknives

21

Dene First Nation. I have a single question.

22

Referring to Section 6.0, the adaptive

23

management, and specifically to table 4, in reviewing the

24

desired responses and the adaptive management options,

25

I'm just wondering if ENR can provide some additional

1 information in terms of how they see the targets as
2 triggers for the adaptive management options listed. And
3 I'll give an example that -- I tried to write a short
4 question, but I needed an example.

5 So looking at option number 5 here, the
6 cow productivity. It's not clear how this trigger will
7 be clearly -- how this trigger will work. Clearly, the
8 threshold is eighty (80) to ninety (90) calves per
9 hundred (100) cows. But in looking at the -- the option,
10 the management option here, it's not clear what the
11 response would be if that threshold is not met or to what
12 degree if it falls below that.

13 It seems to me that this isn't really a
14 good explanation, in terms of options. And the sort of
15 general concern that I have is -- well, some of these
16 options and desired responses are very well explained,
17 for instance number 3. Some of the descriptions are very
18 qualitative and unclear.

19 So I'm just wondering -- I'm hoping ENR
20 can provide additional context as to how they see the
21 adaptive management regime being fleshed out as this
22 proposal moves ahead. And apologies for the terribly
23 long question.

24

25

(BRIEF PAUSE)

1 MR. JAN ADAMCZEWSKI: Jan Adamczewski,
2 ENR. I'll try to answer your question, Todd -- or Mr.
3 Chairman. I mean, to some extent, what decisions would
4 be made or how management actions would change would
5 depend on who was reviewing the information and how they
6 saw things.

7 So in this case, in this joint proposal,
8 we're looking to have a working group between the Tlicho
9 and ENR that would review new information, and we're
10 looking for possibly having caribou committees in -- in
11 each of the four (4) Tlicho communities. And so they
12 would review whatever survey information we have,
13 whatever we've learned about harvest or wolf numbers.

14 So just to give examples, I mean, if -- if
15 we find, for example, after a year that the herd is still
16 declining, or perhaps declining rapidly, then we would
17 want to revisit maybe the intensity or the effort that's
18 going into wolf control.

19 And at that point, if -- if the herd is
20 still declining, then we might take another look at the
21 harvest and decide, you know, can we continue with that
22 or should it be reduced or eliminated. So those are the
23 kinds of decisions I think that would be made. And the
24 default, I guess, in each case, would be to continue to
25 do what had been done.

1 And the adaptive management would -- would
2 be saying, Okay, what we've done so far perhaps is not
3 working, or not working well enough, so do we need to
4 change our actions in terms of harvest and predator
5 management?

6 I'm not sure if that completely answers
7 your question, Todd, but -- but that's kind of what we
8 had in mind.

9 THE CHAIRPERSON: Any more questions, Mr.
10 Slack?

11 MR. TODD SLACK: Just one (1) follow-up
12 to that. Well, understanding that there's going to be
13 interplay, and that no single theme is going to explain
14 these sort of things, or the -- the trends that are going
15 to occur, is ENR going to perhaps publish or develop
16 additional criteria with improved thresholds and triggers
17 and management, possible management responses in the near
18 term?

19 If this is the summary of monitoring an
20 adaptive management options, I -- I just have concerns
21 that using this particular tool as a part of the
22 framework moving forward, that there's going to be a lot
23 of -- a lack of clarity as time goes on.

24 And when the decisions -- when people get
25 together to make the decisions, it's going to be matters

1 of interpretation much more so than a -- a response to a
2 -- a variable and a -- a threshold and triggers.

3

4 (BRIEF PAUSE)

5

6 MR. JAN ADAMCZEWSKI: Jan Adamczewski,
7 ENR. Just a further response to -- to Todd's questions.

8 What we put in this proposal is kind of, I
9 guess, our initial attempt at defining how we would act
10 and how we would make changes. But we don't want to get,
11 you know, locked into exactly this is what we would do,
12 because if we're doing this in a collaborative way with
13 the Tlicho Government and the communities, they have to -
14 - those committees have to have some latitude to
15 recommend changes or a lack of changes.

16 So we do recognize there is further
17 planning needed, an implementation phase, and we've had,
18 you know, initial discussions with the Tlicho Government
19 about this. So that would be one (1) of the things that
20 we could try to define a little more clearly is what
21 those options would be.

22 And we'd also like to mention, as you
23 know, Todd, that we also need to work with the
24 Yellowknives and possibly other aboriginal groups and
25 they would want to have some sort of caribou committee

1 and some option to -- to look at new information and
2 recommend changes or simply recommend continuing to -- to
3 do what we're doing.

4 I hope that answers the question.

5 THE CHAIRPERSON: Okay, thank you very
6 much, Mr. Slack, and Jan, as well.

7 City of Yellowknife, you're up next.

8 MR. GORDON VAN TIGHEM: Gordon Van
9 Tighem, City of Yellowknife.

10 Just one (1) -- one (1) question for ENR.
11 We're talking here about the Wek'eezhii region and an
12 allowable harvest limit of three hundred (300).

13 Are there other allowable harvest limits
14 in the North and South Slave areas?

15 MS. SUSAN FLECK: Susan Fleck, ENR. This
16 -- the -- the Joint Proposal is -- is the first proposal
17 in the North and for the North and South Slave area in
18 which a limitation of harvest is proposed and, as we
19 indicated, the -- we are -- we would like to see a target
20 of about three hundred (300) for the entire Bathurst herd
21 which goes both inside and outside Wek'eezhii.

22 MR. GORDON VAN TIGHEM: Thank you very
23 much. More questions will probably follow.

24 THE CHAIRPERSON: Thank you, Mr. Van
25 Tighem.

1 Karen McMaster, your turn, please. Thank
2 you.

3 MS. KAREN MCMASTER: No questions, thank
4 you.

5 THE CHAIRPERSON: Okay, thank you very
6 much.

7 North Slave Metis Alliance...?

8

9 (BRIEF PAUSE)

10

11 THE CHAIRPERSON: North Slave Metis
12 Alliance, your turn for questions. North Slave Metis
13 Alliance, your turn for questions.

14 No response.

15 NWT Wildlife Federation, Mr. Knutson...?

16 MR. MARTIN KNUTSON: No questions, thank
17 you.

18 THE CHAIRPERSON: Thank you very much.
19 Peterson's Point Lake Lodge...?

20 MS. AMANDA PETERSON: Good morning,
21 Amanda Peterson. No questions at this time. Thank you.

22 THE CHAIRPERSON: Okay, thank you very
23 much.

24 Bob Turner, David Livingstone. Mr.
25 Turner, any questions from you?

1 (BRIEF PAUSE)

2

3 MR. ROBERT TURNER: Good morning, Grant.
4 Robert Turner speaking. David Livingstone is along with
5 me and we'll both be asking a few questions.

6 David, did you want to go ahead with some
7 of yours?

8 THE CHAIRPERSON: Excuse me, Mr.
9 Livingstone. You took the microphone away from the Mayor
10 of Yellowknife. Do you realize that?

11 MR. DAVID LIVINGSTONE: David
12 Livingstone. Not only that, I spilled coffee all over
13 him and you'll notice he's vacated the table.

14 I'm David Livingstone. I'm here as a --
15 an individual and as a resident hunter. I've got a -- a
16 number of questions. I'll try to go through them
17 quickly.

18 I'd -- I'd like a little bit of a -- a
19 summary of the engagement activities that -- that ENR has
20 undertaken, not just with other users but, as ENR pointed
21 out, there are other government agencies responsible for
22 habitat management in the NWT and certainly habitat
23 management is a -- is a major concern.

24 So I wonder if ENR could summarize the
25 engagement that it's undertaken with other users to date

1 and with other federal agencies, notably DIAND, when it
2 comes to habitat management.

3

4 (BRIEF PAUSE)

5

6 MS. SUSAN FLECK: Susan Fleck, ENR.

7 After the public hearing adjourned in March, there was a
8 couple of months for us to work with Tlicho to -- to
9 revise the proposal.

10 There were -- ENR did, at that point, send
11 out letters to meet with other Intervenors to get further
12 ideas about actions that could be taken. A meeting was
13 held, I believe, April 16th or so with a number of
14 Intervenors. And I don't have the list in front of me
15 and I -- I wasn't at those meetings. They were led by
16 Mr. Ernie Campbell.

17 And then we also received some input from
18 the Sahtu Board prior to completing the joint proposal.

19 The -- there has -- there has not been any
20 formal engagement with Indian and Northern Affairs on
21 land management. The land use activities are regulated
22 through the Land and Water Boards.

23 And when land use activities occur on
24 barren ground caribou habitat, the ENR does put in
25 submissions with regard to potential impacts and

1 mitigation measures.

2 We've been continuing to work with the
3 diamond mines in reviewing monitoring actions for barren
4 ground caribou. And we have also had some informal
5 contact with the Government of Nunavut, and we'll -- and
6 there has been some discussions about meetings between
7 the two (2) governments.

8 There was also a meeting between Deputy
9 Ministers about a year ago to discuss development of an
10 interjurisdictional caribou agreement to coordinate
11 research and monitoring activities.

12 THE CHAIRPERSON: Thank you very much.
13 Any further question, David?

14 MR. DAVID LIVINGSTONE: Yeah. David
15 Livingstone. The implementation plan that -- that's
16 described in the joint proposal is admittedly vague and
17 under further development.

18 I wonder if ENR could describe what
19 additional work it's undertaken in that regard since
20 submitting the joint proposal at the end of May.

21

22 (BRIEF PAUSE)

23

24 MS. SUSAN FLECK: Yeah, the other -- just
25 in response to the previous question, I -- I neglected to

1 mention that ENR and the Yellowknives Dene First Nation
2 have had a couple of meetings, as well, to look at
3 actions to help caribou herds recovery in Chief
4 Drygeese's territory.

5 And we do have a workshop set up with the
6 North Slave Metis Alliance. And we're also expecting to
7 be able to be able to have some meetings with the NWT
8 Metis Nation.

9 With respect to the implementation plan in
10 the Joint Proposal, we have set up a follow-up meeting
11 with the Tlicho Government to begin discussions. We
12 recognize that some guidance is also to be coming from
13 the Board, and we need to respect what implementation
14 could occur ahead of time.

15 THE CHAIRPERSON: Okay, thank you. Just
16 a reminder that we will have a second -- it appears like
17 we will have time for a second round of questions if
18 anybody has any, so we'll move on to Rabesca's Resources
19 now for any questions.

20 MS. JOYCE RABESCA: Rabesca's Resources,
21 Joyce here. I have no questions at this time.

22 THE CHAIRPERSON: Okay, thank you very
23 much. Questions from legal counsel?

24 MR. JOHN DONIHEE: Thank you, Mr.
25 Chairman. My name is John Donihee and I'm Board counsel.

1 I have three (3) or four (4) areas in relation to the
2 Joint Proposal that I'd like to explore, and we should
3 start with the Executive Summary, paragraph 6.

4 The language in paragraph 6 says that:

5 "The two (2) Governments have agreed
6 that the annual harvest of Bathurst
7 caribou, inside and outside Wek'eezhii,
8 should be three hundred (300) caribou
9 plus or minus ten (10) in total -- 10
10 percent in total from this herd with 80
11 percent being bulls."

12 That paragraph goes on to say that this:

13 "The proposal expressed in that way is
14 not intended to result in a total
15 allowable harvest decision."

16 And I'm just wondering if you could
17 explain why a total allowable harvest is not appropriate
18 given the evidence in this proceeding to date?

19 MR. ARTHUR PAPE: Mr. Co-Chair, Arthur
20 Pape, legal counsel for Tlicho Government.

21 In answer to this question, there was a
22 great deal of discussion about this and in the
23 discussions that lead to the final Joint Proposal. There
24 are two (2) reasons why the concept of total allowable
25 harvest is not recommended or requested.

1 And -- and one (1) is that the concept of
2 total allowable harvest and -- and the apparent concept
3 that -- that one could set absolute numbers would be a
4 bit out of line with the reality that caribou population
5 numbers cannot be known with the kind of precision that
6 total allowable harvest numbers seem to imply.

7 And so the concept of targets is
8 recommended because it's more in line with what is clear,
9 according to the discussions that I've been witness to.
10 And one (1) is that there is no question about the
11 decline and the broad outlines of the decline, but,
12 second, these numbers are dynamic and are never meant to
13 represent a great precise counting. There is no long-
14 form census form that the caribou fill out either
15 voluntarily or by legal requirement; it's a much more
16 complex undertaking to calculate caribou populations over
17 this vast landscape.

18 The other reason, though, that targets are
19 recommended rather than total allowable harvest, Mr. Co-
20 Chair, is more about the nature of the complex set of
21 issues and factors that are actually going to have to
22 play out if this management plan is to be implemented
23 effectively.

24 And the reality is that the core of this
25 management plan recognizes that many factors that affect

1 or that will determine whether or not the caribou herds
2 will -- will stabilize and then recover, many of those
3 factors are outside the control of all the institutions
4 and people who are represented here, factors such as
5 weather and other biological factors that people don't
6 control directly.

7 And on the other hand, human interactions
8 with the caribou, whether they're -- whether direct or
9 indirect, whether based on harvesting or predator control
10 or control of use of access roads or new industrial
11 development or further management of industrial
12 development activities, et cetera, et cetera, all those
13 factors need to be managed in as effective and creative a
14 way as possible to try and address, as best as people
15 understand and can, the chances for the herd to stabilize
16 and then recover.

17 And there is something about total
18 allowable harvest as a tool which implies a great deal of
19 top-down authority setting absolute rules for what humans
20 have to do, especially harvesters.

21 And the view of the people who developed
22 this plan is that this plan only has a chance to succeed
23 if those who depend most on the caribou and who harvest
24 it the most are engaged in a real way in making the plan
25 work and, therefore, engaged in a real way in monitoring

1 activities, in evaluating the results of monitoring, and
2 -- and research activities, and in working out
3 appropriate responses to the data and the analysis by
4 substituting other kinds of country food and protein for
5 caribou, by changing the timing or the location of
6 caribou harvesting, by ensuring full use of caribou that
7 are harvested, et cetera, et cetera.

8 And there's a concern, Mr. Co-Chair, that
9 total allowable harvest as a tool gives the impression
10 that someone, somewhere, and in this case it would be the
11 Board, is the boss and is telling everyone else what they
12 must do and must not do.

13 And there's a danger that resorting to
14 that tool at this stage may be counterproductive because
15 it will make it difficult to really engage people in a
16 real way in understanding the problem and working to
17 continue to analyse and grapple with the problem and
18 develop responses of a consensual kind so that changes in
19 harvesting patterns, industrial activity, use of access
20 roads, changes will really occur.

21 Because if we set up a system in which
22 there are apparently top-down absolute rules, there's a
23 chance that that will do more to engender resistance than
24 it will to engender co-operation and collaboration and
25 adaptive management as a new kind of practice.

1 And it's really that second set of reasons
2 that led to the suggestion that, at this stage, a target
3 approach is going to be more effective than a total
4 allowable harvest approach because one can set numbers of
5 three hundred (300) or four hundred (400) or five hundred
6 (500) but the real question is: Will they work?

7 And so -- and, of course, it's also
8 understood that the two (2) concepts of targets or
9 managed changes in harvesting levels, that that's one (1)
10 approach and the total allowable harvest level approach
11 is set out in the Agreement, the Tlicho Agreement, in a
12 different way and, in effect, once we move to total
13 allowable harvest, it's the Board that makes the
14 decisions. It's the Board that decides allocation and
15 puts itself in a position to really be the ultimate
16 manager.

17 It may come to that at some point but, in
18 the discussions that led to this proposal, it was agreed
19 that we're not necessarily there yet and we should try
20 this approach and see -- see if it works. And the belief
21 is that this approach will, in fact, cause meaningful
22 engagement by these two parties, Tlicho Government and
23 the Government of the Northwest Territories, make it
24 easier to engage other parties, other aboriginal parties
25 and others, and so on.

1 That's what lies behind this suggestion of
2 targets, not total allowable harvest. It's not meant to
3 be a way to avoid effective actions to stabilize the
4 herd. It's meant, in fact, to facilitate and promote
5 effective management.

6 THE CHAIRPERSON: Thank you Mr. Pape.

7 One (1) more, Mr. Donihee, and then we'll
8 take a ten (10) minute break.

9 Okay, Mr. Donihee has agreed that we need
10 a ten (10) minute break so let's come back at 11:15.
11 Enjoy your break. Coffee and cookies at the back.
12 Thanks.

13

14 --- Upon recessing at 11:02 a.m.

15 --- Upon resuming at 11:30 a.m.

16

17 THE CO-CHAIRPERSON JOSEPH JUDAS: Hello.

18 Back on the tape. (DOGRIB SPOKEN)

19

20 (BRIEF PAUSE)

21

22 DR. ANNE GUNN: Anne Gunn. Mr. Co-Chair,
23 I have no further questions.

24

25 (BRIEF PAUSE)

1 THE CO-CHAIRPERSON JOSEPH JUDAS: (DOGRIB
2 SPOKEN).

3 MR. BARRY TAYLOR: Yes, Barry Taylor. Is
4 this for secondary comments?

5
6 (THROUGH INTERPRETER INTO ENGLISH)

7
8 THE CO-CHAIRPERSON JOSEPH JUDAS: If
9 there's any questions you're allowed to ask questions
10 again. You have five (5) minutes to ask questions.
11 Arctic Safari...?

12
13 (INTERPRETATION CONCLUDED)

14
15 THE CO-CHAIRPERSON JOSEPH JUDAS: (DOGRIB
16 SPOKEN).

17 THE CHAIRPERSON: You have no questions
18 or the microphone is not working?

19 MR. TODD SLACK: No questions and the
20 microphone wasn't working.

21 THE CHAIRPERSON: Okay. Thank you. One
22 (1) of the technical staff will be coming over to visit
23 that area over there. Whose -- whose microphone isn't
24 working?

25 MR. GORDON VAN TICHEM: They're working

1 now. There were two (2) on.

2 THE CHAIRPERSON: Oh, okay.

3

4 (THROUGH INTERPRETER INTO ENGLISH)

5

6 THE CO-CHAIRPERSON JOSEPH JUDAS: If you
7 look under section 5, item num -- number 5, we're going
8 to take City of Yellowknife, so you can ask questions
9 now.

10

11 (INTERPRETATION CONCLUDED)

12

13 THE CO-CHAIRPERSON JOSEPH JUDAS: Karen --
14 Karen McMaster...?

15 MS. KAREN MCMASTER: No questions, thank
16 you.

17 THE CO-CHAIRPERSON JOSEPH JUDAS: NWT
18 Wildlife Federation?

19 MR. MARTIN KNUTSAN: Martin Knutsan, NWT
20 Wildlife Federation. I just have one (1) question for
21 ENR.

22 When you had a slide up there earlier
23 showing the -- the harvest levels and you went -- you
24 were looking back in the 1990s and then presently, I've
25 heard it stated by yourselves that there are a number of

1 different herds that come through the region, that we're
2 -- we're talking about, I think, at least three (3)
3 different herds, if not four (4). Yet the harvest numbers
4 are all put towards the Bathurst.

5 Can you explain, are you just precluding
6 the other animals or suggesting that there -- there is no
7 harvest of anything but Bathurst in the region, or
8 explaining why are all the harvest numbers being put
9 towards one (1) herd and not distributed amongst other
10 herds?

11 Thank you.

12 MR. JAN ADAMCZEWSKI: Jan Adamczewski,
13 ENR, Mr. Chairman. What we've used in recent years to
14 give us our best estimate of which herds are being
15 harvested and -- and what proportion of them is
16 harvested, we have radio collars going back quite a few
17 years. And we maintain some radio collars on Bluenose
18 East, Bathurst, and Ahiak herds, which are the three (3)
19 that have been under discussion.

20 And so for the last few years, if you kind
21 of plot out the winter locations, it becomes very
22 apparent that it's primarily Bathurst caribou that were
23 available, or accessible from the winter roads, which is
24 where most of the harvest happened.

25 There is some change over time, so

1 Bluenose East herd has shifted somewhat into the Tlicho
2 or the Wek'eezhii area in the last few years. But we're
3 -- we're quite confident that, based on the distribution
4 of collars, over time, that the vast majority of what was
5 taken in recent years from the winter roads north of
6 Yellowknife was -- was from the Bathurst herd, and a
7 smaller proportion would be Bluenose East.

8 So we're fairly confident that we have at
9 least the approximate proportions correct.

10 MR. MARTIN KNUTSAN: Martin Knutsan, NWT
11 Wildlife Federation.

12 But the truth is that when you're in the
13 field, if you're going up the winter road, you cannot
14 identify one (1) caribou from the other at that point in
15 time. Is that correct?

16 MR. JAN ADAMCZEWSKI: Mr. Chairman, based
17 on just appearance, no, we can't tell the herds apart
18 just by looking at them.

19

20 (BRIEF PAUSE)

21

22 THE CO-CHAIRPERSON JOSEPH JUDAS: Any
23 more questions? Thank you. Next, Peterson Point Lodge.

24 MS. AMANDA PETERSON: Thank you. Amanda
25 Peterson, Peterson's Point Lake Lodge. I'd like to ask,

1 Mr. Co-Chair, ENR if they think that the caribou
2 outfitting industry was once a -- a sustainable industry?

3

4 (BRIEF PAUSE)

5

6 MR. GARY BOHNET: Thank you, Mr.
7 Chairman. I think when the outfitting industry first
8 started out, the herd numbers were extremely large. At
9 that time, it was sustainable. At the present time, with
10 the numbers down, it is not. Thank you.

11 MS. AMANDA PETERSON: Thank you, Mr. Co-
12 chair. I'd like to ask ENR, what management actions
13 allowed for this change to occur? Thank you.

14

15 (BRIEF PAUSE)

16

17 MS. AMANDA PETERSON: Sorry, if you'd
18 like to me -- if you would like me to be more clear in my
19 an -- in my question, is I heard that the caribou
20 industry was once a sustainable industry for the
21 Northwest Territories and is no longer a sustainable
22 industry for the Northwest Territories and is no longer a
23 sustainable industry for the Northwest Territories. And
24 my question is:

25 What management actions has allowed this

1 to occur? Thank you.

2 THE CO-CHAIRPERSON JOSEPH JUDAS: Go
3 ahead.

4 MR. GARY BOHNET: Thank you Mr. Chairman.
5 In regards to the question, I mean, obviously, what has
6 taken place is a dramatic decline in the Bathurst herd --
7 Bathurst herd. That is the reason we're gathered around
8 this hall today and making these presentations and trying
9 to find solutions and answers to make sure that we end up
10 again, in the future, with lots of caribou.

11 Thank you.

12 MS. AMANDA PETERSON: Thank you. Thank
13 you. I don't think that's actually quite -- I appreciate
14 the response. It's not necessarily an accurate -- I
15 don't believe it's an accurate response to my question.

16 I'm curious about what management actions
17 have allowed this to occur, if there has been any
18 management actions over the last ten (10) years or so
19 since the caribou have shown decline, according to
20 population surveys. Thank you.

21 THE CO-CHAIRPERSON JOSEPH JUDAS: Go
22 ahead.

23 MS. SUSAN FLECK: Susan Fleck, ENR. If
24 we look back at the history of when surveys were taken,
25 when the caribou industry -- outfitting industry began in

1 the 19 -- the mid-1980s, early 1980s, surveys were
2 conducted every three (3) to four (4) years.

3 In 1996, there was no survey again until -
4 - after 1996, the next survey was in 2003, and there was
5 quite a change in numbers. At that time, the department
6 began talking to people about -- that actions need to be
7 taken.

8 In 2005, additional surveys were done in
9 other parts of the Territories, and there was large
10 declines in the other herds as well, and management
11 actions started to be taken at that time. So the next --
12 and that includes in the rest of the NWT north of here,
13 there was closure of resident and outfitted hunting,
14 beginning in 2006.

15 At that point, another survey was done of
16 the Bathurst herd. And again, there was a continued drop
17 in numbers. And the Caribou Management Strategy was
18 enacted to start to bring people together to talk about
19 what needs to be done. And there -- in early 2007,
20 actions were taken to start to reduce tags for outfitting
21 as well in this region.

22 So that's a -- a summary of the actions
23 taken down here, and also many meetings with people to
24 indicate that changes need to be made. And we're now at
25 the point of recommending these -- these other strong

1 actions to reduce harvest so that the herd can increase
2 and we can look to the future, when more people can
3 benefit again from large numbers of caribou.

4 THE CO-CHAIRPERSON JOSEPH JUDAS: Thank
5 you. Mahsi. After this, we'll have Robert Turner and
6 David Livingstone.

7 MR. ROBERT TURNER: Thank you. It's
8 Robert Turner. I have a couple of questions, and they're
9 in relation to the different levels of harvest --
10 harvesters.

11 You're recommending to cut out -- or
12 restrict Aboriginal harvest, cut out the residential
13 harvest, cut out the -- both levels of commercial
14 harvest, which are outfitting and commercial tags for
15 providing food.

16 So I'm wondering if there is a plan to
17 phase in those levels of pressures in a strategic
18 process. Because I believe numbers are very important,
19 and both ENR and the Tlicho obviously feel numbers are
20 important, or else they wouldn't have come up with the
21 number three hundred (300).

22 So I'm wondering -- and I think the
23 managers of this resource should have an idea. And I
24 would like to know what that idea is in relation to the
25 numbers that they feel would be a total allowable harvest

1 for the Aboriginal users before they move on to another
2 pressure level, like the resident hunting.

3 And then there also has to be another
4 level of allowable harvest determine -- to determine in
5 the future of whether or not there's going to be
6 commercial harvesting in either level of -- for food tags
7 or for outfitting tags.

8 So is there a plan that I haven't seen? I
9 know I've recommended it in our earlier presentation that
10 there should be a plan to introduce these pressures
11 strategically and planned with the numbers that you have.

12 And in relation to that question -- you
13 know, I might as well ask it now, because the answer may
14 be a little bit too long.

15 I'd like to know what level of
16 consultation you want to introduce in between each of
17 those levels, because I understand and I've heard that
18 outfitting is an industry. And whenever industry or
19 industrial development occurs in Aboriginal people's
20 traditional territory, there is usually a lot of
21 consultation in regards to the effects that that industry
22 is going to have on the Aboriginal people's rights to
23 harvest.

24 So what level of consultation -- two (2)
25 phase -- what level of consultation occurred, for

1 example, when outfitting first began? Was there a full
2 and adequate consultation? And what level of
3 consultation do you plan when you introduce these
4 different levels of pressure on the caribou herd?

5

6

(BRIEF PAUSE)

7

8 MR. JAN ADAMCZEWSKI: Jan Adamczewski,
9 ENR. There's a number of elements that would need to be
10 considered, in terms of what population size and trend
11 would be acceptable to -- to start increasing harvest
12 again by, you know, whichever group of hunters.

13 This proposal is focussed primarily on the
14 next two (2) years; it is a fairly short-term focus. But
15 as we indicated in our joint presentation with the
16 Tlicho, we would like to see development of long-term
17 management plans for each of the herds. There's
18 something already in place for the Bluenose East Herd.
19 Bathurst, we need something, and Ahiak we need something.

20 One (1) model that could be used, in terms
21 of harvest management is the plan that has been developed
22 through co-management for the Porcupine herd. And in
23 that plan, harvest by various groups is tied primarily to
24 population size. And they do have a level below which
25 all harvest would be closed. Presumably if the herd

1 rises to higher thresholds, then allowable harvest by
2 Aboriginal hunters and others would -- would start to
3 increase.

4 I think everybody would like to know when
5 the Bathurst herd is going to be a hundred thousand
6 (100,000) or two hundred thousand (200,000) again. And
7 the reality is that most of the world's caribou and
8 reindeer populations are in decline. It's -- it's not
9 unique to this territory.

10 Some of that is related to weather, and
11 this is part of the uncertainty with the Bathurst herd
12 and other caribou herds, that we don't know exactly what
13 will happen next year. The conditions we had in the
14 early 2000s meant that this herd and other herds would
15 have been declining regardless of harvest, even with no
16 harvest. So we have to develop those kinds of long-term
17 plans.

18 And just to give you an idea, the -- the
19 Porcupine harvest management plan took five (5) years
20 from concept to final plan. And a large part of that was
21 multiple meetings in communities, different user groups,
22 people had trouble agreeing on the thresholds where
23 harvest would change.

24 But there is a model there that we could
25 use and I think we would be looking to tie resumption of

1 increased harvest by whichever group of hunters to a herd
2 size that can sustain it and also a trend, meaning either
3 stable or increasing, that makes that sort of harvest
4 sustainable.

5 So there are models out there, and the
6 Porcupine plan involved a great deal of consultation with
7 all user groups. So we could take elements of that plan
8 and try to develop longer-term plans for the Bathurst and
9 other herds.

10 THE CO-CHAIRPERSON JOSEPH JUDAS: Mahsi.
11 Any more?

12 MR. ROBERT TURNER: I didn't really get
13 an answer as to whether or not ENR plans on phasing in
14 the pressures. I mean, they talk about different --
15 other plans in -- in relation.

16 But -- just -- just in relation to their
17 proposal it's -- it's three hundred (300) caribou per
18 year, and I understand this will be for two (2) years and
19 then there will be another plan coming out. So do they
20 plan on a phased-in approach?

21 I mean, they must know that much. Will it
22 be to determine a level of harvest for the Aboriginals,
23 unrestricted, and then take another two (2) years to see
24 how that affects the herd before they introduce resident
25 hunting?

1 Is -- is there a plan to do a staged
2 phase-in of pressures? Question 1.

3 THE CO-CHAIRPERSON JOSEPH JUDAS:
4 Bertha...?

5 MS. BERTHA RABESCA ZOE: Bertha RABESCA
6 Zoe, legal counsel, Tlicho Government. In -- in our
7 discussions when we were developing the proposal with ENR
8 was that the idea for the proposal, as stated earlier,
9 was to stabilize the decline of the herd and -- until the
10 next survey was done. And so the proposal really is for
11 two (2) years.

12 The agreement -- the Tlicho agreement
13 allows for long-term development of a comprehensive
14 management proposal, and we did start some preliminary
15 work on that with the assistance of the Board. The
16 agreement is very clear on -- on what needs to happen for
17 a longer-term management plan for the Bathurst herd.

18 And so the pressures that you're talking
19 about, we've never really had a full engagement
20 discussions on -- on those with -- when we were
21 developing this proposal. But for sure, that when it
22 comes to talking about the longer term, those are some of
23 the issues that we would definitely need to address.

24 And the -- the idea too is that we would
25 start discussing some of these longer-term management

1 proposals. And again, the agreement is pretty clear that
2 the Board would be initiating those kind of discussions.
3 And we have started a while ago, but we need to con -- to
4 pick that up.

5 And -- so that was sort of, some of the
6 issues that we were attempting to address and will
7 address definitely in -- very soon.

8 THE CO-CHAIRPERSON JOSEPH JUDAS: Mahsi.
9 Robert...?

10 MR. ROBERT TURNER: Bob Turner. I'll
11 accept that as their answer for the phased-in part, which
12 I don't see happening in the recommendation.

13 In relation to the consultation, I don't
14 believe I got an answer on that from ENR.

15 THE CO-CHAIRPERSON JOSEPH JUDAS: Mahsi.
16 Susan Fleck.

17 MS. SUSAN FLECK: Susan Fleck, ENR. When
18 we get a recommendation from the Board, the Tlicho
19 agreement indicates, in Wek'eezhii we -- we need to
20 consult the Tlicho government and us with each other.

21 As well, outside of Wek'eezhii, we've
22 indicated that the GNWT has the obligation and
23 responsibility to consult with the other Aboriginal
24 groups in relation to caribou managements. And we are in
25 the process of -- of doing and starting those

1 consultations.

2 THE CO-CHAIRPERSON JOSEPH JUDAS: Mahsi.
3 Next speaker, Rabesca Resource, any questions?

4

5 (BRIEF PAUSE)

6

7 THE CHAIRPERSON: Any questions from you,
8 Joyce, for Rabesca Resources?

9 MS. JOYCE RABESCA: Joyce Rabesca; no
10 questions.

11 THE CO-CHAIRPERSON JOSEPH JUDAS: Mahsi.
12 Thank you. Any questions from legal counsel?

13 THE CHAIRPERSON: Okay Robert. You have
14 one (1) more question? One (1) more question for you?

15 MR. ROBERT TURNER: Well, I'm not fully
16 satisfied with the answers to the questions. And I did
17 ask for an example of what sort of consultation occurred
18 when outfitting of caribou first started, and do they
19 have a record of that?

20

21 (BRIEF PAUSE)

22

23 MS. SUSAN FLECK: Susan Fleck, ENR. When
24 -- as I recall, in the 1980s, when outfitting was being
25 started, there were quotas established to provide equal

1 opportunity to Aboriginal organizations and what we
2 called non-HTA outfitting -- outfitters.

3 I -- I believe about that time, ENR had
4 started Dene De (phonetic) Conservation Board. And I
5 believe there were some discussions. And my
6 understanding is that the opportunities for economic
7 benefit was the same so that the quota was, at that time,
8 the same for HTAs to access. And they could choose
9 between doing a joint venture for outfitting or using
10 tags for commercial meat sales. I am not familiar with
11 what level of consultation occurred at that time.

12 MR. ARTHUR PAPE: Mr. Co-Chair, could I
13 add an answer on behalf of Tlicho Government to that
14 question?

15 I think it's a very helpful question that
16 Mr. Turner has asked, because it gives us a chance to put
17 what we're doing here today into a bit of perspective.

18 In the late '70s and up to the mid-80s, no
19 one would even have understood the question. I mean,
20 that's before Aboriginal and Treaty rights were
21 recognized and affirmed in the Constitution. It's before
22 land claims negotiations were going on in this part of
23 the country. It's when full-blown Colonial relationships
24 between government and Aboriginal peoples still were in
25 effect. And it was in those kind of conditions that this

1 industry was developed.

2 And our concept of the legitimacy and the
3 priority for and the fundamental importance of the
4 Aboriginal peoples and their traditional way of life and
5 values has changed profoundly since those days. And our
6 concept of the importance of the landscape and the
7 renewable resources on which they've always relied has
8 changed profoundly since those days.

9 And our management techniques for all
10 those things have barely caught up, and they really
11 haven't. And so this Hearing and this very fledgling
12 joint management plan, all of this needs to be understood
13 in that bigger context has people struggling to ask
14 difficult questions on the basis of profoundly changing
15 values and legal requirements and legal standards and
16 social standards.

17 And I don't think we can imagine now what
18 "consultation" will need to mean in five (5) or ten (10)
19 years from now, when hopefully these herds will, in fact,
20 be recovering such that substantial harvesting can occur
21 again. I'm sure our concepts of those things and our
22 skill in those things will grow between now and then, and
23 we shouldn't try to be ahead of ourselves.

24 I think we're in a constant struggle to do
25 things like management work and planning work and

1 consultation in a way that's real and effective, not just
2 going through the motions.

3 So it's no wonder to me that at this stage
4 no one can say, you know, as -- as Jan said, no one can
5 say now what population levels might sustain or be
6 thought to sustain additional harvest pressures five (5)
7 or ten (10) years from now, whereas Bertha RABESCA Zoe
8 said no one can say now what comprehensive long-term
9 management process for these caribou herds is going to
10 look like.

11 We're -- we're, in fact, in doing this
12 management plan and in developing and working on its
13 implementation, all kinds of deeper understandings of
14 what's going to be required to make multi-jurisdictional
15 management effective is going to -- is going to develop.

16 So I think Mr. Turner's questions is a
17 good way for us to remember that we're all engaged in
18 discovery and learning a great deal as quickly as we can
19 here. And it's like the question that Amanda Peterson
20 asked before. What kind of management, you know, made it
21 possible for the herds to go into decline. Who knows if
22 there was any kind of management that would have made it
23 possible for the herds to be not in decline and
24 harvesting levels to continue as they were? There may
25 have been no such thing.

1 I mean, we're all trying to respond to
2 what's in front of us, to the realities that are there.
3 And that seems, to me, the challenge. And the Board
4 itself is a new body with a new kind of mandate and a new
5 -- and a new set of rules to play. So -- I won't go on.

6 But the Tlicho Government is very aware of
7 this evolving nature of our understandings and
8 everybody's responsibilities and everybody's attempts to
9 live up to their responsibilities. They're fully engaged
10 in that. It's quite a struggle.

11 Thank you, Mr. Chairman.

12 THE CHAIRPERSON: Thank you, Mr. Pape.
13 Okay, Robert, one (1) more -- one (1) more short one and
14 then we're going to break for lunch.

15 MR. ROBERT TURNER: I don't have any
16 further questions, but I'd like to give David an
17 opportunity to ask a question, if he has.

18 THE CHAIRPERSON: Okay, one (1) more, Mr.
19 Livingstone.

20 MR. DAVID LIVINGSTONE: David
21 Livingstone. Just on this total allowable harvest versus
22 a target issue, I wonder if ENR could -- could take a
23 stab at describing the implications, as ENR sees it, of
24 setting a total allowable harvest versus the target
25 approach that's been recommended. Just so that -- that

1 the -- the Board and -- and others in the audience
2 understand the -- the underlying concerns a little bit
3 better.

4

5 (BRIEF PAUSE)

6

7 MS. SUSAN FLECK: Susan Fleck, ENR. We -
8 - as was mentioned earlier, we discussed at length a
9 total allowable harvest or a target. A target gives us
10 some flexibility.

11 We, as ENR, are also in discussions with
12 groups outside of Wek'eezhii that harvest this herd. And
13 this setting a target then is something that allows
14 everyone to understand they have a role to play in
15 recovery, that we -- everybody needs to take
16 responsibility. And with -- with this target, then we --
17 we can work with everybody, both inside and outside
18 Wek'eezhii.

19 The target of three hundred (300) plus or
20 minus 10 percent was a number that we felt comfortable,
21 offered the least risk for a decline to continue.

22 And a total allowable harvest with -- is -
23 - is something that in -- in other regions in the
24 Northwest Territories where there are herds that are
25 shared with other groups, it's -- it's been developed

1 collaboratively with -- among the co-management boards
2 that are working together.

3 THE CHAIRPERSON: Thank you. Mr.
4 Livingstone, one (1) more?

5 MR. DAVID LIVINGSTONE: Yeah, just a
6 couple of short technical ones. You mention the proposal
7 that ENR was doing, and perhaps other organizations,
8 doing a survey of the Blue -- Bluenose East herd, June
9 and July.

10 I wonder if there's an update on the
11 numbers with respect to that herd?

12 MR. JAN ADAMCZEWSKI: Jan Adamczewski,
13 ENR. This year, in June and July, we did both a calving
14 photo survey and a post-calving photo survey on the
15 Bluenose East herd. That's the first time we've ever
16 doubled-up those two (2) survey methods on the same herd
17 in the same year.

18 It was done for two (2) reasons. One (1)
19 is that last year, the post-calving survey, which is what
20 we've relied on for that herd, was unsuccessful.
21 Basically, you need the animals to bunch up very tightly
22 so you can take pictures of them. If the weather isn't
23 suitable, they don't form those bunches and you can't do
24 the survey. For the Porcupine herd, they had seven years
25 of unsuccessful post-calving surveys.

1 So by doubling up both methods, it gave us
2 a better chance of getting a population estimate. And if
3 we were able to do them both, then we could look at how
4 the one compares to the other.

5 As to the numbers, it'll be a while. The
6 -- the June post -- the June calving photo survey, there
7 were 7,000 photos taken. It takes a while to count
8 those. The post-calving survey, we do the counting
9 ourselves on -- on our computers, and we can get those
10 numbers a little more quickly.

11 In terms of where the numbers will end up,
12 we'd like to, you know, do our counting before we
13 indicate where we are. The overall impression was that
14 this herd has not declined anywhere near the rate that we
15 had seen with the Bathurst herd. So that was, you know,
16 the overall impression was that this herd was in
17 reasonably good shape.

18 I wanted to add perhaps one (1) further
19 point on -- on the previous question, if I might.

20 Monitoring the harvest and reviewing where
21 the harvest is and who's taken what, in our joint
22 proposal with the Tlicho, that's part of the adaptive
23 management cycle.

24 So the idea is that we would meet at least
25 twice a year, look at the new survey information, but

1 also look at what's happening with the harvest. And
2 because it's built into that cycle, then we also have the
3 capacity to, you know, look at how it's turned out.

4 And -- and obviously, if -- if we've tried
5 a target and it just isn't working, then that can be part
6 of the adaptive management to say, all right, that didn't
7 work very well, so we'll try -- we'll try something that
8 -- that will work hopefully.

9 Thank you.

10 THE CHAIRPERSON: You had a second one,
11 Mr. Livingstone?

12 MR. DAVID LIVINGSTONE: Yeah, just a
13 clarification. One of the first slides you put up
14 indicated a target of 300, and then there was a line
15 below that saying 150 within Wek'eezhii.

16 Can you -- can you explain that? That --
17 that 150 number was new to me. I didn't see it in the
18 proposal, and I -- I wonder if there's a little more
19 detail you can provide.

20 MS. SUSAN FLECK: In the proposal, we
21 talked about a target for the entire herd. We indicated
22 that we expect that target is for something that GNWT
23 would discuss with users outside of Wek'eezhii.

24 We've had some discussions with -- amongst
25 -- with the Tlicho Government about what -- what would be

1 used within Wek'eezhii, and 150 is the -- is a number
2 that we've discussed. But we're still also in
3 discussions with other groups outside of Wek'eezhii.

4 THE CHAIRPERSON: Okay, thank you very
5 much.

6 It's 12:15. Let's take a break for lunch
7 and we'll reconvene at 1:15. That's 1:15.

8 Thank you very much.

9

10 --- Upon recessing at 12:15 p.m.

11 --- Upon resuming at 1:20 p.m.

12

13 THE CHAIRPERSON: Okay, ladies and
14 gentlemen. Let's come to order for our afternoon
15 session.

16 Ladies and gentlemen, let's come to order,
17 please. Take your chairs. We're going to start right
18 now.

19

20 (BRIEF PAUSE)

21

22 THE CHAIRPERSON: Okay, we're starting
23 with questions now. Please take your chair. Thank you.

24

25 (BRIEF PAUSE)

1 THE CHAIRPERSON: Thank you very much.
2 We're starting off where we left off just before lunch
3 with legal counsel questions, legal counsel for the
4 Board.

5 If you could, please make your questions
6 to the point and your answers to the point, as well.
7 It's good to have clear, concise questions and answers
8 that the Board -- so the Board can consider them easily.
9 Thank you.

10 Mr. Donihee...?

11 MR. JOHN DONIHEE: Thank you Mr.
12 Chairman. John Donihee, Board counsel.

13 I want to start by coming back to a
14 question that Mr. Livingstone answered or asked just
15 before lunch and it relates to the reference to -- it's
16 on slide number 2 and it's a reference to half of the
17 total harvest basically being allocated to others other
18 than Tlicho residents in Wek'eezhii.

19 So I just want to know from the proposers
20 of the -- of the Joint Proposal, whether this -- should
21 the Board treat this as a -- as an amendment to the
22 Proposal because it's not in the original Proposal or --
23 and if not, then how -- how, in fact, does this harvest -
24 - how is this hundred and fifty (150) caribou going to be
25 allocated?

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(BRIEF PAUSE)

MS. SUSAN FLECK: Susan Fleck, ENR. The -- as -- as I indicated before, we are still in discussions with the Tlicho Government on -- and others, on how to share a target of around three hundred (300) caribou inside and outside Wek'eezhii. And we need to also remember that that's for the Bathurst herd and that there is a couple of other herds in Wek'eezhii, as well.

MR. JOHN DONIHEE: Thank you, Mr. Chairman. John Donihee.

I asked a question this morning, only got one (1) in, about paragraph 6 of the executive summary. I do want to come back to that. I understand -- I -- I directed the -- Mr. Pape eventually answered it, but I addressed the portion of the paragraph there that says:

"This proposal is for a harvesting target rather than a total allowable harvest as it seems most appropriate in light of confidence levels for current herd population and harvest data and as the means considered most supportive of innovative and effective implementation of the proposed hunting target."

1 So that's -- that's where I'm zeroing in.
2 Most of what Mr. Pape provided me by way of an answer
3 this morning, in -- in my view, relates to the part
4 about, "supportive of innovative and effective
5 implementation."

6 And so I do want to come back to this
7 question of total allowable harvest because it seems to
8 me that if the numbers are really uncertain that -- and -
9 - and given the language in the Tlicho Agreement itself
10 which urges the Board to manage, you know, in a
11 precautionary way, that setting a target of three hundred
12 (300) is less certain and less protective of the herd,
13 for example, than setting a total allowable harvest of
14 zero (0), or setting a total allowable harvest.

15 And I just don't think that the answer
16 that was provided this morning addresses this issue. I
17 understand that the Proposal is a Joint Proposal that was
18 developed and that some flexibility is required to
19 implement it but I'm -- I'm asking you again to address
20 this question of why, on the evidence that's in front of
21 the Board, there should be any harvest at all.

22 MR. JAN ADAMCZEWSKI: Jan Adamczewski,
23 ENR. I'll try to provide a -- a bit of an answer on a --
24 I guess, on the technical side of it and then we'll
25 perhaps ask our Tlicho colleagues if they want to add

1 anything there.

2 We provided some reports on population
3 modelling that -- that we did and I think that
4 information was -- was made available to the Board, for
5 the most part, before the Hearing in March.

6 And in looking at the effects of harvest
7 on the herd we tried to take into account that there will
8 be year-to-year variation in calf survival, things of
9 that nature, so that we don't know for certain what next
10 year will be like, what the weather will be like. So we
11 tried to look at the likely effects of a range of harvest
12 sizes, given some variation in -- in the herd itself.

13 And so we started by looking at a harvest
14 where we think it was two (2) winters ago, or say
15 2008/2009, which was on the order of three (3) to five
16 thousand (5,000) cows and one (1) to two thousand (2,000)
17 bulls. And any runs that we did with that level of
18 harvest were -- I mean, the only result you could get was
19 a further rapid decline. I mean, there's just no way for
20 the herd to produce enough young animals to offset that.

21 And then we sort of worked down from
22 there. We cut that in half to twenty-five hundred
23 (2,500), which was marginally better, but even then there
24 was no chance for the herd to recover or to stabilize.

25 And then we sort of kept dropping it down

1 to lower and lower levels, and I think the lowest that we
2 took was a harvest of two hundred (200) bulls. And those
3 model runs suggested that the risk to the herd with that
4 low level of harvest, a further decline was not much
5 different from simply no harvest.

6 If you started to go up the scale further
7 to five hundred (500), seven hundred fifty (750), a
8 thousand (1,000), you might be okay if you had really
9 good calf numbers, but under some conditions you would
10 still see further decline.

11 So because there is uncertainty in terms
12 of what the herd will do next year and the year after and
13 so on, we took a conservative approach and looked at a
14 level of harvest that, under most conditions, would not
15 lead to further decline of the herd or at least the risk
16 of further decline was not increased substantially.

17 As you work up from there to higher
18 numbers, the likelihood of further decline increases
19 depending on calf numbers and so on.

20 So I don't know if that provides a good
21 enough answer, Mr. Donihee, but that's -- that's what we
22 have at this point. And I don't know if Art or anyone
23 else wanted to comment.

24 MR. ARTHUR PAPE: Arthur Pape, Mr.
25 Chairman. Legal counsel for Tlicho Government.

1 Just to add to that, it's -- it's very
2 important that that explanation that Mr. Adamczewski just
3 gave be given full acknowledgement as showing that the
4 number is not a number that was picked out of the air.
5 It's a number that was based in the best kind of
6 technical assessment that we're able to do at this stage.
7 That's the first thing.

8 The second thing is that that assessment
9 was done because the Tlicho Agreement requires it to be
10 done. And it's -- again, it's a very helpful question,
11 Mr. Donihee, because it might be that anybody could say,
12 well, surely the safest thing to do for the herd is to
13 have no harvesting because blah, blah, blah.

14 But, in fact, it's necessary to do the
15 kind of exercise that Mr. Adamczewski has just described
16 and the Tlicho Agreement makes that necessary because we
17 all know that the Tlicho Agreement creates harvesting
18 rights for Tlicho and for other aboriginal peoples in the
19 whole scheme of Chapter 12 and involves the Board and the
20 Board's role.

21 And the Agreement does allow limitations
22 on the harvesting rights under the Agreement for
23 conservation as well as public health or public safety
24 reasons. We're talking here about limitations for
25 conservation reasons.

1 that seemed to be, as best we can know, consistent with
2 both the exercise of the right and the conservation
3 objective which is to stabilize and make possible --
4 stabilize the decline of the population of the herd and
5 make possible recovery.

6 So that -- that exercise was absolutely
7 central and was real, as best we can.

8 And the third thing to say is, it's easy
9 enough for someone, and I'm not suggesting that in any
10 way that you would go there, Mr. Donihee, or that the
11 Board would, but we should -- we should look this
12 squarely in the face, you know. It's easy enough for
13 someone to say, well, if the problem's that bad, then
14 let's have a zero tolerance policy. Let's have a zero
15 harvesting policy. Let's -- let's go all the way and
16 just take this problem in hand, you know.

17 And that's about as naive and
18 counterproductive as you can be. And we know this from
19 other areas, whether it's issues in family or in
20 communities or in schools, that these -- and we see it --
21 we see the tendency sometime in some of the -- the worst
22 governments that we have in the country now of thinking
23 we can just put down our foot and say, here's an absolute
24 rule and that's the rule and that's it. And we're going
25 to enforce it, you know.

1 And it -- it's -- it's not a kind of
2 governance that the Tlicho Agreement provides for, it's
3 not a kind of public government role that the Board could
4 possibly do its job under, and it's not the kind of
5 thinking we can possibly move forward with.

6 It's easy enough to say, let's set, you
7 know, absolute limits and -- and we'll enforce them and
8 we'll just do it. But, you know, those are just words.

9 And the real challenge for the parties and
10 for the Tlicho and the other aboriginal people who are in
11 the communities and trying to find the right way to
12 exercise their rights responsibly and provide for the
13 future, and the challenge for the Board is to, in fact,
14 find the best approaches that we can find based on
15 reasoned analysis and common sense.

16 And common sense that it -- says that it's
17 easy enough to make a rule, but if you make a rule that
18 feels arbitrary and comes across as arbitrary, then, in
19 fact, it'll be an unenforceable rule and it won't work
20 and it won't achieve the conservation objective.

21 So all these different legal requirements,
22 biological requirements, social requirements, they --
23 they -- they all go together and that's what's underlying
24 this aspect of the proposal.

25 THE CHAIRPERSON: Mr. Donihee...?

1 MR. JOHN DONIHÉE: John Donihee. Thank
2 you, Mr. Chairman.

3 Dr. Adamczewski, I'd -- I'd like to ask if
4 it's your professional opinion that the harvest proposed
5 in the Joint Proposal will have no material additional --
6 will -- will impose no material additional risk to the
7 Bathurst caribou herd?

8 MR. JAN ADAMCZEWSKI: What I was trying
9 to explain, and -- and perhaps I'll -- I'll take another
10 run at it, was that the degree of additional risk to the
11 herd of that level of harvest over no harvest is quite
12 small. It's almost indistinguishable if you allow for
13 year-to-year variation and calf productivity and things
14 of that nature.

15 There is a risk that the herd will
16 continue to decline regardless of harvest. There may be
17 zero harvest, but if we have really poor calf years the
18 herd will decline anyway and we can't change that. So
19 what we were trying to figure out is what level of
20 harvest is likely to have a minimal increased risk of
21 further decline to the herd.

22 So it's -- it's a graded response; there's
23 not an absolute threshold there. But what we were seeing
24 with the model runs at a harvest of two hundred (200) or
25 three hundred (300) is that the range of outcomes likely

1 for the herd is fairly similar between zero harvest and
2 those levels of harvest.

3 So, yes, there is a possibility of further
4 decline with or without harvest, but the difference
5 between zero harvest and a harvest of two (2) to three
6 hundred (300) is very small in terms of risk to the herd.

7 THE CHAIRPERSON: Thank you very much.
8 Mr. Donihee...?

9 MR. JOHN DONIHEE: Thank you, Mr.
10 Chairman. I want to move on now in the Proposal to
11 Section 5.2. It deals with the Bluenose East herd. And
12 at -- at page 16 of the proposal, what's being suggested
13 for the Bluenose East herd is -- is described as:

14 "An interim strategy for managing the
15 hunt of Bluenose East caribou by Tlicho
16 communities to help stabilize the
17 herd."

18 And when I move over the next page to
19 table 3 and I look at item number 4, what I see in the
20 right-hand column is the statement:

21 "The actual target will need to be
22 developed collaboratively following the
23 June and July 2010 survey results,
24 analysis of data, and discussions with
25 the Sahtu and Wek'eezhii Renewable

1 Resources Board and other communities."

2 I guess what I'm trying to understand here
3 is what exactly is it that you're proposing to the Board
4 with respect to the Bluenose harvest, because it appears
5 to me, from looking at the Proposal, that you're really
6 not sure and won't be sure until the end of this year
7 what those harvest levels ought to be.

8 And so my concern is: What's the Board
9 supposed to say to you in a decision when it's really not
10 clear what it is you're saying to the Board?

11 MR. JAN ADAMCZEWSKI: Jan Adamczewski,
12 ENR. It's a reasonable comment, Mr. Donihee.

13 And -- and at the time that we were
14 putting the Proposal together we sort of recognized that,
15 you know, to some extent it was a bit of a paper exercise
16 because we were going to have one (1), and possibly two
17 (2) population estimates for this herd later in the year.
18 And whatever harvest would be recommended then would be
19 up to the Sahtu Board, the Wek'eezhii Board, a number of
20 other communities and groups.

21 What we wanted to do was to indicate very
22 clearly that we are concerned about declines in all of
23 our caribou herds. The Bluenose East herd this past
24 winter was primarily harvested by Tlicho communities,
25 that's where the bulk of the harvest came from. And we

1 had had very strong feedback from the Sahtu Renewable
2 Resources Board, the Beverley Qamanirjuaq Caribou
3 Management Board, that they really did not want to see us
4 trying to solve the Bathurst harvest issue by exporting
5 it to another herd.

6 So the recommendation was a conservative
7 one. We calculated that the Bluenose East herd had
8 declined at an annual rate of 7 1/2 percent between 2000
9 and 2006. If you extended that four (4) years and you
10 assumed that the same rate of decline had continued, that
11 would put us at a herd size of about forty-eight thousand
12 (48,000). And then we had a pre-existing recommendation
13 from the Sahtu Renewable Resources Board for a maximum 4
14 percent harvest with 80 percent bulls. So we wanted to
15 try to maintain consistency there.

16 In realistic terms, what should the
17 Wek'eezhii Board recommend at this point? Probably the
18 sensible thing to do would be to hold off on that until
19 we have that population estimate.

20 So this was -- what we wanted to do was to
21 indicate clearly between the Tlicho Government and ENR
22 that we are concerned about declines in all caribou
23 herds, and we don't want to do anything that will
24 increase or exacerbate decline in the two (2)
25 neighbouring herds to the Bathurst Herd.

1 THE CHAIRPERSON: Thank you very much.
2 Mr. Donihee...?

3 MR. JOHN DONIHEE: John Donihee, Board
4 counsel. Thank you, Dr. Adamczewski.

5 Yeah, I guess what I fail to see in the
6 proposal though is an indication of how or when. I mean,
7 I was out on the porch at the break time at -- at ten
8 o'clock this morning and I heard that, you know, the
9 numbers you're getting -- or, that you got from your
10 surveys of the Bluenose East Herd were really good, you
11 know, that they're very encouraging and that's good news
12 for everybody, there's no doubt.

13 But I guess my point is: You -- you
14 choose a very conservative sort of recommendation to the
15 Board. It's not clear from the Proposal, you know, that
16 the Board's decision is scheduled to be released, at
17 latest, on the 9th of October. And within a month or so
18 you may have your -- I'm sure it's more complicated than
19 arithmetic, but you're -- you're going to have your --
20 your analysis done of the -- of the Bluenose East herd.

21 And, of course, if -- you won't have
22 numbers for what's happening with the Bathurst herd
23 because you're not going back until 2012, so I can
24 certainly anticipate Tlicho harvesters saying, if the
25 numbers are really good, Hey, we want more Bluenose

1 caribou because our communities are wanting.

2 And so I guess what I'm trying to
3 understand is: How does this come back to the Board in
4 some way so that a change can be made or -- or not? I
5 mean, where -- where does the Board fit in what is going
6 to play out between now and the end of this calendar year
7 with respect to numbers on the Bluenose East caribou
8 herd?

9 And I -- I could say that the answer to
10 that question will be of interest to anybody from the
11 Sahtu Renewable Resources Board or the folks in, you
12 know, the Yellowknives and others. I mean, where --
13 where and how do we come back, you know, to adjust these
14 numbers if -- if, in fact, there's more caribou for
15 people?

16 MR. ARTHUR PAPE: Mr. Chairman, Arthur
17 Pape for the Tlicho Government. May I take a stab at
18 this and then ENR may have something to add?

19 Because, again, I think Mr. Donihee's
20 question gives us a chance to really look seriously at
21 what we're -- what we're embarking on here.

22 With respect, I think the answer is that
23 the Board can't micro manage every stage of this process.
24 In my submission, we -- we do not have in the Proposal a
25 suggested ongoing relationship between the Board and the

1 parties, and that's something the Board may very well
2 want to look at.

3 And it seems to me, for example, that the
4 Board may very well want to establish at least an annual
5 report from the parties, some kind of annual discussion
6 with the Board to discuss it, and perhaps an annual
7 discussion with the Board in some kind of public process,
8 either a hearing or something like one.

9 It may be -- very well be. It may be that
10 the Board can see itself playing additional kinds of
11 support or oversight roles in this process, and I -- I
12 think that's something for the Board to consider and
13 decide.

14 But when it comes to issues like this, you
15 know, as Mr. Adamczewski said earlier, that reports from
16 the latest surveys on the calving grounds for the
17 Bluenose will be ready sometime in September or October.
18 And then, as Mr. Donihee points out, that the Board's
19 going to make a decision then. And how do we update
20 that?

21 Well, I think the answer is that what the
22 Board's being asked to approve is the basic approach in
23 the management plan, which is that the -- the parties
24 will manage jointly in a consistent way with the best
25 possible data that they can assemble; much more robust

1 data than they've assembled in the past; much more speedy
2 turnaround between data and decision making; a much more
3 adaptive approach than management has been in the past.
4 And that the parties will work on that basis according to
5 the basic principles in the plan, which is that the basic
6 goal is not for everybody to take as much as they can get
7 away with, but to manage the herd and manage harvesting
8 and everything else on the basis of the goal of
9 stabilizing the herd and -- and making recovery possible.

10 And in my submission, this is a perfect
11 example of how new data is going to keep coming forward
12 and new decisions are going to have to keep being made,
13 and what the challenge for the parties and for the Board,
14 it seems to me, is -- is to work out the proper
15 relationship between the parties and the Board for that
16 kind of dynamic plan.

17 And, you know, the Board could keep
18 waiting forever to get a management plan because more
19 data is coming, but it wouldn't work. So, in my
20 respectful submission, this plan is a serious -- this
21 amended plan is a serious change to the management system
22 that's been in place. It won't be perfect, but its got
23 very tough principles and a lot of good will and the
24 parties are going to have to figure out how to implement
25 it with the necessary resources and creativity and

1 courage.

2 And one (1) of the roles the Board should
3 play, it seems to me, is to figure out how the Board can
4 keep the parties on task and not let implementation slip
5 away. Thank you.

6 THE CHAIRPERSON: Does that answer your
7 question, Mr. Donihee, or do you have --

8 MR. JOHN DONIHEE: Well, that tell's me
9 Mr. Pape's views of this, and I do appreciate them.

10 But, you know, what the Board has in front
11 of it is a wildlife management proposal provided under
12 12(5)(1) of the agreement. I know Mr. Pape's familiar
13 with it. He negotiated it.

14 And what is now being described as -- as
15 an interim plan for two (2) years or two (2) to three (3)
16 years for the management of Bathurst caribou is
17 essentially this Proposal.

18 And I guess what concerns me is that the
19 proposal describes certain activities. Certain -- it's
20 clear and -- and I think to the credit of the two (2)
21 governments, it clearly carves out an important role for
22 the Tlicho Government and communities in the management
23 process in a -- in a way that I don't think I've ever
24 seen presented to a Board like this before and, again,
25 that's -- that's to the credit of the parties.

1 But, nevertheless, the plan, this interim
2 plan or proposal, describes a limited number of actions,
3 a limited number of management constraints, if you will,
4 and -- and indicates that the parties will work together
5 in an adaptive way to try to achieve those -- those goals
6 and those ends. And, again, the Board, to the extent
7 that there's evidence in front of the Board on all of
8 these matters, the Board can make a decision.

9 But -- but the reason I asked the question
10 about the changed numbers for Bluenose East is that,
11 going forward, there are things that are not in the
12 proposal that's in front of the Board right now and,
13 consequently, which won't be covered by any decision the
14 Board makes, that are going to -- going to happen.

15 And so I guess what I'm pointing up to the
16 parties is, if you have a look at page 27, for example,
17 of the -- of the Proposal, you know, there's a couple of
18 diagrams there that show the way the Tlicho Government
19 has organized it's governance framework to deal with
20 caribou and shows the way that, you know, the -- the
21 Board, ENR technical staff and others are supposed to
22 work together to generate management recommendations.

23 And, you know, what I fail to see is that
24 12(5)(1) of the agreement has been reflected in that
25 diagram at the bottom of the page because if there's

1 anything other than adaptive management reaction and
2 response to things that are in this proposal that come
3 forward, then I simply suggest that 12(5)(1) is the
4 governing provision and that those matters shouldn't end
5 up back in front of the Board.

6 So my question -- I apologize for the
7 preamble but hopefully now you know where I'm thinking.
8 My question really is, you know: Where are the -- where
9 are the points in -- in the Proposal, you know, that
10 distinguish, you know, that clearly indicate what -- what
11 it is that this covers and what it is that it doesn't?

12 You know, can you help us with that? Or
13 I'm reluctant to suggest to the Board that we simply
14 write ourselves into this process along the way. I think
15 it's really incumbent on those who bring the Proposal
16 forward to reflect the proper role of the Board in the
17 context of the Tlicho Agreement.

18 MS. SUSAN FLECK: Susan Fleck, ENR.

19 In the Proposal that was submitted in
20 November 2009 and in the Revised Proposal for now, the
21 Tlicho Government and ENR did make some recommendations
22 in relation to the Bluenose East herd.

23 We asked the Board to consider taking
24 similar action as what the Sahtu Board did a number of
25 years ago in relation to resident and commercial hunting

1 opportunities. And this was because we had seen, between
2 2000 and 2006, there was quite a change in numbers for
3 that herd.

4 Our -- I think our expectation from what
5 happened, the surveys this summer, is that there will --
6 it won't -- the number probably will be similar to what
7 was seen in 2006. The Sahtu Board at that time
8 recommended a voluntary 4 percent target, harvest target,
9 which is about around three thousand (3,000) animals or
10 so, and we know from this past winter where -- that about
11 thirty-five hundred (3,500) animals were taken from that
12 herd by -- by hunters from Dehcho, Tlicho, Nunavut and
13 Sahtu.

14 So if you look at this from a
15 precautionary approach, then we wouldn't want to see
16 those numbers get any higher than that, and that's what
17 we are going to be working with, with the other Boards,
18 as well.

19 So we do have a couple of recommendations
20 in there in relation to resident and -- and commercial
21 hunting.

22 THE CHAIRPERSON: Thank you very much.
23 Mr. Donihee, anything further?

24 MR. JOHN DONIHEE: Thank you, Mr.
25 Chairman. John Donihee.

1 I guess at the risk of flogging a dead
2 horse, I will ask you to have a look at page 21 of 45 on
3 the Proposal. It's table 4. And if you look at the
4 fifth column over, it -- the heading is called "Adaptive
5 Management Options." And, you know, as I understand the
6 Proposal at the moment, you know, the monitoring that's
7 going to be proposed will take place, so, you know,
8 density of one (1) or slightly one (1) year older -- was
9 that one (1) plus one (1) year older caribou are going to
10 be monitored and what that adaptive management option
11 says is that, you know, if the trend in one (1) year or
12 older caribou is stable or increasing, continue as
13 before.

14 And so -- but, you know, then it says if
15 the trend is negative, you know, consider closing
16 harvesting or intensifying wolf kill effort. And if you
17 go down that -- that column and you look at, you know,
18 the -- if things are good, things are good. It's easy to
19 manage with things are good, but if things aren't going
20 the way you want, then certain other actions are being
21 proposed in this plan.

22 And I guess my point is that those actions
23 are not currently what's before the Board. What's before
24 the Board is, you know, that this is going to help us out
25 and things won't change that much for the next two (2) to

1 three (3) years.

2 But, you know, if we were to consider
3 closing the harvest, for example, I'm assuming then we'd
4 go to something like a total allowable harvest, and what
5 would happen is that decision can only be made by the
6 Board. And yet, you know, the framework that I -- that I
7 see in -- in the proposed proposal, I mean, maybe --
8 maybe the law simply overlies this and you don't have to
9 say it. Maybe it's my problem that I'd like to see it
10 have a little comfort too.

11 But I think that what I'm -- I see here is
12 -- is that the interim plan, the Proposal that's in front
13 of the Board, is almost entirely bilateral in its -- in
14 its orientation.

15 And, Mr. Chairman, that really wasn't a
16 question, but I do have one (1) more question.

17 MR. ARTHUR PAPE: Excuse me, Mr.
18 Chairman. Arthur Pape for Tlicho Government.

19 Maybe it wasn't --

20 THE CHAIRPERSON: Excuse me, sir. There
21 was no question there.

22 MR. ARTHUR PAPE: Well, I --

23 THE CHAIRPERSON: Perhaps we should just
24 let Mr. Donihee ask a question and then you can respond
25 to that. Thank you.

1 MR. ARTHUR PAPE: I -- I think it really
2 was a question in -- in the sense of asking, again --

3 THE CHAIRPERSON: I'm sorry, sir. There
4 was no question asked.

5 MR. ARTHUR PAPE: All right.

6 THE CHAIRPERSON: Thank you.

7 MR. JOHN DONIHEE: My last question, Mr.
8 Chairman, has to do with the provisions of the Tlicho
9 Agreement that actually do call for the development of a
10 Bathurst caribou management plan.

11 The ENR presentation -- I mean, this plan
12 or proposal, I have no difficulty accepting it as an
13 interim plan. The way -- the way it's been labelled is
14 fine. But it is intended to last for only another two
15 (2) to three (3) years and, you know, there are legal
16 obligations set out in the Agreement itself, which, by my
17 reckoning, indicate that the requirement for a caribou
18 management plan for the Bathurst herd has to be at least
19 two (2) years overdue.

20 And so I guess my final question is just:
21 When, really -- I mean, unfortunately, there is a crisis
22 and, fortunately, both governments are responding to that
23 crisis in a -- in a very responsible way and -- and doing
24 the things that they have to do to try to stabilize
25 things.

1 But in the long term the Agreement
2 anticipated the development of a Bathurst caribou
3 management plan and I guess I'd simply like some
4 indication from the government parties as to where they
5 are in that process, whether they are doing any thinking
6 about it, and if there's going to be some action in
7 respect of a long-term plan, when we might anticipate
8 seeing something that the public could have a look at.

9 Thank you, Mr. Chairman.

10

11 (BRIEF PAUSE)

12

13 MS. BERTHA RABESCA ZOE: Bertha Rabesca
14 Zoe, legal counsel, Tlicho Government.

15 On the question of a Bathurst caribou
16 management plan proposal, the Agreement, under 12(11)(1),
17 (2) and (3), talks about -- about that.

18 The Agreement also goes on to state that
19 the Wek'eezhii Board is to initiate the discussions and
20 get that process underway. And we've met with the Board
21 about two (2) years ago and started talking about a
22 protocol on how we're going to work together in trying to
23 achieve what's -- achieve that chapter.

24 I realize that it's -- it's two (2) years
25 overdue. The Agreement says this is supposed to happen

1 within two (2) years of the effective date, but we're
2 ready to get that process underway. We've done some
3 preliminary work. The Board had shared with us other
4 models and protocols and conventions and agreements that
5 exist that deal with wildlife management and so -- so
6 we've started that already and so we just need to
7 continue that.

8 I think, from a Tlicho Government
9 perspective, we -- we've managed to build some capacity
10 to be able to be fully engaged in that process now.

11 THE CHAIRPERSON: Thank you very much,
12 Bertha.

13 I'd like to take this time to recommend --
14 or to remind everybody that please phrase your questions
15 as a question. If there is any comments or opinions to
16 be made, they should be made in closing arguments or
17 closing comments. So just a reminder for that.

18 We'll move on to the Board now for
19 questions.

20 Charlie, do you have any questions?

21 MR. CHARLIE RABESCA: I have no
22 questions.

23 THE CHAIRPERSON: Joseph, do you have any
24 questions at all for anyone?

25 THE CO-CHAIRPERSON JOSEPH JUDAS:

1 Nothing. No, I don't have questions.

2 THE CHAIRPERSON: Okay. Ray Case, any
3 questions from you?

4 MR. RAY CASE: Thank you Mr. Chair. Yes,
5 I've got a few questions.

6 First one is: In addition to the Bluenose
7 work that was proposed for the summer of 2010, there were
8 some systematic surveys planned for 2010, and I was
9 wondering if ENR could advise me if these were
10 successfully completed.

11 MR. JAN ADAMCZEWSKI: Jan Adamczewski,
12 ENR, as my director has just reminded me is my name.

13 There was a systematic recognizance survey
14 flown on the -- the Bathurst calving ground in June.
15 That was just after the June calving survey on the
16 Bluenose East calving ground. Those numbers, initially,
17 first look at them suggests that the numbers are stable
18 from last year to this year.

19 And our statistician, John Boulanger, is
20 going to do a little bit more in the way of trend
21 analysis for calving recognizance information for
22 Bluenose East from '07/'08 and this year; Bathurst for, I
23 guess, mostly last year to this year; and then for Ahiak,
24 because we did recognizance surveys again there and on
25 the -- the Beverly calving ground.

1 So the initial look at the numbers of one
2 (1) plus year old caribou on the Bathurst calving ground
3 suggests that they are approximately equal to what we had
4 last year.

5 MR. RAY CASE: Thank you. The -- the
6 target approach, as described in the Proposal and further
7 expanded on in answers to Mr. Donihee's questions, seems
8 to rely extensively on the development and -- and
9 implementation of the rules based approach also described
10 in the Proposal.

11 I was wondering if I could get some
12 information on the anticipated process and timelines for
13 the -- for the development and implementation of this
14 rules based approach.

15

16 (BRIEF PAUSE)

17

18 MR. ARTHUR PAPE: Arthur Pape, counsel
19 for Tlicho Government. The answer is that this has been
20 discussed only at a general level.

21 And it's quite right that the concept is
22 based on a rules based approach. And what's been
23 discussed so far is that we will, without doubt, be
24 talking about rules developed by both parties, Tlicho
25 rules, ENR rules.

1 Each will use a range of mechanisms that
2 are available to it from committee and community based
3 informal rules, all the way up to regulations and laws.
4 Both parties have jurisdiction to do that. Without doubt
5 there will be other kinds of consensual rules worked out
6 with other parties, both other aboriginal people and
7 other boards.

8 And I think the reality at this point, Mr.
9 Chairman, is that -- in answer to Mr. Case's question is
10 that the details of how that's going to be done and the
11 timeline for that hasn't been developed. It's not here.

12 It's not here because we're -- we're just
13 beginning that and it will probably always be slower than
14 we wish, but that's the reality. That aspect of it all
15 is clearly foreseen. And how elaborate, or what format,
16 they're not in the plan because the parties haven't got
17 there yet, all right. So I think that's the reality as I
18 understand it.

19 THE CHAIRPERSON: Mr. Case, do you have
20 further questions?

21 MR. RAY CASE: I believe Mr. Adamczewski
22 had an additional comment to make on that.

23 MR. JAN ADAMCZEWSKI: Jan Adamczewski,
24 ENR. I can see from some of Mr. Donihee's questions and
25 comments that there is at least some concern that the

1 Board's role has been sidelined or perhaps not given full
2 measure. There's certainly no desire or attempt by
3 either the Tlicho Government or ENR to -- to usurp the
4 Board's role and -- and this is a bit of a struggle for
5 us. I mean, how specific do we make all of our Proposal
6 without having any recommendations from the Board.

7 So I think this process, the
8 implementation, some of those things really do need clear
9 direction from the Wek'eezhii Board in terms of how the
10 Board wants to proceed. And -- and that, as Mr. Pape has
11 indicated, needs to be, I guess, a continuing
12 conversation. But I would reiterate, there's no desire
13 or wish to circumvent the Board. The Board was there as
14 observers at all the meetings we had with the Tlicho
15 people.

16 So I think to some extent that question
17 does actually go back to the Board, because the Board
18 needs to make some recommendations, and then the
19 implementation falls back on the -- the two (2) partners.

20 MR. ARTHUR PAPE: Excuse me, Mr.
21 Chairman. If I could just finish something else that
22 picks up on that. With the greatest of respect, the
23 options confronting us all aren't total allowable harvest
24 versus rule based target approaches.

25 No matter whether the Board accepts the

1 recommendation for a target approach, or decides to
2 impose a -- a total allowable harvest approach, the
3 reality is that the success of either will depend on the
4 development of effective rules and measures to implement
5 either the targets or the harvest.

6 And the rule based approach, based on
7 community driven consensus, all the requirements of
8 public government, Tlicho Government, all dealing with
9 other boards and other aboriginal parties, all that work
10 will have to be done no matter which of these routes the
11 Board chooses in order to accomplish the conservation
12 objective through one (1) mechanism or the other.

13 And that's the reality, I think, and
14 that's the reality that these parties and the Board are
15 faced with, is that managing for new kinds of targets and
16 new kinds of conservation objectives in this way is going
17 to require a lot of mechanisms that we don't have yet.
18 They won't be revolutionary, I don't mean that, but they
19 will have to be developed as quickly as possible in a
20 pragmatic and practical way. Thank you.

21 THE CHAIRPERSON: Mr. Case...?

22 MR. RAY CASE: Yes, and -- and thank you
23 for the additional remarks. I guess where -- where I was
24 really trying to explore and to -- to recognize the --
25 the remarks, this -- this Board has some -- some

1 important considerations to make as to -- to the way this
2 -- this issue is resolved. And I -- I was really
3 searching for a little bit more clarity, given that the
4 proposal points to a -- a two (2) year program that very
5 much needs some substantive imple -- implementation,
6 substantive and rapid implementation.

7 So the question was more about the -- the
8 process and the type of timeline that some of these rules
9 based -- that Tlicho Government and -- and ENR feel these
10 rules based approaches can be advanced, and are they
11 going to be advanced in the timeline that's laid out in
12 the proposal to -- to address some of the issues that are
13 -- are before us?

14

(BRIEF PAUSE)

15

16
17 MS. BERTHA RABESCA ZOE: The questions on
18 the rule-based approach to -- and -- and the whole area
19 of implementation plan, this -- this Proposal, the -- the
20 working of the Proposal and what's in the Proposal and
21 how we propose to work together in a collaborative manner
22 is -- is a whole new area for -- for both governments,
23 really, where we actually work together and develop a --
24 a proposal like this and sitting down and -- in the
25 timeframe allowed us by the Board to be able to address

1 as much as we could.

2 But the implementation of the plan --
3 implementation of any plan is a -- is a huge, daunting,
4 challenging task, and this is no different. We recognize
5 that. And we've started talking about sitting down
6 together as soon as we can, to start talking about how do
7 we work together and implement this to -- to achieve the
8 objectives that's set out in -- in the Proposal, which
9 would require talking about how do we engage the
10 communities, and what is -- what is our communication
11 strategy going to be; what's our education; how are we
12 going to put together an education plan; how are we going
13 to talk about budget; who's going to take care of what
14 costs, and how do we share resources; do we talk about
15 secondment of certain expertise, what kind of resources
16 and expertise are -- are we going to require.

17 Those are issues that is the heart of
18 making any proposal work, or any agreement. And so those
19 are the kind of discussions we've been having.

20 Internally, through Tlicho Government,
21 we're going to need to address what are the obligations
22 and commitments that Tlicho Government needs to make in
23 making this proposal work, which ENR is also going to
24 have to do the same thing, and then put together a plan
25 from that.

1 And so the details of the implementation
2 plan, it still needs to -- still needs to be worked out.
3 Once the -- the decision from the Board is made, then
4 that will give us a concrete idea of what the
5 implementation plan would actually look like.

6 But at this early stage, without any
7 recommendations from the Board yet, we can just have
8 discussions on what might happen, really, but the -- the
9 discussions on capacity and resources and costs and that
10 would definitely have to -- we can start talking about
11 those right away, and which we have scheduled meetings
12 for already, so that we don't leave implementation later
13 in the -- in the stage, but we move on it right away so
14 that we have something in place that we could work with
15 for the next two (2) years.

16 In the meantime, we still need to work on
17 a longer term strategy plan for -- for the herd. So
18 that's going to be also ongoing, so that maybe the Board
19 can, as I suggested earlier, initiate those discussions.
20 Mahsi.

21 THE CHAIRPERSON: Thank you very much.
22 Mr. Case, anything further?

23 MR. RAY CASE: Thank you, Bertha. The
24 Proposal also calls for the creation of four (4)
25 community caribou committees at Tlichu, a caribou working

1 group, a joint technical working group. And I recognize
2 that this is put forward as an initial explanation of an
3 important aspect of co-management.

4 But I didn't see too much in there about
5 sort of the -- the process or -- or timelines that this
6 type of system would be -- would be put in place.

7

8 (BRIEF PAUSE)

9

10 MS. BERTHA RABESCA ZOE: Bertha Rabesca
11 Zoe, legal counsel, Tlicho Government. This is one (1)
12 of the first areas that we would need to look at when we
13 start talking about implementation of the proposal,
14 because this part of the -- the structure part is going
15 to require recruitment and costing and that, so that
16 would be something that we would definitely look at as
17 soon as we can.

18 Now as to whether that is a set structure,
19 we -- we still need to probably fine tune or modify,
20 we're not really sure yet, but that was sort of what we
21 were looking at as -- as a -- as something that we could
22 probably work with.

23 And -- and the idea of the local community
24 involvement is -- is not something new. The Tlicho have
25 been quite involved in doing research work on -- on the

1 monitoring and assessment and evaluation of the caribou.
2 And so this is just kind of institutionalizing that whole
3 process. Mahsi.

4 THE CHAIRPERSON: Thank you very much.
5 Mr. Case...?

6 MR. RAY CASE: Thank you. And just one
7 (1) quick follow-up to that. The description of -- of
8 this -- this framework, I guess, if we could call it,
9 references specifically Bathurst caribou management.

10 And is it anticipated there would be a --
11 a role with -- with respect to Bluenose East caribou or
12 Ahiak caribou?

13 MR. JAN ADAMCZEWSKI: Jan Adamczewski,
14 with ENR. With respect to the -- the Bluenose East herd,
15 there is a planning process underway, and that is for
16 three (3) herds, the Bluenose West, Bluenose East and the
17 Cape Bathurst herds. That's a process being led by four
18 (4) established co-management boards, and looking at
19 harvest and how that should be managed is -- is part of
20 that process.

21 The Bathurst herd, there was a -- a
22 management plan put together, I think finalized in 2004,
23 but never, I guess, formally adopted or ratified. So
24 there clearly is a need to either restart that process
25 or, you know, some -- something of a similar nature.

1 And then the Ahiak is kind of this orphan
2 herd that no jurisdiction really seems to really want
3 that much. But clearly, that population is declining,
4 our reconnaissance surveys are telling us, quite rapidly
5 over the last five (5) years, and we definitely need to
6 put something in place for that herd.

7 That clearly will involve Nunavut,
8 probably Saskatchewan, a number of co-management boards
9 and communities. And it's kind of on the edge of the
10 mandate of the Beverly Qamanirjuaq Caribou Management
11 Board, so they would certainly be a key player in
12 whatever we put together for that herd.

13 So those are the two (2) herds, the
14 Bathurst and the Ahiak, where we don't have something
15 underway. The herds further to the west, there's --
16 there's something either underway or in place already.

17

18 (BRIEF PAUSE)

19

20 THE CHAIRPERSON: Mr. Case...?

21 MR. RAY CASE: Thank you, Jan. Yes, I --
22 I was -- I'm -- I'm aware of sort of the approaches that
23 are being taken on -- on the management planning and the
24 situation with the Ahiak. But what I'm seeing here in --
25 in the Proposal is -- is a -- a process for -- for

1 adaptive co-management decision making for -- for
2 management planning and such, which involves the
3 community and Tlicho organizations within the Tlicho.

4 And it -- I was just wondering whether or
5 not some of this needs -- would be or needs to be built
6 in or considered with respect to the management of -- of
7 those other herds.

8

9 (BRIEF PAUSE)

10

11 MS. SUSAN FLECK: Susan Fleck, ENR. The
12 -- the framework when we put it -- the adaptive
13 management framework at Table 4, when we put it together
14 we were thinking specifically the -- in relation to the
15 Bathurst herd because we do have information for those.

16 For the Bluenose East we would expect,
17 especially if committees are set up in communities, that
18 they would want to see the same information and go
19 through the same thinking process to review actions and
20 to review new information to see whether changes need to
21 be made.

22 So our expectation would be that we could
23 use that also for -- for the Bluenose East herd.

24 THE CHAIRPERSON: Mr. Case...?

25 MR. RAY CASE: Thank you, Mr. Chair.

1 That's all my questions.

2 THE CHAIRPERSON: Okay. Mr. MacDonald,
3 any questions from you?

4 MR. BRUCE MACDONALD: Thank you, Mr.
5 Chairman. It's Bruce MacDonald, Board member. I do have
6 a question. I guess I would summarize what I've heard
7 today is a harvest target of around three hundred (300)
8 animals. It's a low risk of increasing -- or -- or of --
9 there's a low risk of maintaining the decline of the
10 herd.

11 What I'm wondering is if that assumption
12 is based on the successful doubling of a wolf harvest or
13 not.

14 MS. SUSAN FLECK: As -- as we've stated,
15 there -- there's lots of different factors that affect a
16 caribou herd and -- and calf survival. And when we
17 looked at the risk of setting a target of three hundred
18 (300), it depends on, you know, also having, you know,
19 very good calf survival and good cow survival.

20 So we recognize that there are predators
21 out there, as well. And if we also look at increasing
22 the wolf harvest, then that helps to minimize any, you
23 know, risks that relate to factors that you can't
24 control, such as if you have, you know, a poor condition
25 of caribou because of weather or -- or things like that.

1 So we don't -- we -- we don't have a
2 correlation between wolf harvest and -- and the -- and
3 hunter harvest, but we think that by taking that action
4 it would help us be more secure in achieving the
5 objective that we have in mind.

6 MR. BRUCE MACDONALD: Thank you, Mr.
7 Chairman. That's all the questions I have.

8 THE CHAIRPERSON: Okay, thank you very
9 much. I neglected to ask the Board staff if they had any
10 questions. Forgive me.

11 MS. JODY SNORTLAND: Thank you, Mr.
12 Chair. The Board staff has no questions at this time.
13 Thank you.

14 THE CHAIRPERSON: Okay. All right, thank
15 you very much. Let's take a break and come back at 2:45.
16 And I believe that's all the questions that have been
17 asked. Yes, okay, 2:45 we'll start with closing comments
18 starting with Dr. Anne Gunn.

19
20 --- Upon recessing at 2:30 p.m.

21 --- Upon resuming at 2:52 p.m.

22

23 THE CO-CHAIRPERSON JOSEPH JUDAS: Mahsi.
24 Thank you. We'd like to reconvene at this time. So
25 could everybody take their seat? One minute, and the

1 identified some -- oh, well, I'm not going to repeat it.
2 Okay. Is that better? Okay.

3 As -- I will also identify some further
4 questions that arise from the revised proposal.

5 In -- during my intervention, I had
6 questioned about how likely recovery of the Bathurst herd
7 was, based on an almost unilateral imposition of hunting
8 restrictions on the Aboriginal harvest. I had queried
9 the lack of a collaborative outline -- the lack of a
10 collaborative approach and the lack of alternative
11 actions to increase cow survival.

12 Also, I had outlined the need for adaptive
13 co-management, which is the logical sequence from
14 objectives and actions, using monitoring as a feedback on
15 the success or the failure of the actions.

16 Foremost among the strengths of the
17 revised joint proposal is that it was written
18 collaboratively, and that it was written in the context
19 of adaptive co-management, and that as well as being
20 applied to the Bathurst, it's applied to the Bluenose
21 East and Ahiak herds.

22 The revised proposal -- joint proposal
23 also recognizes the age-old relationship between caribou
24 and people, which has allowed people to acquire the
25 knowledge and the rules about living with changes in

1 caribou abundance, and those have been clearly integrated
2 into the proposal.

3 There is now collaborative agreement
4 between the two (2) governments on Actions 4 and 5, which
5 will stringently restrict the Aboriginal harvest for both
6 cows and bulls. Those actions will use a rules-based
7 approach based on historic and contemporary rules.
8 Actions 1 and 3, restricting residents, guide outfitter
9 hunts for non-residents, and commercial harvesters are
10 the same as in the original proposal.

11 The likelihood of success is enhanced
12 through additional proposed action to increase caribou
13 survival, as the revised joint proposal now includes wolf
14 management.

15 One (1) of the strengths of the revised
16 proposal is in its structure. It now lists principles,
17 the goals now lead to mana -- to objectives, and the
18 objectives specify the management actions, and monitoring
19 as a feedback on the efficiency of the actions.

20 The actions listed in the recovery plan
21 are likely to be effective in meeting the proposal --
22 proposal's herd-specific goals, which are to halt the
23 declines and to minimize the risk of further declines.

24 The monitoring actions from the original
25 proposal are now reworked into an annual cycle listed as

1 Action 6, and which were based on adaptive management.
2 The list, which is given in Table 4, includes
3 collaborative monitoring to describe the direct effects
4 of the actions. Those would be -- those actions are
5 restricting harvesting and removing wolves.

6 The monitoring list also includes the
7 response of the caribou herd to the recovery actions.
8 That includes indicators such as the annual trend in
9 calving ground densities. The trends in breeding cows
10 depend on their condition and health, pregnancy rates,
11 and calf survival, and adult sex ratio, all of which will
12 be monitored.

13 Table 4 does not, however, include
14 monitoring environmental influences such as insect
15 abundance, plant greening, and winter conditions, which
16 do establish the context for the success of management
17 actions, and they were in the original proposal.

18 It is a strength of the revised proposal
19 that it no longer just relies on -- on its measure of
20 success on a single census in 2012 to assess the feedback
21 on the management actions, but it's now measuring --
22 relying on trends measured at an annual scale.

23 A significant feature of the -- of the
24 monitoring is the proposed August -- May, August, and
25 December reviews of the monitoring information, which

1 should give a timely responsiveness to what's happening
2 with the caribou.

3 It's also commendable that the revised
4 proposal includes a implementation plan with flowcharts,
5 which show how the government and community structures
6 will work together.

7 So those -- the collaboration, the annual
8 monitoring cycle, the adaptive co-management -- are --
9 are all large steps forward for this proposal. And I do
10 realize that, as Tlicho Government described it, that
11 it's -- that it's a fledgling proposal in these sense
12 that much of this is -- is new to caribou management.
13 Working together requires trust and takes some time.

14 Having said that, I also think that there
15 are -- the revised proposal does not answer all the
16 questions that should be asked about planning for the --
17 to reduce the chances of decline, and the chances of
18 recovery. The revised, in -- in my opinion, the revised
19 proposal is long on text and short in details.

20 The details that are missing are -- are
21 not just for the longer-term planning, but they're also
22 in this short two (2) to three (3) year cycle that this
23 revised proposal refers to. Just for example, in section
24 9(2), on cumulative effects and landscape planning, there
25 are no specifics for short-term monitoring or how the

1 longer-term planning will be initiated. And this is very
2 obvious for calving ground protection. And this is
3 despite the frequency which people have identified the
4 importance of protecting calving grounds.

5 My next comments about the questions that
6 I think the revised proposal still raises are based on
7 experience elsewhere, both with other caribou management
8 and with fisheries management.

9 The collaborative approach will be hungry
10 in the use of time and money. And while the revoi -- the
11 revised joint proposal mentions the need for detailed
12 implementation policy, it -- it doesn't mention some of
13 the safety nets that will be required to implement that,
14 such as inter-jurisdictional agreements, to ensure the
15 adequacy that people's time will be made available, as
16 well as funding.

17 The experience in caribou management
18 elsewhere is that these are important steps in order to
19 maintain the momentum, even over a short term, of the
20 necessary commitments which a collaborative approach will
21 require.

22 Additionally, given the extent of the
23 sacrifices that people are being asked to make about
24 their dependence on caribou, it's essential to be able to
25 assure them that their success of their efforts is being

1 closely monitored and will feed back to -- to -- as an
2 incentive to the strength of their efforts.

3 For example, the caribou community
4 committees will require funding to monitor the land and
5 their relationship between the Tlicho and the caribou.
6 The tri-annual meetings and the preparation for them will
7 be a significant use of staff time.

8 Again, on one hand, I recognize that, you
9 know, the plan could not include all the details, but I
10 think some of these points need to be set out as almost a
11 roadmap, that they will have to be covered.

12 Given the extent of proposed
13 collaboration, sharing of information is probably one of
14 the most important points, and yet there's no reference
15 to data management, timely and equal access to data.

16 These are problems that have been
17 identified elsewhere in co-management planning, and yet
18 they're not -- they still are an outstanding question.
19 It's not just the access to the data; it's the analysis
20 of the -- and the reporting of it, that it's timely and
21 that's it's shared.

22 This question of access to data is also
23 one of the -- one of the issues that was raised during
24 the public hearings. Some -- certainly, some of the
25 Intervenors were concerned about this.

1 The revised proposal has very little say
2 about the diverse view of all the stakeholders, yet for
3 the planning to be truly collaborative, everyone's views
4 have to be taken into account. When you look at
5 successful collaborative planning in caribou management,
6 as well as in fisheries, one of the points that stands
7 out is the inclusion of a wide range of stakeholders.

8 And having said that, it's obviously the
9 stakeholders who were involved, for example, with
10 Fortymile caribou collaborative planning were the ones
11 who wanted to contribute and had something to contribute.
12 And so collaboration only works when people want to work
13 together.

14 In terms of -- of the -- for example, the
15 collaboration, the landscape planning, land managers have
16 to be involved as well as the mining industry. And when
17 I say "mining industry," also, I mean there's a need to
18 integrate the monitoring that they do with the monitoring
19 that the governments are proposing.

20 So just some of these are still left
21 hanging as questions, their involvement.

22 I think one of the key lessons from
23 recovery planning elsewhere -- and this is true for the -
24 - for the caribou for the Bluenose herd -- I mean, not
25 the Bluenose, the Fortymile herd, but also for fisheries,

1 is the need to prepare for and manage expectations on the
2 resumption of hunting.

3 For example, the revised proposal refers
4 to the suspension of commercial outfitting and resident
5 hunting, and suspension implies that it will be resumed.
6 But there needs to be some indication of how that will be
7 achieved and the consultation that will be required for
8 it.

9 The experience elsewhere is that recovery
10 takes a long time and that premature resumption of
11 hunting is one of the factors that can prolong a decline.

12 The revised proposal does not clearly
13 acknowledge uncertainty still remains for halting the
14 decline. The -- the message that the probability, the
15 likelihood of recovery is about the same as the
16 likelihood of a further decline is buried in Appendix --
17 Appendix 3 in the modelling. However, as a technical
18 point, I would suspect that that modelling is probably
19 very conservative, because I don't think it included wolf
20 management.

21 There's -- I have a couple of other
22 technical questions -- technical points. One of the
23 objectives for the Bathurst herd is that the objective is
24 a stable trend when the number of breeding cows on the
25 calving ground would be stable. The proposal -- revised

1 proposal doesn't address what stability means.

2 Like statistical stability could be actual
3 numerical stability. It could be a -- the beginning of a
4 slow recovery. Conversely, it could be the beginning of
5 a slow decline. There's no indication from the use of
6 the annual monitoring cycles and the targets as to how
7 they will be used to discriminate between what type of
8 stability that the calving grounds survey reveals.

9 I also -- additionally, I doubt that
10 setting levels for cow/calf ratios as an objective is
11 credible, because it's not really subject to management
12 actions. And the point about management objectives is
13 that they -- they have to be measurable and they have to
14 be attainable.

15 However, those are -- those are just some
16 technical points.

17 In summary then, the revised proposal
18 answers the questions that I raised during my
19 intervention about a collaborative approach and adaptive
20 co-management. The proposal now includes Tlicho
21 knowledge, values, and their rules, and it's an
22 innovative approach to community-based committees, which
23 strengthens the revised proposal.

24 They key issues for implementation that
25 are -- that are still outstanding questions are the --

1 background/personal views on this affair, resulting from
2 over forty (40) years in the barren-grounds, along with
3 the benefits attributed to the outfitting industry.
4 Those views still stand.

5 I've scrutinized all the twelve hundred
6 (1,200) pages or so of documents submitted by ENR, most
7 of which just confuse me, with all the unsubstantiated
8 theories as to numbers and how they were arrived at.

9 One document has caught my attention.
10 That is the "Caribou Project Summary and Review Part II,
11 Population Dynamics" by Doug Heard and Mark Williams,
12 February 1991.

13 This is attached to my presentation, and
14 the most interesting parts are in red. Two (2)
15 highlights:

16 "Surveys and board meetings do not
17 constitute management, nor is simply
18 forecasting a decline, unless we expect
19 people to change their hunting
20 behaviour in response to that
21 prediction."

22 Secondly, referring to wolves, Mark's data
23 suggests that pup survival is related to caribou
24 densities but more data are needed.

25 But it has yet to be demonstrated that

1 caribou abundance at treeline is density dependent. That
2 virtually means that the wolves are going to be there
3 whether you have a high caribou population or not, and
4 they're going to keep hammering them.

5 I must also direct you to my presentation
6 of March 2, '07, a reply to the question posed at that
7 time by the WRRB following the GNT -- GNWT's cut in the
8 quotas. It is attached.

9 In that presentation, I gave the reason in
10 harvesting older males only. The outstanding trophy
11 specimen is an old male in the late prime of his life.
12 He had already sired descendants to carry on his
13 heritage. Under any circumstances, he has only a few
14 seasons left. Since his season -- his species is
15 polygamous, shooting him will not affect the numbers that
16 survive.

17 What is more, we've learned a lot about
18 heredity. We now know that the descendants of a young
19 male inherit the same characteristics as the offspring
20 sired by the same animal in his later life. This means
21 that if we shoot a younger animal instead of grand old
22 specimen, in the belief that we are thereby preserving
23 the finest breeding stock, we may be unwittingly
24 destroying a son of the older one or of an even better
25 sire, when the young animal could give more years of

1 service to his race.

2 The final argument in favour of trophy
3 hunting concerns the sportsman himself. When a hunter
4 passes up the small heads to wait for a real trophy, he
5 will see more game, learn a lot more about hunting, and
6 have the satisfaction of meeting a much more formidable
7 challenge to his skill. This is a foundation of ethical
8 hunting and the continuance of the caribou herds.

9 From the same presentation in 2007, trophy
10 hunting, both as a commercial industry as well as a
11 wildlife management tool, hold superior advantages for
12 northern communities, many of whom often feel themselves
13 in direct competition for wildlife within their immediate
14 areas.

15 The meat products going into the
16 communities result in a lesser need for community
17 hunting. The Northwest Territories is without doubt a
18 pro-wildlife utilization area. It embraces the concept
19 of sustainable utilization of our natural resources.

20 We do, however, realize what our function
21 within the NWT trophy hunting industry is. The
22 responsibility of being custodian of our significant
23 wildlife resource is our paramount obligation to all
24 stakeholders and will continue to be. We are now more
25 proud than ever of our hunting heritage and will

1 endeavour to protect this northern jewel for the benefit
2 and enjoyment of all generations to come.

3 Due to the delays in these Hearings
4 resolving issues 4 and 5, there are no outfitter caribou
5 hunts happening this fall. This means that up to 40,000
6 pounds of meat normally destined to the communities and
7 the food bank in Yellowknife will not exist. Without
8 this meat, both the food bank and the Elders day service
9 will be forced to do without.

10 This is one of the sad consequences of the
11 GNWT and Tlicho Government's poorly thought out agenda,
12 the followed effect on those who most need it.

13 An aside here, every winter I keep a few
14 freezers of meat I hold back. I have little old ladies
15 and Elders. They come up to me weekly, monthly, and say,
16 Barry, have you got a little bit of meat for me, just a
17 small roast? I've only got a little freezer in my
18 fridge. So the next day the -- I set up a meeting, and
19 they get their meat or fish, whatever they can have.

20 But I've got a lot of these people. I've
21 run out of meat. I don't know what the future is for
22 these people, because I -- I'm not there. I can't
23 provide it anymore. I'm like a bankrupt government.
24 It's a social thing. It's also a personal thing to me.
25 I have always tried to look after the Elders.

1 When I first started, all my meat went to
2 the Bailey House, and they looked after the destitute
3 people in Yellowknife that needed that protein. I can't
4 do that this year, and I'm really teed off over it.

5 Other ramblings and questions from myself:
6 Who in the GNWT is properly trained in game management?
7 We have lots of biologists, and they appear to relied
8 upon to function in the role of game managers, but I know
9 of no one in that designated position.

10 This question came about because I was on
11 the web on a site I frequent quite often. A lot of
12 biologists were talking, and this same subject came up.
13 And they said, You know, everybody relies on us to be
14 game managers. We're not trained in that. We brush on
15 it.

16 But there's only a couple of states and
17 one (1) province that have people properly trained in
18 game management. I don't know if the NWT has, but I've
19 never heard of the position. I think it's a very vital
20 position. It's special training, and its required for
21 proper conservation.

22 Second question: With the increased
23 quotas for bison, what effect will they have on that herd
24 When quotas were first brought into place in '87, we were
25 told that the goal was to achieve five (5) to six

1 thousand (6,000) animals. My understanding now is that
2 we have twelve hundred (1,200) animals. The wolves,
3 since '87 worked to take down the calves. Now they're
4 pulling down some bigger ones, bulls, hammering
5 everything between and providence. Now, those goals
6 changed because they see new quotas out there.

7 There's much talk in the new proposals of
8 training the later generations of Tlicho in the ethical
9 hunting fashions of the Elders. What programs are being
10 implemented and when will these goals start to see
11 effect?

12 I've made approaches several times over
13 the last four (4) or five (5) years by the shooting club,
14 whatever, that we can provide some training, whatever we
15 could for them. It's been ignored. We'd like to help.
16 We want to. Caribou are a goal of ours.

17 Question 4: With 40,000 pounds of meat to
18 be replaced from the outfitters, where is that vital
19 source to come from? It's a major source of protein for
20 Elders.

21 Number 5, I have repeatedly asked, what is
22 the targeted number of Bathurst caribou to be achieved
23 with these proposals? No one appears to be in a position
24 to answer this question.

25 We know that the numbers that were

1 attained in the '80s were virtually an all-time high for
2 over a hundred (100) year period, but what are the
3 sustainable numbers that we are attempting to reach now?

4 We have to face the fact, we're not going
5 to see two hundred thousand (200,000) again. But what is
6 the number that we are looking for? We've had three (3)
7 years to make up our minds, and no numbers have been
8 tossed to me yet when I ask.

9 Wolves: Wolves have been targeted to a
10 small degree for increased harvesting. In Yellowstone
11 Park, transplanted wolves are accounting for twenty-nine
12 (29) elk per year per wolf. These are wolves that had to
13 learn to pull down elk.

14 ENR submitted documents that point to two
15 -- two thousand (2,000) wolves in the caribou grounds.
16 These are animals quite versatile in harvesting caribou
17 and undoubtedly have played a part in decimating numbers.

18 Today, I found out that they want to
19 harvest another sixty (60) wolves. That'll account for
20 sixteen hundred (1,600) caribou. A hundred (100) wolves
21 would account for twenty-seven hundred (2,700) caribou.

22 We're going to encourage shooting wolves.
23 But as a resident hunter questioned me on the weekend, he
24 said, They want us to harvest wolves and they doubled the
25 tag fees. He says, They're really encouraging me. He

1 said, It costs money to go out there and get those
2 things. But he said, I don't mind taking some wolves if
3 it's going to help the caribou.

4 Wolves are a major part here. A few years
5 back, there was an outcry because a lot of wolves were
6 taken when the herd went down into Northern Saskatchewan
7 and Alberta, amounted to six (6), seven hundred (700)
8 wolves.

9 Our Department's reply was, It's not a problem; we still
10 have seven thousand (7,000) wolves in the barren-lands.
11 Somebody's got to make up their mind how many wolves we
12 have.

13 I'm told that the dens are disappearing.
14 Now I talk to Dean, and Dean's the biologist, and we get
15 along fine. He tells me dens that aren't being used
16 anymore, and I said, Yeah, but we've still got the same
17 wolves, I know them. I'm still seeing them. They just
18 moved. You have to look in the right place.

19 I have heard that the Department is giving
20 them another hundred and fifty grand (150,000) to look
21 for wolves and dens. I applaud them for that. But
22 wolves are a problem. They're a problem all over North
23 America right now. They're decimating game, and we have
24 to do something about it. Alaska's got one way of
25 dealing with it, and it has proven effective.

1 Number 7, apparently bears and their
2 effects on caribou numbers were not considered due to the
3 low incidence of birth rate. When are those bear numbers
4 forthcoming? We've been awaiting a promised bear count
5 for over ten (10) years. And correspondence with Alaska
6 professionals and Alaskan guests of myself who state that
7 the NWT, my area especially, has areas with higher bear
8 densities than found anywhere in Alaska.

9 And from personal observations, a bear
10 will take a caribou every two (2) days if available. In
11 one (1) season at camp, 2005, we estimated that bears
12 accounted for three (3) times our own harvest in the same
13 time frame. Last year we had over six hundred (600)
14 documented bear kills in our area.

15 I admit that I have an abundance of bears,
16 but that's a fact. Bears do play a part. I realize the
17 government's reluctance to start hunting bears when
18 everybody else is shutting them down. But we went
19 through twelve (12) years of twins and triplets on a
20 constant basis.

21 Some other questions have come up arising
22 from today. Starting in my other book here, number 1,
23 there appears to be a lack of plans for the future. A
24 few years ago I asked, What's the cause of the caribou
25 decline? Nobody could answer me. What are the plans for

1 the future? Nobody could answer me. I'm still seeing
2 it. I'm saying, Leave them alone and let's see what
3 happens.

4 Now, if we wait too long and then we take
5 another five (5) or six (6) years to make some plans,
6 there won't be any. We need some progress. We need to
7 see something now with teeth in it.

8 In reply to a statement today from the
9 Tlicho's rep, he asked about the outfitting and how there
10 was no future for it, dating to the colonialism days. I
11 had to explain to Sue, because I was here long before
12 that, when they first started outfitting they created
13 five (5) outfitters. They were termed non-Native
14 outfitters. We went to the government and we said, We
15 have to get the Natives involved. Give the HTAs
16 licences.

17 We started training programs with the
18 assistance of the government so that those people could
19 come in and be trained to go back to their communities
20 and become guides. There was nobody that wasn't
21 supporting the Natives in this endeavour. We wanted them
22 to become involved. It wasn't Colonialism at all. In
23 those days we were all brothers together.

24 Abuse, no ethics; ten (10) years ago,
25 fifteen (15) years ago, 75 percent of the caribou that we

1 skinned out had .22 slugs or .223 slugs, illegal hunting
2 calibers, laying under the hides. That many animals had
3 survived. We don't know how many died, especially from
4 herd shooting.

5 The last few years it's down to about 25
6 percent, but there's a lot of animals being shot that
7 didn't make it. But we're still finding 25 percent of
8 our animals have slugs in them. That cannot be
9 tolerated.

10 Now, we have to hunt with proper calibers
11 like the elders used to. Dropping down to so-called
12 illegal calibers is not -- not working. That's abuse of
13 animals.

14 Working together; the outfitters were
15 promised alternative species two (2) years ago. We have
16 seen no talk of this. Everybody's been concentrating on
17 alternatives, especially for the Tlicho, but nobody
18 looked at us. Now, a few alternative species could help
19 us out. We might survive and be able to help the
20 government.

21 Quotas have recently been changed. I've
22 see -- seen them published. And I'm confused, because in
23 2007 we were before the Board because quotas were changed
24 without any consultation to the Board, and that's we're
25 met.

1 Now some quotas have gotten changed again,
2 but the Board had no part in that, that -- that we
3 understand. I'd like to know, why is this being
4 repeated? There's supposed to be consultation.

5 Co-management; co-management has to be
6 done by everybody. If you exclude the residents and the
7 outfitters, you're not going to have co-management. You
8 have to have those people involved. There's a lot of
9 public concern over this. The radios -- everybody should
10 tune to the radio.

11 Wolf harvest, that there's no correlation
12 to the caribou; well, I've got maybe a hundred and fifty
13 (150) books on wolves, and I can tell you there's a
14 correlation. The same thing with bears. I've got about
15 a hundred (100) books on bears and their relationship
16 with, you know. Happened to be pet project.

17 We have to do some studies. We have to
18 get going where we're going on this, and it's not
19 happening. My time's just about out, so thank you for
20 listening. I encourage the Board to closely scrutinize
21 all future effects of their decisions on the NWT and its
22 people.

23 This is your first major challenge, and
24 it's going to set the pattern for future conservation and
25 management in the future. And the future is our future;

1 not only ours, our grandchildren's, and on and on we go.

2 But if we make a poor decision now, it's
3 going to affect our offspring and the future of the NWT.
4 Thank you. Enough said.

5 THE CO-CHAIRPERSON JOSEPH JUDAS: Mahsi,
6 Barry. Robert Turner...?

7

8 CLOSING COMMENTS BY MR. ROBERT TURNER & MR. DAVID
9 LIVINGSTONE:

10 MR. ROBERT TURNER: Thank you, Chair.
11 Bob Turner. I'll start off the presentation, and then
12 David will conclude.

13 THE CHAIRPERSON: Excuse me, Robert.
14 This is Co-Chair Grant. I should make an announcement
15 that Mr. Turner and Mr. Slack came to an arrangement
16 where they -- they switched positions in the agenda today
17 from one (1) for tomorrow. I apologize for not
18 announcing that earlier.

19 MR. ROBERT TURNER: Okay, I'd like to
20 just touch on some of the -- the questions that I had
21 raised earlier. And I realize that the Board has -- has
22 some major decisions to make, and the decisions should be
23 made in a very strategic fashion for the betterment of
24 the herd and for the people who depend on the herd.

25 And as I mentioned before, I believe that

1 it is recognized that there are different levels of
2 pressure and -- that were put on the herd and different
3 harvesting levels.

4 There is the harvesters who have
5 Aboriginal rights to lands and resources in the area who
6 harvest. There are other Aboriginal harvesters. There
7 are resident hunters. There are commercial harvesters.
8 And the commercial harvesting was broke into two
9 different categories. And those two (2) categories were
10 tags for resale of caribou and tags for outfitting.

11 I have always felt that a priority should
12 be on tags for providing food and put on the table for
13 people to eat rather than sport hunting, but it seems to
14 have been in a reverse order for -- from the government.

15 But setting that aside, I -- I had asked
16 whether or not there was a plan on how those various
17 levels of pressure were going to be reintroduced, and I
18 didn't get a very clear answer.

19 We're at a point now where there's a ban
20 on the hunting, and there was a small portion allocated
21 to various groups. And even that -- that number, I don't
22 agree with the allocation.

23 I understand the Tlicho have a right to a
24 number to be harvested for the communities. And that
25 number that they're recommending, along with ENR, is a

1 hundred and fifty (150) for themselves, and I think a
2 hundred and fifty (150) for the other Aboriginal groups.
3 In a way, that -- that's not a very clear recommendation,
4 and -- and just thrown into a pot over in Yellowknife for
5 the various other Aboriginal groups to fight over, I
6 suppose.

7 I think, you know, it should be recognized
8 that there are Aboriginal people in this region who have
9 the rights to lands and resources. The Tlicho have
10 settled their claim; they are obviously one (1) of them.
11 The Yellowknives Dene are in a process, so they're
12 obviously another group then that is recognized by the
13 governments to have rights.

14 I don't know of any other group that is
15 recognized by the governments to have rights to lands and
16 resources in this region. So they should fit into a
17 progressive scale that I would recommend.

18 We're at a point of zero to three hundred
19 (300) allocated for the next two (2) to three (3) years.
20 Within that time, I would recommend a total allowable
21 harvest for the Aboriginal groups who have rights to
22 lands and resources in this region before any other level
23 of pressure is introduced. And that other level of
24 pressure would be the resident hunters and other
25 Aboriginal groups or other Aboriginals.

1 And following that, I would recommend
2 then, and only then, you consider the commercial harvest.
3 And I would recommend that that go over time.

4 I mean, you're -- you're going to take two
5 (2) to three (3) years to determine whether or not you're
6 going to introduce harvesting back. And if you do it in
7 a common sense -- I mean, the way I would -- I -- I see
8 things introduced, going over time, not introducing all
9 of the pressure back all in one (1) -- one (1) motion.

10 You know, similar to the -- the BP oil
11 spill. When they shut that oil down, they didn't do it
12 all in one (1) stroke. They reduced it slowly over time,
13 because of the damage that would have caused.

14 So if -- if you introduce the next level
15 of pressure in two (2) to three (3) years from now, then
16 I would recommend you -- you monitor the success and the
17 increase in -- in numbers of the herd over the next two
18 (2) or three (3) years before you introduce another level
19 of pressure, and so on.

20 And if you do that, I mean, you -- you'd
21 show the people that you're making a good decision. And
22 you're informing the people and the public, the resident
23 hunters, the outfitters, that this -- if they're --
24 they're going to be harvesting in the future, this is
25 probably when it's going to occur if the -- and the herd

1 is coming back to a healthy population.

2 So that is what I would recommend, and I
3 pass the floor over to David.

4 MR. DAVID LIVINGSTONE: Thanks, Bob.
5 It's David Livingstone. A number of points I guess that
6 I'd -- I'd like to reiterate.

7 First of all, we recommended in our
8 intervention, the previous hearing, that we would prefer
9 a quota of zero. That stands. That would be our
10 preference. And there are a number of reasons for that.

11 That said, if three hundred (300) is
12 acceptable to the Board, then we recommend that -- that
13 those animals be taken in a very controlled fashion.

14 It's a -- it's a precious resource that
15 we're -- we're dealing with here. And if we're going to
16 allow a harvest of any kind, then -- then that harvest --
17 the benefits of that harvest need to be maximized. And
18 that means the -- the cultural elements that -- that
19 could be ut -- could be gained from that harvest should
20 be maximized, the scientific benefits should be
21 maximized, and that we not waste the opportunity to gain
22 the best knowledge in all -- in all facets from that
23 harvest.

24 We, I think, understand the -- the concern
25 that -- that has been raised about the term "total

1 allowable harvest." And I think while I can -- I can
2 understand that and -- and agree with it, support it, in
3 the shorter term, I want to underscore the importance of
4 recognizing that this number is a maximum.

5 It's not a -- a harvest up to number, just
6 as -- as we say in the contaminants business, it's not a
7 licence to pollute up to when you send -- set a number.
8 If we can get by with less, we should.

9 It's really important, I think, to be very
10 careful about this approach. And if it isn't working --
11 and I -- I think it's -- there's some fragility
12 associated with the -- the entire proposal. But if the
13 approach doesn't work, then I think the Resource Board
14 needs to be prepared to step in to set a total allowable
15 harvest, whatever number that is, and ENR needs to be
16 prepared to step in to enforce that.

17 Again, I don't think we can afford to make
18 mistakes here. We need to recognize how precious this
19 resource is, and we need to step up to the plate to
20 ensure that -- that mistakes -- further mistakes aren't
21 made.

22 I think it's really important that the Re
23 -- Review Board -- Resource Board remain engaged in this
24 process, that your work doesn't end when you file your
25 report, that you become a full partner in this -- what --

1 what currently is a -- a government-led process, become a
2 full partner in that process. And that means insuring
3 that -- that, presumably, your staff are engaged in the
4 discussions, in the development of the implementation
5 plan.

6 The -- the Board is, after all, the -- and
7 I'll -- and I'll quote from the -- the proposal:

8 "The overall instrument of wildlife
9 management in Wek'eezhii."

10 Now frankly, I don't see that reflected in
11 the proposal. And I think the Board needs to be prepared
12 to take on a -- a more significant role. This thing is
13 only going to work if everybody's involved in a very
14 serious way. And I -- and I think right now, there's a -
15 - there's a gap. The Board's role, I think, is, to put
16 it politely, understated in the proposal. There may be
17 some process issues that -- that need to be addressed,
18 but I'm sure those can be resolved.

19 I'm disappointed that the -- that other
20 land managers aren't present here, other Federal
21 agencies, DIAND notably.

22 There's reference to the role of the Land
23 and Water Boards. Well, sure, the Land and Water Boards
24 play a role in -- in permitting approval. So does the re
25 -- Environmental Impact Review Board, but so do -- so do

1 the departments, Federal departments. Environment
2 Canada, I thought had a mandate for -- for wildlife, and
3 yet I don't see much in the way of Environment Canada's
4 direct participation in this -- this review.

5 Industry, the -- the diamond-mining
6 companies, the exploration companies, the -- the gold-
7 mining companies all have responsibilities, and I don't
8 see much engagement with or by those parties. That needs
9 to change.

10 The implementation plan, as we've all
11 discussed, is preliminary at best. A lot of work needs
12 to be done. And I'd -- I would certainly encourage the
13 Tlicho Government and ENR to get on with developing that
14 implementation plan, even as they wait for the Board's
15 report.

16 There's a lot of work to be done, and
17 there's no point sitting and letting time go by. And I'm
18 -- I'm sure that's not the case, but -- but I -- I'm a
19 little concerned that not enough effort is being made as
20 we speak to fill in some of those details that people
21 have identified.

22 A little aside, I -- I noted in the
23 proposal that -- that ENR and Tlicho suggest that -- that
24 would bison form a substitute meat source, but also, that
25 would bison be eliminated between Behchoko and

1 Yellowknife. I -- I find that a little puzzling,
2 frankly. And I don't know if the Board wants to take
3 that on a little further, but -- but it is -- it is
4 questionable, in my view.

5 Now having said all that, and with the
6 caveats that -- that we've laid out both in our first
7 intervention and -- and today, I think we can say that --
8 that, generally speaking, the joint proposal moves us
9 forward, that it provides more assurance that the
10 governments are taking this crisis seriously and are --
11 are working hard to put in place the management regime
12 that will guarantee, if we can at all, recovery of the
13 herd.

14 But it's not just up to governments, and
15 it's not just up to the Review Board -- or Resource
16 Board. Apologies. That's an old habit.

17 It's up to all of us. We all need to
18 recognize -- accept, if you like -- that the -- the herd
19 is in crisis and action needs to be taken. And it means
20 painful decisions need to be made, and we can't shy away
21 from those.

22 We have a responsibility, as people who
23 live in the North and -- and rely on the resources of the
24 North, to ensure that -- that the herd -- the herds can
25 recover and that we take a backseat, if need be, while

1 that -- that happens, in terms of our own needs.

2 And I know that's difficult. It's more
3 difficult for the smaller communities. But if we don't
4 do it, we're going to lose everything. At least that --
5 that's the risk.

6 So, I -- I guess I'd sum up by saying that
7 -- that much has been done by the Tlicho, by ENR, but
8 much more needs to be done. And I'd suggest that the
9 hard work is ahead, not behind, and that we all need to -
10 - to support those initiatives and -- and be engaged as
11 we go forward, because we all share the responsibility.
12 Thank you.

13 THE CO-CHAIRPERSON JOSEPH JUDAS: Thank
14 you, Dave. I think we have a problem with the hearing
15 over back there.

16

17 (BRIEF PAUSE)

18

19 THE CO-CHAIRPERSON JOSEPH JUDAS: The
20 next -- the next is City of Yellowknife, Gordon Van
21 Tighem.

22

23 CLOSING COMMENTS BY THE CITY OF YELLOWKNIFE:

24 MR. GORDON VAN TIGHM: Mahsi, Mr. Co-
25 Chair, Elders, ladies and gentlemen. The City of

1 Yellowknife is pleased to participate in the Wek'eezhii
2 Renewable Resources Board's review of the joint caribou
3 management proposal, specifically, to reaffirm what we
4 discussed in March.

5 And also, it's always a thrill to come and
6 visit in Behchoko. I was telling Chief Joe that I was
7 out on my boat Sunday. I came in against 15 kilometre an
8 hour winds, bounced up and down, and I didn't get
9 seasick.

10 I came to Behchoko on Thursday bouncing up
11 and down on the highway. I felt like getting seasick.
12 My friend, Ted Blonden (phonetic), tells me, No, it's
13 airsick, because you're in the air from the bumps.

14 We strongly encourage responsible
15 management of our natural resources to ensure a healthy
16 lifestyle for today's residents and future generations.
17 And as such, we respect the jurisdiction and the
18 recommendations that you have received.

19 With any decision the cumulative impacts
20 of the decision need to be part of your consideration.
21 Social and economic viability of the Northwest
22 Territories should be part of that consideration.

23 Many of our residents have depended on
24 caribou as part of their diet. You may call it sport
25 hunting, but it's still part of their diet. Sport

1 hunting is a significant contributor to our ability, as
2 well, to attract and retain workers in our community.

3 The outfitting industry has drawn hunters,
4 tourists from around the world to the Northwest
5 Territories and contributed millions of dollars annually
6 to the Territorial economy. This included charter
7 airlines, food stores, taxidermy services. And earlier,
8 you mentioned Barry -- or you heard Barry mention the
9 significant contribution to Elders and to food banks,
10 which supply some of the shelters in Yellowknife.

11 At the last session, we spoke about
12 management practices in neighbouring jurisdictions. He
13 mentioned Nunavut. He mentioned the Yukon, mentioned
14 Alaska and, I think, British Columbia as areas where we
15 might learn from their successes.

16 One that I forgot was Northern Quebec.
17 When their herds peaked and a die off was under -- or
18 being witnessed, the government, surprisingly,
19 immediately sought out a partnership with the outfitters
20 to develop a joint strategy.

21 Across Northern Alaska, Yukon, and the
22 Northwest Territories, the management plan adap --
23 adopted earlier this year on the Porcupine herd provides
24 a great model involving all impacted jurisdictions and a
25 means to ensure all participate in a population-based

1 method to regulate harvest.

2 Respecting and recognizing the Board's
3 authority and the resultant overlaps, we encourage -- and
4 the resultant overlaps of territories that you serve, we
5 encourage the Board to ensure that your ultimate
6 decision, in our ongoing attitude of cooperation and
7 coexistence, is inclusive of all impacted groups,
8 including our other Aboriginal residents, our industry,
9 and our resident hunters; that it encourages active
10 programs to determine recovery levels; and provides
11 consideration of when the other management actions can be
12 reinstated.

13 And one of the things that we look for in
14 our Renewable Resource Boards is consistency and
15 predictability. So we look forward to the precedent
16 coming from the Wek'eezhii Board. Thank you very much.
17 Mahsi.

18 THE CO-CHAIRPERSON JOSEPH JUDAS: Mahsi,
19 Gordon. (DOGRIB SPOKEN). Karen McMaster...?

20

21 CLOSING COMMENTS BY MS. KAREN MCMASTER:

22 MS. KAREN MCMASTER: Good afternoon.
23 Karen McMaster here. Mr. Co-Chairman and fellow Board
24 members, thank you again for the opportunity to speak
25 with you.

1 At the outset, I'd like to advise that
2 I've filed a twenty-five (25) page submission and closing
3 remarks for this Hearing. I've spent probably six (6)
4 months working on this project and I have analysed and
5 re-analysed an incredible amount of data.

6 I was advised of this Hearing, the re --
7 the reinstatement of this Hearing while I was on
8 holidays, when I was outside of the Territory, and I
9 spent my entire vacation working on this the past week.

10 So I apologize if I'm rather short in some
11 of my comments and that I've put some of my comments in -
12 - actually, many of my comments, in bulleted format. I
13 do not have the time today to go through these comments.
14 Each line is equally as important as the others, and I
15 would dearly ask the Board members to read my submission
16 in totality.

17 I would like to note that many of the
18 important documents for this Hearing, some of the most
19 critical documents for this Hearing, some of which were
20 actually produced by the independent expert to the Board,
21 were not produced until July of 2010.

22 These are about the satellite collaring
23 information for the Bathurst herd, the distribution of
24 the herds, and the practices of ENR over time. These are
25 the most critical documents, probably, for this Hearing,

1 and yet they were not disclosed until July.

2 I have not had an opportunity to hire a
3 biologist to look at these documents. I had hired a
4 biologist back in March, and after Mr. Ernie Campbell
5 agreed to release some of the information that we had
6 asked for at the end of March, my biologist had requested
7 the information numerous times -- in fact, according to
8 his email last night, over a dozen times -- to obtain
9 information from ENR, and this information was not
10 produced until March -- until May, the middle of May.

11 This information could not be reviewed.
12 It was past the April deadline for his -- for his project
13 involvement, and he acted according to the promises of
14 Mr. Ernie Campbell.

15 It is really unfortunate that these
16 documents have not been produced for this Hearing,
17 because I believe that the Board needs to rely on the
18 best information that is available, and yet it does not
19 have that information.

20 How are we, as Intervenors, supposed to
21 analyse data that is not really -- not submit -- not
22 produced to us, and for which we do not have budgets such
23 as ENR and Tlicho Governments to analyse the data? The
24 whole system falls apart. We don't have the process in
25 place to provide the information under this land claim

1 agreement.

2 Just one (1) clarification from the March
3 hearing. I did advise the Board that I would provide you
4 with an article about ENR looking on the entire Beverly
5 traditional calving ground, and I do have this document
6 for you here.

7 I apologize, I couldn't send it with my
8 submission. I was on holidays. But I do have it here,
9 and ENR would have it as well. I will provide this to
10 you after.

11 As I said, I cannot go through all of my
12 comments for this Hearing, but I will touch upon a few
13 points. First of all, I do believe that this is a total
14 allow -- allowable harvest. This Hearing was put forward
15 in November as a total allowable harvest, and a hearing
16 took place. This Hearing took many, many months to
17 prepare for, with an incredible amount of time and
18 resources spent on preparing for this Hearing.

19 The Board accepted the proposal as an
20 amendment. It was not a new proposal. Had it been a new
21 proposal, we would have had a new hearing.

22 I'm quite shocked that Tlicho Government
23 has not identified as a total allowable harvest, when
24 this total allowable harvest is actually in the land
25 claim agreement. This was a provision that was provided

1 collared cows represented the herd,
2 using the definition of a herd as being
3 based on the cows' return to a
4 traditional calving ground. Herds
5 overlap in the winter, so we have no
6 means of confirming the individual
7 cow's herd identity during capture, and
8 therefore, use the June distribution to
9 assign herd identity."

10 Board members, if ENR cannot tell the herd
11 of an animal in the wintertime, there is no way that a
12 hunter could tell the herd affiliation of an animal.

13 THE CHAIRPERSON: Excuse me, could you
14 slow down so the translators can keep up for us? Thanks.

15 MS. KAREN MCMASTER: Certainly. I
16 apologize. Again, I would ask the Board members to go
17 through the extracts of the documents of the -- the
18 statements that I've put in my -- my submission about the
19 distribution of the herds. It's very clear that these
20 management actions are based on almost an entire herd
21 following cow -- collared cows.

22 In these documents, I learned that we've
23 only had seventy-eight (78) collars over time. And it
24 appears to me that that is incredibly, incredibly small
25 sample size. Having taken some statistics, I don't think

1 that's statistically significant, and it's certainly not
2 representative of a herd.

3 But my key point, for all of the
4 management plans that's in this act in -- put before us
5 is the assumption that the -- the animals follow collared
6 cows. We know that the cows don't follow collared cows,
7 and we certainly know that the bulls don't follow the
8 collared cows. It's evident in all the documents that
9 were produced in July. And quite frankly, I find the
10 entire management proposal fails on that one (1) point.

11 I find it almost embarrassing that a
12 target has not been planned nor identified to reinstate
13 hunting. This management plan has been years, and years,
14 and years in the workings. It was required under the
15 Tlich -- Tlich Land Claim Agreement, and yet nothing has
16 been produced.

17 We gave a second chance for a full, well
18 prepared management plan, and yet identi -- and a herd
19 figure or number to reinstate hunting has not been
20 identified. This is all left to the future.

21 I have considerable con -- concerns about
22 things being left to the future, because even today we
23 fully -- for the first time, you got a full background as
24 to why three hundred (300) was selected and an
25 understanding of that number.

1 One aspect that I addressed in March and I
2 have included in my submission today is the splitting of
3 the herds. I note that John Andre's description of what
4 has transpired is very real and it's valid, and it has
5 not been looked at by the ARC report. They did not look
6 at this issue. They relied on ENR definitions.

7 And I believe it would be extremely
8 prudent and necessary for the Board to read and follow
9 all of the documents that are listed to appreciate this
10 position.

11 People may object to John Andre because
12 he's an American or because he's an outfitter, but he's
13 done an incredible amount of work and his story is real.
14 It will take some time to review the documents, but it's
15 vital.

16 There is a real and documented explanation
17 here and a real problem in the NW -- NWT that is not
18 being dealt with. I don't think this issue is going to
19 go away.

20 ENR, in its pre -- in its presentation on
21 Wednesday, complete -- or pardon me, Wednesday, in March
22 completely skirted the issue of the splitting of the
23 herds, despite it knew it was a real issue. They
24 disregarded the whole concept of calving grounds,
25 traditional calving grounds, and herd.

1 If you will recall from their submission
2 in March, they asked: What is a herd? And they
3 immediately went into an animated computer scenario.
4 They never noted their own definition, that it's re --
5 repeatedly used as a return to a traditional calving
6 ground, despite this des -- this definition has been used
7 with ENR over the years.

8 I believe that this dif -- definition is
9 included in the -- the current joint proposal, and I note
10 that ENR, over many, many years, and including the expert
11 witness, has defined traditional calving grounds as all
12 known annual calving grounds for that hert -- herd.

13 It's very clear, Board members, that the
14 traditional calving ground is the accumulation of calving
15 grounds. And it is quite apparent from the material
16 filed by Mr. Andre, and ENR, and the surveys over the
17 years, and the documents produced in July 2010, that the
18 Bathurst herd includes all animals found on the ground in
19 all the surveys covered by annual calving grounds over
20 the years, not just the area that was surveyed in 2009,
21 i.e., west of Bathurst Inlet.

22 As a consequence, the estimate of the
23 Bathurst herd is extremely low. This is an -- in
24 addition to this, the Ahiak numbers, although Mr. -- Jan
25 has indicated that they're low in many, many reports,

1 ENR has indicated that the Ahiak is stable, whereas it's
2 actually significant. In fact, I believe they indicated
3 it was the fourth-largest herd in the -- in -- the
4 fourth-largest herd.

5 So what has transpired? Well, we know one
6 thing. ENR has stopped looking over the traditional
7 Bathurst calving ground over the years, but ENR will do
8 so when it wants to. Take, for example, the comments
9 below.

10 ENR filed report 118. The report
11 indicates that during the 1980s, most survey efforts were
12 con -- concentrated east of Bathurst Inlet. From 1986 to
13 1996, both the survey effort and mapped calving
14 distribution were located progressively more west of
15 Bathurst Inlet. So I ask you: Is it not surprising that
16 the annual calving ground is shifting west because
17 they're looking there?

18 The report indicates that the composite
19 map in that report revealed that within the Bathurst
20 herd's traditional calving grounds, the annual calving
21 grounds were shifting somewhat. This report made
22 numerous recommendations. It's specifically noted that
23 one should cover the entire traditional calving ground in
24 some -- pardon me, it's specifically noted that coverage
25 of the entire traditional calving ground in some years

1 may not have been adequate and areas of calving caribou
2 may have been missed.

3 The report made several recommendations
4 including, in order to ensure that no calving areas are
5 missed, reconnaissance flights should cover the entire
6 calving ground.

7 And I note, Board members, that when ENR
8 wants to, it will look on the traditional calving ground.
9 And in this document that I've referred to, and I
10 referred to in March, the Summary 2007 Barren Ground
11 Calving, Caribou Calving Distribution Surveys, there were
12 very few on the -- very few caribou on the calving ground
13 in the Beverly herd, although all the traditional calving
14 ground of the herd was flown to make sure significant
15 groups of caribou had not been missed.

16

17 (BRIEF PAUSE)

18

19 MS. KAREN MCMASTER: It appears to me
20 from listening to some of the information that was
21 produced today -- and it would have been really helpful
22 to have had this information long before today -- that
23 many of the action items are actually not implementation,
24 they're core and fundamental to this -- this proceeding.
25 And yet, they haven't been decided -- decided, they

1 haven't been discussed. In fact, it's going to be years
2 until we understand what the Proposal is really about.

3 There's no mechanism for share --
4 shareholders -- stakeholders to be involved in this
5 process going forward. It's very clear that once you --
6 if elimination -- if the resident hunters and outfitters
7 are eliminated, that we are basically out of the picture.
8 And I must say that I do find it very disappointing that
9 ENR has really not reached out to the rest of the
10 population for which it represents, the other
11 stakeholders in the NWT.

12 For the sake of time, I'll just read my
13 conclusion in this -- in -- in my submissions. In
14 conclusion, my conclusion from the March hearing holds.
15 I believe that no changes should be made to harvest at
16 this time. There is insufficient information to support
17 this draconian action, and the drac -- and the basis for
18 this action has not been asserted.

19 I note to the general public and to
20 everyone at this hearing that emergency measures were
21 taken in June 2009 on a survey that hadn't been released.
22 And upon obtaining that survey, and it took considerable
23 effort to get that -- that survey in April and May, I
24 learned that there were nine (9) animals in that survey.

25 So we took emergency measures in this

1 territory based on nine (9) animals. Nine (9) animals
2 out of thirty-two thousand (32,000), if the number is
3 thirty-two thousand (32,000). I think that represents
4 point two (.2) -- point zero zero two four (.0024) or
5 something, of the population.

6 If the Tlicho Government is concerned
7 about the harvest by their citizens, and believes it is
8 timely to instill or restore traditional culture and
9 methods of hunting in their communities, it is most
10 welcome to do so, but it does not need to restrict
11 resident outfitters and eliminate livelihoods to do so.

12 Volunteer limits and encouragement for
13 limited hunts would work well if the proponents see a
14 concern. The Tlicho Government can manage this concern,
15 I'm sure, quite well. This is especially so, given the
16 management plans are only for two (2) years, and in light
17 of all this uncertainty. I know what many --

18 THE CHAIRPERSON: Excuse me, Ms.
19 McMaster, you have five (5) minutes left.

20 MS. KAREN MCMASTER: Okay. Thank you. I
21 know of many, many Tlicho members, resident hunters, and
22 outfitters who have retained their respect for animals
23 and the land, and I feel very much for the Elders in
24 remote communities who continue to live a subsistence
25 lifestyle.

1 I believe the information put forward for
2 the -- about the caribou situation has been inadequate,
3 it has not been transparent, and it has not been han --
4 handled well by our government, and that it must be very
5 confusing and heart wrenching for these Elders to go
6 through this process, as it is for many others in the NWT
7 whose livelihoods and human rights issues are at stake.

8 I would respectfully submit that the --
9 the WRRB Board members read the material put forth for
10 this hearing as they promised to do, and to have read it
11 before this hearing; that they must rely on their own
12 thoughts and exercise, as a Board, their powers under the
13 Tlicho Land Claim Agreement and not just accept the
14 ENR/Tlicho proposal.

15 The WRRB is to manage wildlife in
16 Wek'eezhii under the Tlicho Land Claim Agreement and has
17 considerable power. While I'm sure you think it is
18 difficult to arrive at a diff -- at a decision different
19 from the Joint Proposal, as some of you are members of
20 ENR and Tlicho and you are likely receiving pressure from
21 the propoments -- proponents, I trust that you -- that
22 you will. I thank you for your time.

23 THE CO-CHAIRPERSON JOSEPH JUDAS: Mahsi,
24 Karen.

25

1 (THROUGH INTERPRETER INTO ENGLISH)

2

3 THE CO-CHAIRPERSON JOSEPH JUDAS: Thank
4 you, Karen. The next speaker will be NWT Wildlife
5 Federation. The next speaker?

6

7 (INTERPRETATION CONCLUDED)

8

9 CLOSING COMMENTS BY NWT WILDLIFE FEDERATION:

10 MR. MARTIN KNUTSAN: Martin Knutsan, NWT
11 Wildlife Federation. I'd like to thank the Board for
12 this opportunity to make closing remarks.

13 The importance -- and this is directed to
14 the -- to the Board -- the importance of the decision you
15 are undertaking cannot be understated. Your decision
16 will impact the lives of all people of the NWT. Peoples'
17 lifestyle and the reason for living in the North will be
18 impacted.

19 Should the current emergency measures be
20 upheld, businesses that support hunting activities will
21 suffer and some will fail and move away, as we are
22 already seeing.

23 Families that have worked their entire
24 lives to build businesses and support the econ -- economy
25 of the North are being forced into bankruptcy. Each and

1 every person in the North is going to be affected by your
2 decision either directly or indirectly.

3 The NWT Wildlife Federation stands behind
4 good decisions based on sound scientific fact. We are
5 seeing very bad decisions and recommendations from ENR
6 and the Tlicho Government based on poor science.

7 The information provided leaves a lot of
8 room for reasonable doubt in the science and conclusions
9 presented by ENR. If there is reasonable doubt in the
10 information presented, then I urge the Board to err on
11 the side of caution and reinstate hunting for the
12 resident hunters. There is no scientific argument that
13 supports resident hunting impacts future herd size of
14 barren ground caribou.

15 We must also remember that the
16 precautionary principle works both ways. We need to be
17 cautious as a society that we are making the right
18 decisions for all members of society, and we are not
19 succumbing to the wishes of a few.

20 The shutting down of resident and
21 outfitter hunting has a great impact on all of our
22 society and the decisions to shut down hunting will have
23 a drastic and long-term effect on the North.

24 People come to live in the North for the
25 lifestyle. Hunting and the use of outdoors is a very

1 large part of that lifestyle.

2 There are many caribou on the barren-
3 grounds. The emergency measure called by Minister is
4 unwarranted and an abuse of power. The science behind
5 this decision is being challenged by biologists across
6 the country. There is more than reasonable doubt that
7 the science and conclusion draw -- conclusions drawn from
8 this science can be substantiated to shut down a caribou
9 harvesting.

10 The WRRB is to base their decision on the
11 best possible science available. If the science
12 available is flawed, does that mean that the decision of
13 the WRRB must be flawed, as well?

14 The WRRB has a responsibility to society
15 to make good decisions based on good undisputed science.
16 The science you are using from ENR is in serious dispute
17 as shown by many of the Intervenors.

18 In closing, I urge the WRRB to reinstate
19 the tags to the resident hunters as the number of bulls
20 we harvest has no impact on future herd size. Any
21 decision that does not reinstate the hunters' tags must
22 be based on politics and not science. If the WRRB is to
23 base decisions on science, then the resident hunters must
24 get their tags back.

25 As I listen to some of the remarks today

1 and as I've thought about the -- I guess, the direction
2 that this hearing is going, I -- I've come to a few
3 conclusions.

4 One (1) of the conclusions is that both
5 the Tlicho and ENR are not unbiassed in their
6 recommendations. The Tlicho, as a government, is looking
7 out for its people, and ENR, which is somewhat confusing,
8 seems to be looking out for certain peoples of the NWT,
9 but certainly not all.

10 And I -- this also must raise certain
11 questions as why our government is not looking after the
12 interests of outfitters and resident hunters. I think
13 this also puts added responsibility on the Board to make
14 good decisions and to look at all the information that
15 has been presented, to -- to carefully study it and to
16 look out for the interests of society, of outfitters and
17 resident hunters, as I feel we have been sold out by our
18 government.

19 And one must ask the question: Why? And
20 there's been several hypotheses to this. And when things
21 like this happen, it's usually a case of following the
22 money, but this -- it's not a clear -- it's not clear in
23 this as to how that would follow.

24 There has been rumour that there are
25 ulterior motives by the GNWT and the Department of ENR.

1 It stands that with the elimination of tags for
2 outfitters, that these businesses will go bankrupt. They
3 cannot sustain themselves on a bit of fishing, possibly a
4 few wolf tags or a grizzly tag. So, effectively, our
5 government has bankrupted several -- an industry.

6 And that in -- unto itself is
7 disconcerting, that the government would -- would
8 bankrupt an industry in this day and age without
9 compensation. So why would they do this?

10 They're -- they're claiming that the --
11 the tags aren't there, but yet we know that it's been
12 also put forward that tags are being allotted to people
13 outside of the GNWT, such as Albertans, Metis of Alberta,
14 and I believe the number was four hundred (400) tags,
15 although I have -- I have not substantiated that.

16 We see the residents of Saskatchewan,
17 Manitoba harvesting caribou, the -- the caribou in
18 discussion. We see Nunavut residents harvesting the
19 caribou in discussion, yet this is all accepted, and our
20 government accepts this, whereas they have not gone to
21 fight for the outfitters or the resident hunters, which
22 is -- which are people of the GNWT, they're taxpayers
23 here, long-time residents.

24 I wonder, why is this? It's also been
25 stated, and as we review the new Wildlife Act that is

1 being -- or the draft of the new Wildlife Act that is
2 being put forward, that should the current outfitters
3 give up their businesses, what would happen in the
4 future?

5 So if these outfitters give up their
6 businesses today and they -- they walk away from them
7 because they will be bankrupt, and the caribou is in a
8 cycle, what happens down the road when the GNWT decides
9 there should be an outfitting business?

10 Are they going to call up the past owners
11 of these operations and say, Would you like to get back
12 into business? Or will they simply let them go? And who
13 will the -- these new operations be given to?

14 It says that the aboriginal groups will
15 have first right of refusal. So I -- I question: What
16 is our Government up to? Are they bankrupting these
17 businesses so that they can present opportunities for the
18 Aboriginal groups? It's a hypothesis. There is talk on
19 the street of this. It certainly can't be proven, but it
20 -- the -- it does beg the question.

21 Also today, as we went through the
22 Hearings, and we've seen that the Tlicho Government and -
23 - and the ENR have put the brunt of management on the
24 backs of outfitters and resident hunters, although we
25 represent the harvest of very few animals.

1 Yet the Tli -- the Chief of the Tlichu, in
2 his opening remarks, stated that his people were
3 responsible for over-harvest and wasting of meat. And I
4 -- it -- it seems rather odd that the brunt of management
5 is being put on the backs of resident hunters and
6 outfitters, who take very, very few animals as a
7 percentage of total bull -- of -- of the total harvest.

8 So, I'm hoping that I've raised a few
9 questions. I certainly don't have all the answers, and I
10 -- I think only time will answer a lot of these
11 questions, as to what the real intent of these
12 governments are. But it does put a very important
13 decision the Board, and I -- as I stated in my opening
14 statement, I will hope that the Board and all the Board
15 members take this decision very seriously. It is going
16 to have a long-term impact on our society, all of
17 society. It will impact businesses, directly and
18 indirectly. It will impact who we attract to the North.

19 I know a lot of people in this room are
20 here for the lifestyle; caribou hunting and the outdoors
21 being a very large part of that.

22 I hope you take these -- this submission
23 and remarks into your decision. I thank you.

24

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(THROUGH INTERPRETER INTO ENGLISH)

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THE CO-CHAIRPERSON JOSEPH JUDAS: Thank you. I forgot your name, however, thank you.

Yes, I would like to adjourn for this afternoon. I think we still have about another three (3) more speakers, but apparently maybe we should just adjourn for today. We should resume our deliberation tomorrow morning at nine o'clock.

We asked Peterson's Point Lake Lodge tomorrow, in the morning -- I guess they're the people -- the people that will be speaking first. Secondly, YK Dene First Nation. Rabesca Resources will be on the third on the list for speaking early in the morning -- tomorrow morning about nine o'clock. And North Slave Metis speaking out -- was -- we give them opportun -- we have given the opportunity to speak, but apparently they haven't shown up, so if they -- if they don't come up forward, any comments, I guess, maybe we'll have to conclude without them tomorrow.

For this afternoon, for conclusion of our discussion, we would like to have one (1) Elder, Eddie Weyallon, to say a closing prayer for us. Thank you.

(INTERPRETATION CONCLUDED)

(CLOSING PRAYER)

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--- Upon adjourning at 4:20 p.m.

Certified correct,

Wendy Warnock, Ms.