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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 (np)	Mike Romie
Member	Bruce MacDonald
Member	Charlie Rabesca
Member	Ray Case

HELD AT:

Cultural Centre
Behchoko, NT
March 26th, 2010
Day 5 of 5

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1 --- Upon commencing at 9:15 a.m.

2

3 CO-CHAIRPERSON GRANT PRYZNYK: Good
4 morning, ladies and gentlemen. Let's come to order and
5 start off our day 5 proceedings. Thank you.

6

7 (DOGRIB INTO ENGLISH THROUGH INTERPRETER)

8

9 CO-CHAIRPERSON JOSEPH JUDAS: Hello.
10 We've got about two (2) presenters to be made this
11 morning, and I'd like to ask another lady from Whati to
12 open up a prayer for us so that -- I'd like to see Mrs.
13 Philip (phonetic) -- no, Sophie Williah (phonetic) to
14 come up to the mic and say an opening prayer for us this
15 morning.

16

17 (OPENING PRAYER)

18

19 CO-CHAIRPERSON GRANT PRYZNYK: Thank you
20 very much. My name is Grant Pryznyk, one of the co-
21 chairs, and my other co-chair is Joseph Judas, for those
22 of you who haven't been here for the first few days.

23

24 So to start off this morning we have two
25 (2) Intervenor presentations to give. The first is the
North Slave Metis Alliance presentation by Sheryl Grieve,

1 and the second one will be from Robert Turner who is the
2 second Intervenor that filed.

3 So, Ms. Grieve, whenever you're ready you
4 can come up and start your presentation. You'll have
5 thirty (30) minutes to do so, followed by a fifteen (15)
6 minute question period.

7

8 (BRIEF PAUSE)

9

10 PRESENTATION BY NORTH SLAVE METIS ALLIANCE

11 MS. SHERYL GRIEVE: Good morning. My
12 name is Sheryl Grieve and I'm presenting for the North
13 Slave Metis Alliance. I want to thank you for having us
14 here, but I also want you to know it's a very difficult
15 hearing to participate in for us.

16 There's two (2) life and death issues at
17 stake. Not only is there the alleged risk to the
18 caribou for their extinction, but also the continued
19 existence of the North Slave Metis as a self-determining
20 Aboriginal people is also at stake and we're also on the
21 verge of extinction it appears. However, we're receiving
22 much less attention than the caribou.

23 If the government numbers are correct, the
24 caribou are at risk. If the government numbers are not
25 correct, that we allow management actions to impact our

1 rights, then we're at risk.

2 The North Slave Metis have an inherent
3 Aboriginal right to self-determination including
4 management of wildlife, wildlife harvesting, and wildlife
5 habitat. They also have Aboriginal titles to lands and
6 resources in their traditional territory which extends,
7 at least, throughout the North Slave region, and includes
8 all of -- all of Wek'eezhii and the -- I'm not sure how
9 to pronounce it, the Monfwi Gogha De Niitlee, that's
10 probably the wrong pro -- pronunciation.

11 The North Slave Metis also participated in
12 Treaty 11 and have treaty rights to continue to live as
13 formerly throughout the area between Great Slave Lake,
14 Great Bear Lake, the Mackenzie River, and the barren-
15 lands.

16 These rights are protected by the Canadian
17 Constitution, and an infringement of our rights is not
18 justified and cannot be justified without adequate Crown
19 consultation and accommodation.

20 The Crown is responsible for ensuring that
21 First Nations have the capacity to participate in
22 consultation if they're going to rely on that
23 consultation to fulfil their duty to consult.

24 There is a serious doubt that this process
25 has jurisdiction to affect North Slave Metis Aboriginal

1 rights, since the Tlicho Agreement, which established
2 this co-management Board, specifically states that it
3 does not have the power or the jurisdiction to affect any
4 other Aboriginal people's rights.

5 It is sad that we had to do this and spend
6 our time at it, but it seems, since other people don't
7 hear us, we have to keep saying over and over again that
8 we exist and that we have rights.

9 We put -- in -- on January 20th, we put an
10 intervention letter on the public registry that provided
11 some evidence of the existence of the indigenous Metis
12 community long before effective European control. And
13 anybody who's not familiar with North Slave Metis history
14 and rights might like to read these two documents as a
15 good starting place, and they have lots of good
16 references.

17 We also put evidence on the public
18 registry that Canada and the Tlicho are both -- both
19 recognized the Indian title of the Metis during the
20 negotiation of Treaty 11.

21 We put evidence on the public registry
22 that Canada knowingly and intentionally gave the Metis a
23 choice of treaty or scrip in the Treaty 11 area, and we
24 also put evidence on the public registry that Canada, the
25 Tlicho and the GNWT know of the continued existence and

1 rights of the indigenous North Slave Metis.

2 There was a court case in 2002 where I
3 think it was Justice Lemieux stated that:

4 "The plaintiffs' evidence,"
5 that would be our evidence,

6 "...provides a sufficient basis at this
7 stage to establish there may well have
8 been, or be today, such a community,
9 and counsel for the Dogrib Nation
10 conceded the plaintiffs had raised
11 sufficient evidence on this point."

12 Also, I didn't include it on the public
13 registry and it's not in my presentation, but I would
14 point out that the -- the Powley case also confirms that
15 difficulty in identifying who is or isn't a member of the
16 Metis community is not to be used as an excuse to deny
17 their constitutionally protected rights.

18 CO-CHAIRPERSON GRANT PRYZNYK: Excuse me,
19 Ms. Grieve. Are you going to link this to caribou
20 management issues before the Board very quickly, or are
21 you going to talk a lot about the North Slave Metis
22 Alliance and its claims to your presentation here?

23 MS. SHERYL GRIEVE: Well, I'm talking
24 about the potential effectiveness of any management
25 actions that might come out of this public hearing. I

1 think it's very important for the Board and the
2 government to understand that, in order to have effective
3 caribou protection in this area, the North Slave Metis
4 need to be consulted. So it's very...

5 And I'm also reminding everyone what
6 adequate consultation is. And I -- I think it is
7 essential, because manage -- management decisions that
8 are made that are illegal and unconstitutional won't --
9 won't be effective, and it is your duty to make effective
10 caribou management decisions, I think.

11 CO-CHAIRPERSON GRANT PRYZNYK: Okay.
12 I'll -- I'll let you proceed a little further, and then,
13 if you can focus the -- or sort of concentrate the -- the
14 information on the history of the North Slave Metis
15 Alliance, and Metis in particular, and then -- and then
16 go on to the caribou management, that would be great.
17 Thank you.

18 MS. SHERYL GRIEVE: Since Canada is
19 responsible for administration of land use, wildlife
20 habitat management and the well-being of the native
21 peoples who own the lands and resources, it should be
22 here at these hearings, and Canada should have ensured
23 that effective and adequate Crown consultation occurred.

24 We put evidence on the public registry
25 about all the -- a number of guidelines and definitions

1 of adequate consultation, as well as many that you're
2 already aware of, because they're contained in
3 legislation and land claim agreements that you work with.
4 And this slide just lists a few.

5 With regards to the estimates of caribou
6 populations, the NSMA has not been satisfied that the
7 information provided by the GNWT is adequate. As far as
8 we understand it, it appears to be very little better
9 than speculation.

10 The North Slave Metis people do not
11 consider the caribou to be separate and distinct herds.
12 We don't -- we have not been consulted on the definitions
13 of one (1) herd versus the other or whether they should
14 be managed separately. Our members view caribou as one
15 (1) meta-population. They're not genetically,
16 behaviourally or spatially distinct, and they should be
17 managed as a meta-population.

18 We believe that the calving ground surveys
19 should be done on all the so-called herds that interbreed
20 and intermingle.

21 We also have concerns about the way the
22 research was done to identify caribou herds and -- and
23 make estimates of their numbers. There are guidelines
24 out there that are well known and respected by all
25 researchers. There's actually a Scientists Act in the

1 Northwest Territories that recommends ethical guidelines
2 be followed when research is being done.

3 And without any doubt, any research that's
4 done on caribou should involve those Aboriginal people
5 who depend on the caribou in a very meaningful way, not
6 just as observers to sit in the back of a plane, but in
7 the planning of the surveys, in the -- in the definition
8 of what methodology should be used and how the data
9 should be interpreted and what the conclusions of that
10 data should be. We have not been involved in the
11 research anywhere near adequately.

12 We put evidence on the public registry
13 claiming that North Slave Metis TK should have been
14 sought out and used. There -- there are three (3) --
15 three (3) outside references mentioned here, but also, as
16 you know, the Tlicho Agreement says that the Wek'eezhii
17 Renewable Resource Board will do this, will seek out and
18 use Aboriginal people's knowledge. I have very strong
19 doubts about whether this hearing process could be said
20 to have met that obligation, since no funding was
21 provided to us to make us able to go out and gather any
22 TK.

23 We also put some information on the
24 registry in support of our position that caribou should
25 be managed as a meta-population. It is not simply TK

1 that makes us think that, but also independent scientific
2 evidence, as well.

3 The NSMA has been severely handicapped by
4 not having time or resources to review even the
5 information on the public registry. We haven't had time
6 or resources to review caribou movement data or
7 population counts, and we have not had the opportunity to
8 make our own estimates of caribou population. All of
9 this is due to our lack of capacity. You'll notice that
10 we don't have a very large team of Q.C. lawyers with us
11 here today, and that's not 'cause we didn't want any.

12 The NSMA hasn't had an opportunity to
13 prepare or present its views. We traditionally practice
14 consensus decision making, and at the very least require
15 a democratic process. Having a letter go to the
16 organization with -- accompanied by no support to get it
17 out to the community and to get feedback from the
18 community to the organization, it doesn't go anywhere
19 near meeting our requirements.

20 We need resources to educate our members,
21 we need resources to have independent expertise to review
22 information and give us advice, and we need to perform
23 those activities that are required to build consensus and
24 be able to state it effectively.

25 We do know, however, that we do not want

1 to take chances with the caribou. We have voluntarily
2 restricted our own harvest for at least five (5) years
3 now, based on the information that we have gotten from
4 the GNWT. For at least the past five (5) years, we
5 understood there were risks and challenges for the
6 caribou. We haven't had a community hunt, and we've --
7 you know, our members have all decided to try their best
8 to not hunt caribou if they can avoid it.

9 We have been asking the government to take
10 precautionary measures to protect the caribou also, but,
11 despite our requests, non-Aboriginal people have
12 continued to hunt caribou while we were restricting
13 ourselves. This -- this is contrary to the -- the
14 principle of allowing Aboriginal harvest first priority
15 to the resource.

16 The NMSA and I think probably all
17 Aboriginal people in the North have good reasons to
18 distrust government motives and government data and
19 government management. The -- the best resource that I
20 have found to bring all that information together and has
21 lots of references in it I placed on the public registry.
22 It's a PhD thesis by Anne Kendrick back in 2003, and it's
23 about caribou management and TK. If you read through her
24 document, which is quite long, you will see that there's
25 many illustrations of how government has often acted in a

1 hunting bison, targeted wild populations in the present-
2 day area of Wood Buffalo National Park and it was written
3 into the 1894 Unorganized Territories Game Preservation
4 Act. I think everyone knows it wasn't the native harvest
5 that was endangering the bison.

6 On page 75, she quote -- she states that:

7 "In retrospect it is clear that early
8 laws and regulations limiting
9 aboriginal harvesting activities were
10 based on little and/or no circumstan --
11 circumstantial evidence. Contemporary
12 barren-ground caribou census surveys
13 are still grappling with the extreme
14 difficulty of estimating barren-ground
15 caribou numbers in vast landscapes."

16 I do invite you to read all of -- all of
17 that thesis if you have a chance.

18 "In 1919, a Royal Commission was
19 appointed to look at the potential of
20 the North to produce meat (reindeer)
21 and wool (muskox)."

22 The recommendations included wolf control
23 programs, harvest restrictions, domestication of caribou,
24 importation of Saami herders and reindeer, and training
25 for Inuit and Indian herders. At -- at this same time

1 Aboriginal harvesters were not allowed to kill a duck.

2 On page 86 of the -- of her thesis it --
3 she mentions that in its report, that Royal Commission to
4 Investigate the Possibilities of the Reindeer and Muskox
5 Industries in the Arctic and Sub-Arctic Regions of Canada
6 refused to recognize the arbitrary and debatable
7 classifications of caribou into discrete herds.

8 And on page 87 and 88 there is an outline
9 of the wildly fluctuating est -- population estimates of
10 caribou over time, and comments on the problems with
11 methodology. And as I understand, there are still
12 significant issues with the methodology and the
13 reliability of the data.

14 Another point I'd like to add here that
15 isn't on the public registry anywhere else is that,
16 although the caribou numbers have gone up and down over
17 many years including, you know, close to a million
18 caribou, there's never been any attempt to take them off
19 the endangered species list. They've just sat there on
20 the endangered species list for no reason.

21 And there was never any consultation in
22 the beginning when they were first put on the endangered
23 species list, so we don't recognize caribou as an
24 endangered species at this point.

25 The NSMA does not object to the following

1 proposed management actions which are: eliminating
2 outfitting tags and eliminating all non-aboriginal
3 hunting. If the caribou numbers are, in fact, low, these
4 actions should have been taken long ago; long ago -- long
5 before the aboriginal harvest was affected.

6 If the numbers are correct then we expect
7 -- or if the numbers are not correct then we expect that
8 the outfitters and non-Aboriginal people would put up
9 some effort to help prove that to protect their
10 privilege, not right, to hunt. And I will emphasise that
11 too. Aboriginal people have a right to hunt caribou,
12 everybody else has a privilege.

13 The NSMA does not support the following
14 proposed management actions: Elimination of commercial
15 meat tags held by Aboriginal communities, even though I
16 don't believe we have any, we should. The -- the Metis
17 have made a living for many, many years in selling,
18 commercially, caribou meat. They have been prevented in
19 the recent past, but it's still a right, a traditional
20 practice.

21 And we also don't agree with the
22 elimination of female caribou harvesting by Aboriginal
23 people. The main reason why we object is because these
24 actions would be unconstitutional and unenforceable. And
25 before these actions could be implemented there would

1 have to be adequate consultation with the NSMA and we
2 would have to voluntarily establish those management
3 measures on our own people.

4 The reasons why NSMA does not support
5 those management proposals are because there has not been
6 adequate consultation with people -- our people who have
7 constitutionally protected rights to harvest. We have
8 seen no acceptable justification, scientific data, or
9 traditional knowledge showing that the caribou are in
10 danger of extinction.

11 We definitely want to point out that the
12 failure of a biologist to find or count caribou does not
13 mean the caribou are not there. Biologists are humans,
14 they're not perfect, and they have limited budgets.

15 The traditional knowledge of the North
16 Slave Metis community has not been sought out, gathered,
17 or used in the preparation of the management proposal.
18 And it is not fair, equitable, or legal for Metis
19 harvesting to be restricted while others continue to
20 hunt. And I'm assuming that the Inuit are continuing to
21 hunt and up until this fall there were still outfitters
22 hunting. So in the same management year our rights have
23 been arbitrarily restricted while other people exercised
24 rights.

25 We cannot support any management actions

1 that serve to further alienate our members from their
2 lands, their resources, or their traditional way of life,
3 especially not with adequate Crown consultation and
4 accommodation.

5 However, there are precautionary
6 management measures that could be taken that would
7 support rather than infringe our rights. Working with
8 Canada and using whatever emergency funds are necessary,
9 you could conduct caribou calving ground surveys using
10 air photo census methods for all known caribou calving
11 areas in one (1) season whether -- whether collared
12 caribou are known to be there are not and do it all at
13 once throughout all of Northern Canada wherever the --
14 wherever the caribou are known to intermingle.

15 You could encourage Aboriginal people to
16 harvest alternative game with healthy populations by
17 providing adequate funds for transportation and shipping.
18 We know that, for example, that Prince Edward Island is
19 having a huge problem trying to get people to kill moose.
20 They're -- they've got too many, and I hear that there
21 are more caribou than the habitat can sustain in Northern
22 Saskatchewan. So, there are places where we could go to
23 hunt if -- if we had the resources.

24 We could resume forest flier -- fire
25 control in caribou habitat. We could reinstate the

1 Special Aboriginal Harvester's Assistance Program to
2 encourage more Aboriginal people to maintain their
3 traditional land based lifestyles, including especially
4 the harvesting of fur, which would include wolves and
5 bears, and the observation of caribou health, behaviour,
6 and abundance.

7 The -- the most important thing missing in
8 this caribou management proposal from our point of view
9 is the -- the long term intensive observation of caribou
10 well being by our own members who we trust.

11 You could also establish, or re-establish
12 the Bathurst Caribou Management Committee with support
13 for participation of representatives for all directly
14 affected First Nations. The Government of Nunavut needs
15 to be involved and all governments must be committed to
16 implement the recommendations of the re-constituted
17 board.

18 And I would point out that having one (1)
19 government employee responsible for the Bathurst Caribou
20 Management Plan does not, in our mind, satisfy the
21 requirements of an independent and unbiased Board. And
22 they also don't do their consultation very well.

23 And that is actually my last slide.

24

25

(BRIEF PAUSE)

1 CO-CHAIRPERSON GRANT PRYZNYK: Okay.
2 Thank you very much. We will start off with a round of
3 questioning from -- in our usual rotation, starting with
4 ENR.

5

6 QUESTION PERIOD:

7 MR. JAN ADAMCZEWSKI: Jan Adamczewski,
8 for ENR. Sheryl, I was wondering -- or Mr. Chair, I was
9 wondering if Sheryl Grieve had had an opportunity to see
10 the animation of radio collar movements to calving
11 grounds throughout the year.

12 And I have a follow-up question, but I
13 thought I would ask that initially.

14 MS. SHERYL GRIEVE: I have actually seen
15 the one (1) that was presented two (2) days ago at this
16 hearing, and I've seen others at other times over the
17 years. I can't say the I remember them all in detail,
18 but I -- I'm familiar with them, familiar enough.

19 MR. JAN ADAMCZEWSKI: Yeah, the -- the
20 question I would ask, Mr. Chairperson, we interpret those
21 movements, particularly when the cows separate out to
22 their calving grounds, as fairly strong evidence that
23 they are distinct herds. And I was curious, if you have
24 seen the animation, what your interpretation would be.

25 MS. SHERYL GRIEVE: It is my

1 understanding that a female caribou lives quite a lot
2 longer than a collar lasts. So I don't think any of
3 those animations, or any of the caribou collar data is
4 sufficient to tell you how often a caribou cow changes
5 the location of her calving.

6 I'm also very concerned about the low
7 number of collars on the cows, and I don't think that
8 it's scientifically supportable to claim that
9 observations of that few number of cows are indicative of
10 -- indicative of -- of the behaviour of the whole herd.

11 CO-CHAIRPERSON GRANT PRYZNYK: Co-Chair
12 Grant here. Can each of you mention your names before
13 you speak, please? Thank you.

14 MR. JAN ADAMCZEWSKI: Thank you, Mr. Co-
15 Chair. Jan Adamczewski, for ENR. Just a follow-up on
16 the herd-based definition of caribou herds. Are you
17 aware that the Alaskan biologists, and the biologists in
18 Quebec and Labrador, and basically all the biologists
19 across North America recognize individual herds based on
20 fidelity to calving grounds?

21 MS. SHERYL GRIEVE: I understand that
22 they do practice that. But I might add, that does not
23 change my opinion or theirs of whether the caribou should
24 be managed on a herd basis. They should be managed as a
25 meta-population.

1 MR. JAN ADAMCZEWSKI: Mr. Co-Chair, Jan
2 Adamczewski, for ENR. One (1) more question. You
3 mentioned that the North Slave Metis Alliance had not had
4 time to review the information about the decline and the
5 surveys and so on. We provided a rather large technical
6 report to the Board in December. And previous to that,
7 in the middle of November, we provided a -- a non-
8 technical workshop report covering essentially the same
9 ground.

10 So in that case, I mean, that report has
11 been available for four (4) months, and I'm kind of
12 wondering why in -- in that four (4) month time it wasn't
13 possible for North Slave Metis Alliance to review that
14 information.

15 MS. SHERYL GRIEVE: Sheryl speaking for
16 NSMA. The workshop report was reviewed and our
17 interpretation of the results of that workshop are that
18 ENR presented some information to some participants and
19 came to some conclusions and recorded some comments.

20 We don't consider that workshop report to
21 be scientific evidence, and we don't consider it to be
22 traditional knowledge, and we don't consider it to be
23 representative of our community consensus.

24 We were not involved in putting the
25 presentation together and we did not have input into how

1 the data would be presented at that workshop and we can't
2 endorse it for that reason.

3 With regards to all the other information
4 on the public registry, we only have one (1) permanent
5 staff member on staff at the NSMA who's got any
6 familiarity where -- we've hired two (2) new trainees
7 which take up a significant portion of that one (1)
8 experienced staff person's time. We're trying to get
9 them up to speed so that they can perform work because
10 it's not possible for one (1) individual to do the work
11 of six (6). And once we have three (3) trained people we
12 may be able to do half of the work that we're supposed to
13 do.

14 We have to search for funding. The
15 funding that we get on a regular basis starts out with
16 enough to pay for a person for a half to three quarters
17 (3/4s) of a year. And we have to spend a significant
18 amount of our resources searching for more money to pay
19 for the rest of that person's salary and then we have to
20 keep on searching to pay for the other people's salary
21 and this is on an annual basis.

22 We don't have any long-term reliable
23 funding; none of the funding we get is adequate. And all
24 of the money that we get is proposal based and has
25 strings attached. We did not get any funds that were

1 dedicated to the review of caribou data. We had to dip
2 into the -- the small pot of funding that we get to do
3 environmental assessments, and as you know, there's many
4 environmental assessments going on. They're all
5 important and we have to pay attention to all of them.

6 So it's simply a matter of not enough
7 people, and not enough time, not enough money and that's
8 why the information has not been reviewed. You could
9 leave it on the public registry for ten (10) years and we
10 still won't have time to review it unless our capacity
11 issues change.

12 CO-CHAIRPERSON GRANT PRYZNYK: Okay.
13 Thank you very much. Tlicho Government anything from --
14 questions from your table?

15 MS. BERTHA RABESCA ZOE: Bertha Rabesca
16 Zoe, no questions.

17 CO-CHAIRPERSON GRANT PRYZNYK: Thank you
18 very much. Ms. Gunn, anything from you?

19 DR. ANNE GUNN: Anne Gunn. Mr. Chair, I
20 have two (2) short questions.

21 Sheryl, you mentioned significant problems
22 with survey methodology. Most of the examples you gave
23 from Anne Kendrick's thesis refer to the 1930s, '40s, and
24 '50s.

25 So are you arguing that there have been no

1 improvements since then, and what would be your evidence
2 for that, for the lack of improvement since the '40s and
3 '50s?

4 MS. SHERYL GRIEVE: Sheryl speaking. No,
5 I would not say that the survey methods have not
6 improved. In fact, I would say that the survey methods
7 have improved exponentially.

8 Anne Kendrick's thesis was written in
9 2003, and, at that time, she made the comment that there
10 continued to be significant challenges with the
11 methodology. I recognize the photo census survey method
12 as very good; the main weakness in it that it doesn't do
13 all the calving grounds at once.

14 DR. ANNE GUNN: Anne Gunn. Mr Co-Chair,
15 thank you, that's enough.

16 CO-CHAIRPERSON GRANT PRYZNYK: Okay.
17 Thank you very much, Ms. Gunn.

18 John Andre, Shoshone Adventures...? John
19 Andre...? Not here.

20 Boyd Warner...? Boyd Warner, Bathurst
21 Inlet Developments...? Not here.

22 Arctic Safaris, Barry Taylor...? Not
23 here.

24 Yellowknives Dene First Nation, Mr.
25 Slack...?

1 MR. TODD SLACK: Todd Slack, YKDFN. No
2 questions.

3 CO-CHAIRPERSON GRANT PRYZNYK: Thank you,
4 sir. City of Yellowknife...? City of Yellowknife...?
5 No one here.

6 Karen McMaster...?

7 MS. KAREN MCMASTER: Karen McMaster,
8 thank you. I do have one (1) question. And it's my --
9 it's with respect to my recoll -- recollection of a -- a
10 letter that's on the public registry and I think it might
11 have been from your First Nation, whereby you had stated
12 that you believed that the herd might have moved to
13 Saskatchewan.

14 Am I recalling this correctly?

15 MS. SHERYL GRIEVE: Sheryl speaking for
16 the NSMA. We provided a letter. It was an hour or two
17 (2) worth of work where we went through our piles of
18 unorganized traditional knowledge documents and archival
19 research, which I have to admit is a huge mess, so it's
20 difficult to find what you're looking for in -- in our
21 collection. Although it's a huge collection with -- it's
22 a rich source of information for anyone who would have
23 time to go through it.

24 And we found a reference in, if I recall,
25 the year was 1889, where there was a big panic around

1 Great Slave Lake because there was -- no one could find
2 caribou, yet at the same time in York Factory on Hudson's
3 Bay they had -- they had not seen caribou there for
4 thirty (30) years and all of a sudden they were inundated
5 with a huge number.

6 And then I made another reference just
7 today verbally during my presentation that I've heard --
8 there have been email communications going back and
9 forth; I think a lot of people saw, but it may not be on
10 the public registry. And I've been told personally by
11 John Andre that he has a -- a friend, an outfitter in
12 Northern Saskatchewan, if my memory serves me, where
13 they're inundated with caribou now to the point where the
14 habitat's being destroyed and they're very concerned.

15 MS. KAREN MCMASTER: Thank you. That was
16 the reference.

17 CO-CHAIRPERSON GRANT PRYZNYK: Okay.
18 Thank you very much. Mr. Knutsan, NWT Wildlife
19 Federation...?

20 MR. MARTIN KNUTSAN: Mr. Chairman, I'm
21 wondering if we could get an undertaking to -- for North
22 Me -- North Slave Metis Alliance to provide documentation
23 showing that the Metis or Aborigin -- Aborigines have a
24 right to harvest and it is a privilege for everyone else,
25 and also along those same lines that the -- it was

1 referred to that the Metis would have a first right to
2 any harvest of caribou preceding resident and outfitters.

3 CO-CHAIRPERSON GRANT PRYZNYK: Mr.
4 Donihee would you care to respond to that one, please?

5 MR. JOHN DONIHEE: Thank you, Mr.
6 Chairman. John Donihee, Board Counsel. Sir, my
7 observation is that the questions asked here by Mr.
8 Knutsan, although important, are really matters of law.
9 They're not matters that Ms. Grieves can, you know, file
10 documentation on.

11 And I don't think she's here trying to
12 present a legal argument. And so I -- I'm not really
13 sure that that's the kind of thing that it's appropriate
14 to take an undertaking on.

15 MR. MARTIN KNUTSAN: Who may I direct the
16 question to or -- or the undertaking? I think it is
17 about caribou harvest and that is what we're discussing
18 here today. And -- and these statements were put forward
19 and I would just like them -- them backed up.

20 We've had undertakings for other people
21 that have presented things, and I'm just wondering how we
22 would go about obtaining that information.

23 CO-CHAIRPERSON GRANT PRYZNYK: Mr.
24 Donihee...?

25 MR. JOHN DONIHEE: Thank you, Mr.

1 Chairman. Mr. Knutsan, Metis are mentioned specifically
2 in section 35 of the Constitution Act, you could start
3 there. You could read a case called R. v. Powley. And
4 I'm sure you can have a conversation with Ms. Grieve
5 about Metis Rights.

6 But I -- I'm just suggesting that, you
7 know, filing a number of cases and -- and legal
8 background related to whether or not Metis have rights is
9 not really going to advance the cause of -- of caribou
10 management here very much.

11 You know, whether or not they should
12 exercise those rights in priority to others then is a
13 matter for argument, and it's not really something that -
14 - that -- that's going to be easy for Ms. Grievess or --
15 or NSMA short of them going out and hiring a lawyer for
16 them to respond to.

17 CO-CHAIRPERSON GRANT PRYZNYK: Do you
18 have any other questions, Mr. Knutsan?

19 MR. MARTIN KNUTSAN: That is all. Thank
20 you.

21 CO-CHAIRPERSON GRANT PRYZNYK: Okay.
22 Thank you very much, sir.

23 NWT Tourism...? NWT Tourism...? No
24 response.

25 Peterson's Point Lake Lodge...?

1 MS. AMANDA PETERSON: Amanda Peterson,
2 Peterson's Point Lake Lodge. No questions. Thank you.

3 CO-CHAIRPERSON GRANT PRYZNYK: Thank you
4 very much.

5 Bob Turner...? Bob Turner, do you have
6 any questions at all for this presenter?

7 MR. BOB TURNER: Bob Turner. I have no
8 questions.

9 CO-CHAIRPERSON GRANT PRYZNYK: Okay.
10 Thank you, sir.

11 Rabesca's Resources, any questions, Joyce?

12 MS. JOYCE RABESCA: Joyce Rabesca. No,
13 no questions. Thank you.

14 CO-CHAIRPERSON GRANT PRYZNYK: Okay.
15 Thank you very much.

16 Legal counsel and Board staff...?

17 MR. JOHN DONIHEE: Thank you, Mr.
18 Chairman. John Donihee for the Board. Counsel and staff
19 have no questions.

20 CO-CHAIRPERSON GRANT PRYZNYK: Board
21 Members. Charlie Rabesca, any questions from you, sir?

22 MR. CHARLIE RABESCA: Thank you, Chair.
23 I have no question.

24 CO-CHAIRPERSON GRANT PRYZNYK: Thank you.

25

1 Mr. Judas...?

2 CO-CHAIRPERSON JOSEPH JUDAS: I have no
3 questions. Thank you.

4 CO-CHAIRPERSON GRANT PRYZNYK: Thank you.
5 Mr. MacDonald...?

6 MR. BRUCE MACDONALD: Thank you, Mr.
7 Chair. Bruce MacDonald, Board Member. No questions.

8 CO-CHAIRPERSON GRANT PRYZNYK: Thank you.
9 Mr. Case, anything from you, sir?

10 MR. RAY CASE: Ray Case, Board Member.
11 No questions.

12 CO-CHAIRPERSON GRANT PRYZNYK: Okay.
13 Thank you. I have one (1) -- one (1) question. Grant
14 Pryznyk, Co-Chair.

15 In one (1) slide you mention that the
16 North Slave Metis Alliance does not object to a couple of
17 the measures that were there. And on the next slide you
18 said that you do not support other measures that are in;
19 and I can't remember the -- the points in the two (2)
20 slides.

21 But does "not objecting" mean you support
22 implementation, or -- I just wanted some clarification on
23 that point?

24 MS. SHERYL GRIEVE: Sheryl speaking, for
25 the NSMA. We would support those management measures on

1 -- on the assumption that the caribou numbers are low --
2 or not -- not just low, we know they're low, but lower
3 than normal -- norm -- normal -- lower than as a normal
4 condition for them to fluc -- as they fluctuate
5 naturally.

6 The problem with supporting those
7 management measures is that we are not confident that the
8 caribou numbers are unusually low. We -- we're of the
9 understanding, based on traditional knowledge, that there
10 are more caribou out there right now than are estimated,
11 so we don't agree with the number. And also we're of the
12 understanding that it's quite natural for caribou numbers
13 to go quite low at times. And not -- we -- when we say,
14 "quite low" we mean regionally low.

15 As you may recall from the workshop, our
16 participant that went to the -- the workshop in -- when
17 was it, November; the one that Jan was mentioning a
18 minute ago. A point brought up by one (1) of our
19 members, and which has repeated by many of our other
20 members is, we don't see any dead caribou. We don't see
21 bones, we don't see horns, we don't see hoofs. We don't
22 see sick caribou, we don't see -- we want to know where
23 they went, not what killed them. That's -- that's how
24 we feel right now.

25 And we're willing, upon proper

1 consultation, we're willing to be convinced that there is
2 actually a risk of extinction to the caribou. We --
3 we're not saying we have the information to disprove
4 that, but we just don't believe it yet. And we don't
5 know whether any drastic caribou management measures are
6 called for at this time.

7 But we do think that restrictions of non-
8 Aboriginal hunting should happen well in advance. And
9 we've -- we've asked for a long time, for years, that
10 non-Aboriginal hunting of all big game be reduced in
11 order to reduce pressure if -- on -- on the assumption
12 that the population estimates were correct and were
13 unusually low.

14 But that's all based on the precautionary
15 principle and we would hate to see anyone put out of
16 business or, you know, lose -- losing our tourism
17 industry in the North, or put outfitters out of business
18 if the numbers are wrong. So we had originally, in our
19 first slide, said we supported those measures, but then I
20 realized how harmful support -- the word "support" could
21 be to other people.

22 I think what we need to do is we need to
23 establish whether the caribou are at risk or not, first,
24 before we decide to cut back on harvesting. And then
25 when we do decide that we need to cut back on harvesting,

1 you cut back non-Aboriginal harvest first.

2 CO-CHAIRPERSON GRANT PRYZNYK: Great.
3 Thank you very much. I've also been informed that your
4 presentation here has changed from the written
5 submission.

6 If you could provide us -- talk to our
7 executive director about getting a copy of that on to our
8 record here, just to make sure that we have what you said
9 today. Okay? Thank you very much for your presentation.
10 And thank you everyone for your questions.

11 Now let's take a fifteen (15) minute break
12 and come back and Mr. Turner will give his presentation.
13 Come back at twenty (20) minutes after 10:00. Thank you
14 very much.

15

16 --- UNDERTAKING NO. 7: Sheryl Grieve to provide
17 revised presentation given.

18

19 --- Upon recessing at 10:08 a.m.

20 --- Upon resuming at 10:24 a.m.

21

22 CO-CHAIRPERSON GRANT PRYZNYK: Hello
23 everyone. Once again, let's come back to order and start
24 with our second Intervenor presentation. This is Co-
25 Chair Grant speaking. And that will be Robert Turner who

1 will be giving his presentation.

2 You have thirty (30) minutes, sir,
3 followed by a question period. Thank you. You may start
4 when you're ready.

5

6 PRESENTATION BY ROBERT TURNER:

7 MR. ROBERT TURNER: Good morning everyone.
8 My name is Bob Turner and I'm here today presenting along
9 with David Livingstone. He'll be sharing my -- my time
10 before you.

11 And so I'll be sharing some of my concerns
12 with how the population of the herd has been going and
13 end off with some recommendations how I feel the
14 management of our resources should continue.

15 So, first of all, maybe I'll introduce
16 myself a little bit. I'll just mention who I am and --
17 and where I'm from. I think a lot of people in the
18 Tlicho communities know my family, and especially my
19 mother who was an Erasmus, a sister of the late Jim and -
20 - and she has passed on a lot of knowledge to me over the
21 years.

22 I am an Aboriginal harvester, and
23 presently a member of the Yellowknives Dene First Nation.
24 I've harvested fish and wildlife for most of my life in
25 the Wek'eezhii area, part of the larger area I and others

1 know as the North Slave Region.

2 In the '90s, I was president of the --
3 president of the Yellowknife Hunters and Trappers
4 Association for about ten (10) years. And I was the
5 lands and resource manager for the North Slave Metis
6 Alliance for about seven (7) years.

7 I was also the Chair of the Environmental
8 Monitoring Advisory Board, known as EMAB, for the DIAVIK
9 diamond mine for approximately three (3) years. I also
10 helped develop the Bathurst Caribou Management Plan.

11 And over the years I've also participated
12 in three (3) environmental assessments for the diamond
13 mines in the North Slave region.

14 Protection of water quality and ensuring
15 the well being of the Bathurst caribou herd are without
16 exception the two (2) most important concerns raised
17 during each assessment.

18 I've seen and heard a lot related to the
19 pressures on the caribou. The environmental assessments
20 for the diamond mines, my term as Chairman of EMAB, and
21 my other activities enabled me to participate in many
22 meetings and workshops in all of the communities in the
23 North Slave region, the Kitikmeot region, and Lutsel K'e.

24 Elders in every community have voiced
25 their concerns over the years about the negative impacts

1 industrial, and other developments and activities have on
2 the caribou. The Elders shared their observations of the
3 declining health, size, and numbers of the Bathurst
4 caribou herd.

5 Various causes were attributed to the
6 decline; climate change, the effects of mineral
7 exploration and development, the outfitters' hunt of
8 prime bulls, over harvesting, mismanagement, disrespect,
9 and wastage among them. Likely it is a combination of
10 factors.

11 No matter what the cause or combination of
12 causes, the fact is the herd is in serious decline and
13 needs our help if it is to survive. I see no value in
14 debating either point.

15 And the Bathurst caribou herd is not
16 alone. Most of the herds in the NWT and everywhere in
17 Canada and Alaska are also in decline. In some cases the
18 decline has levelled off. In parts though, effective
19 action taken by management authorities, and we need to do
20 the same here.

21 There's little to be gained in finger
22 pointing about who is to blame for the situation we find
23 ourselves in, or find ourselves facing. In fact, we are
24 all to blame and we are all responsible for what has
25 happened. The only group that doesn't share the blame is

1 the herd itself and the herd isn't speaking for itself.
2 That's our job and our responsibility.

3 Through inaction, through disinterest,
4 through self interest, none of us have taken the
5 necessary steps or shown the necessary leadership to
6 manage our own activities, our own behaviour, so that the
7 Bathurst herd can recover.

8 We all want this to happen, I believe, but
9 we have largely paralysed -- and we have been largely
10 paralysed through indecision and infighting. And I think
11 we need to take firm, swift, and clear action now if we
12 truly want to see the herd return to its previous
13 numbers, if we want our kids and their kids to see the
14 Bathurst herd hundreds of thousand strong again.

15 I have some observations and some
16 recommendations that I would like all parties, and
17 particularly the Board, to consider carefully. First,
18 there is no point in debating the numbers put forward by
19 ENR. ENR might be out a few thousand caribou, a few
20 percentage. It may have underestimated the herd's
21 numbers by ten thousand (10,000). That really doesn't
22 matter much at this point. The herd has decline
23 drastically from hundreds of thousands to tens of
24 thousands and we need to take decisive action to halt the
25 decline and enable the herd to recover.

1 Second, all parties share responsibility
2 for the decline in way -- one (1) way or another. And
3 all parties share the responsibility for ensuring that
4 the recovery can occur.

5 There is no one (1) party that does not
6 share the responsibility, and there is no one (1) party
7 that carries the entire burden. We are all accountable
8 here, and this is not about Aboriginal rights. No one
9 disputes the Aboriginal right to harvest caribou.
10 Instead, this is about conservation and the obligation we
11 have to ensure the herd recovers.

12 So what do we do now? Well, I think we
13 should eliminate the harvest of the Bathurst herd
14 entirely for a year, or two (2), or three (3). No
15 outfitter hunt, no resident hunt, no community hunt of
16 the Bathurst herd.

17 You know, it goes to the old adage of my
18 mom used to tell me. Sometimes you take a lot of things
19 for granted and don't realize how important they are
20 until they're gone. But how we ensure that a moratorium
21 is effective will obviously be tricky and difficult and
22 even painful, but it must be done.

23 In establishing a no-hunting zone for
24 Bathurst caribou, ENR has offered to help the community
25 hunts to adjacent caribou herds and has made bison

1 hunting more accessible. Hunting adjacent caribou herds
2 may be helpful in the short term, but those herds are
3 also in trouble and the bison are not a substitute for
4 caribou in the long run. Hunting of adjacent herds will
5 also inevitably result in some incidental take of
6 Bathurst caribou.

7 A no-hunting zone may be a ban -- a
8 bandaid solution for now, but I doubt it is a solution
9 for the longer term. Whether or not a no-hunting zone
10 remains in place, we'll need annual monitoring of the
11 Bathurst herd and adjacent herds to ensure that we aren't
12 making a bad decision -- bad situation worse and that the
13 herds can sustain even a reduced hunt.

14 We'll need fierce enforcement of the
15 rules, including a monitor. We'll need to set priorities
16 for whatever very limited harvest of caribou may be
17 allowed, when it is allowed. And if some limited harvest
18 is permitted then, initially at least, that amount must
19 be below the sust -- sustainable level if the herd is to
20 recover.

21 If some harvest is allowed, the indigenous
22 Aboriginal people need -- most in need, those most
23 reliant on the caribou for sustenance, those least able
24 to substitute other meat and fish for -- for caribou must
25 have a priority.

1 But we need to remember that we have gone
2 without caribou before. Communities have seen caribou
3 come and go. We lived on moose and fish and birds and
4 rabbits and other animals when we couldn't get caribou.
5 We can do that again.

6 Not having caribou for a relatively short
7 term doesn't mean our cultures will die, but the loss of
8 an entire herd could.

9 We need real leadership from the Board,
10 from the territorial government, from the Aboriginal
11 governments, from individuals to ensure that we focus on
12 the real issues. This is not about Aboriginal rights.
13 We all recognize the right to hunt, trap, and fish, but
14 that right is not unrestricted and does not come without
15 responsibility.

16 This is about conservation. This about
17 ensuring the Bathurst caribou herd recovers from this
18 extreme low and becomes strong and plentiful again. This
19 is about adapting to the situation and helping the
20 caribou just as the caribou helped us in the past. The
21 caribou are our responsibility. They are there to
22 support us and we are here to support them.

23 With that, I'll pass it over to David.

24 MR. DAVID LIVINGSTONE: Thanks, Bob. And
25 good morning, everyone. I should introduce myself a

1 little bit too, and -- and make it clear that I'm not
2 here representing any government agency.

3 I used to work for a particular government
4 agency, and don't -- I don't any longer. And it's --
5 it's with some pleasure, obviously, that I -- I can be
6 here and -- and speak my mind on a -- on a critically
7 important issue.

8 Like Bob, I've been involved in caribou
9 management issues for a number of years, indirectly and
10 directly in some cases. I helped develop the Bathurst
11 Caribou Management Plan, among other things. But, I'm --
12 I'm going to talk about my personal experience on the
13 land hunting caribou.

14 Every September for over twenty (20) years
15 now I've gone caribou hunting on the tundra north of
16 Yellowknife. A group of us are -- are lucky enough to be
17 able to fly north in a Twin Otter on floats. We set down
18 in a likely spot, usually well beyond the treeline,
19 almost always a sight with an esker entering into a lake
20 with a nice sandy beach and some shelter for our tents.
21 We unload the plane, watch it depart and we listen to the
22 silence and look around for sights to set up the wall
23 tent and our personal tents and then we settle in.

24 And over the coming week or ten (10) days
25 we hunt and fish and pick berries. We hike and explore

1 the area. And in -- in many cases we've been to that --
2 that area many times before and we always discover
3 something new. No matter how many times we've been to a
4 particular site there's always something new.

5 And we watch the northern lights and the
6 stars and the snow when the winds blow, and the tundra --
7 sorry -- turn from green to orange and yellow, and red to
8 brown. And we watch the morning frost on the dwarf birch
9 and on the cari -- the crowberry patches. We watch the
10 geese and the swans fly south, and the ground squirrels
11 capture the less -- the last of the warm sunshine and
12 those last bites of fresh vegetation before they call it
13 a season.

14 We work hard and we relax. We chat and
15 read and reminisce, and joke and play and tell stories
16 and tease. And, well, we just enjoy being out there. And
17 we harvest a few caribou, usually one (1) or two (2) per
18 family, and we do it respectfully and gratefully and we
19 have never underestimated how lucky we are.

20 It's a magical time and an incredibly
21 important one for all of us, residents mostly; adults and
22 kids. And my youngest son was five (5) months old on his
23 first hunt. And we occasionally invite friends and
24 family from the south who join us for the adventure. And
25 it's a truly rare and remarkable experience to be on the

1 tundra seeing and feeling and hearing all those things.

2 Now the fall, the 2009 fall hunt may well
3 have been the last -- last for me and my friends for some
4 time, and as much as I regret that, it's okay. The
5 Bathurst herd, which we have hunted for all those years,
6 is in serious decline. ENR biologists and wildlife
7 managers estimate that the Bathurst herd has declined
8 from a high of perhaps four hundred and fifty thousand
9 (450,000) to its current estimated population of about
10 thirty-two thousand (32,000).

11 I've seen the number of tags issued for
12 resident hunter declined from five (5) a piece to two
13 (2), and now likely to zero.

14 And I've seen first-hand the decline in
15 the herd itself. When I first hunted caribou in the late
16 1980s it was pretty easy to find the caribou we needed
17 and still have plenty of time to relax and fish and enjoy
18 all -- all the other pleasures associated with being on
19 the tundra, far from civilization, among good friends.

20 Recently though, our success has
21 plummeted. Three (3) years ago only one (1) of us was
22 able to get a caribou. Two (2) years ago we saw none at
23 all, not one (1) over eight (8) days; something I -- I've
24 never experienced before. And I -- and I know that
25 caribou move from place to place, but -- and I know that

1 this is anecdotal experience, but I -- I can tell you
2 that the place that we went to two (2) years ago is a
3 place that we've always seen caribou, in large numbers
4 and in small, but always seen caribou. And that year we
5 didn't even see a -- a fresh caribou track, let alone a
6 caribou.

7 Last fall, this previous fall, we were on
8 the tundra again and did manage to find caribou and
9 harvest one (1) or two (2) a piece and these slides are -
10 - are from that -- that hunt. And I would note that this
11 was before the population numbers were released, and well
12 before the ban was put in place.

13 I believe without question that steps need
14 to be taken urgently and firmly to enable the herd to
15 recover. Among those steps is the elimination of the
16 privilege, and I refer to it as a privilege, that we
17 resident hunters have enjoyed all these years, the end of
18 the resident hunt for the Bathurst caribou until numbers
19 recover.

20 And we're not alone, as other herds in the
21 NWT are all in serious decline, or have been until
22 recently, and hunting has been curtailed accordingly.
23 And hunting barren-ground caribou is a privilege for
24 resident hunters like myself, unlike the right that
25 caribou hunt -- harvesting is for Aboriginal peoples.

1 My friends and I recognize that for us it
2 is a privilege to hunt caribou, and that for Aboriginal
3 people it is a right, but that right does not come
4 unencumbered. With rights come responsibilities. We are
5 comfortable with the withdrawal of our privilege, much as
6 we deeply regret it, but we are comfortable only if
7 others share the burden.

8 By ENR's estimate, the resident hunt
9 accounts for only a few hundred caribou, others take far
10 more. And if the population is indeed only thirty-two
11 thousand (32,000) or so, and I have no reason to doubt
12 ENR's figures, it cannot possible sustain an annual
13 harvest of five (5) or six thousand (6,000) animals. And
14 that's ENR's estimate of the annual -- annual Aboriginal
15 harvest in the past at least.

16 Something has to give and it is either
17 that we all give up our privilege and our rights
18 temporarily, we fervently hope, to harvest from the
19 Bathurst herd, or we give up the Bathurst herd. And it's
20 that simple in my view.

21 Now one (1) of these slides shows caribou
22 tracks on a beach, and I think all of us who've been on
23 the tundra are very familiar with the -- the
24 disappearance of -- of the tracks over time. You'd see
25 thousands of tracks in the sand and then a few days later

1 with the wind blowing and the -- if it's on the beach,
2 the waves lapping against the shore, those tracks are
3 gone.

4 And I personally don't want to see the
5 same thing happen to the herd itself, that it just blows
6 away because we didn't take enough care, we didn't temper
7 our own expectations, we didn't understand that -- that
8 our job now is to determine what we can do for the
9 caribou, not what the caribou can do for us.

10 So, I'll turn it back to Bob and he'll
11 wrap up with some concluding recommendations.

12 MR. ROBERT TURNER: Thanks, David. Okay.
13 Finally, we have some conditional recommendations in the
14 context of the Bathurst caribou herd recovery.

15 As -- as we're at a stage of a hunting ban
16 and, you know, this doesn't -- this -- this is in
17 reflection of, you know, things that are anticipated, and
18 even during the negotiations of claims these problems
19 were anticipated, that's why clauses in final agreements
20 were negotiated in relation to herds that are in trouble.

21 So as the population recovers an allowable
22 harvest should be introduced carefully and in stages and
23 only following thorough consultation with the indigenous
24 Aboriginal residents of the North Slave region.

25 If it is determined that a harvest is

1 sustainable then the first step could be a total
2 allowable harvest of five (5) caribou per Aboriginal
3 harvest with a possession limit of two (2) caribou at one
4 (1) time.

5 When it is determined by ENR, in
6 consultation with the indigenous Aboriginal residents of
7 the North Slave region and the Aboriginal governments,
8 that the Bathurst herd has reached a level where it can
9 sustain further harvesting, a total allowable harvest of
10 one (1) caribou per resident hunter could be introduced.

11 And each of the stages has to go in -- in
12 -- not in months. Like, we're at a point where the
13 government has intro -- introduced restrictions all at
14 once, when the management of the resource should have
15 been foreseen.

16 I mean, these concerns were being brought
17 forward probably twenty (20) years ago when I first
18 started getting -- getting involved in -- in dealing with
19 the resources in this region. There was concerns coming
20 out from the people in regards to the pressures on -- on
21 the caribou in particular.

22 That is the time when -- when the
23 governments should have been developing the -- the stages
24 of how the man -- the resources should be managed, and
25 not -- not any different than what we're outlining, or

1 what is outlined in -- in the Tlicho Land Claim
2 Agreement.

3 And finally, consideration could be given
4 to limited resumption of the commercial outfitter hunt,
5 but only after very thorough consultation with the
6 indigenous aboriginal residents of the North Slave
7 region.

8 So I see us at an opportunity where it is
9 time to determine a total allowable harvest and -- and
10 that the Wek'eezhii Board has that -- that authority in -
11 - in the Tlicho claim in section 12.

12 And with that, I think we'll -- we'll
13 conclude our presentation. Unless, David, do you have
14 any additional comments?

15 I'd like to thank you all for your time,
16 and we're open for questions.

17 CO-CHAIRPERSON JOSEPH JUDAS: Thank you,
18 Bob, and Dave. I'm the Co-Chair. And before the
19 question, I just wanted to ask you -- all the Intervenors
20 and the Tlicho governments and ENR, that I have to ask
21 you with my language that you have questions.

22

23 (DOGRIB INTO ENGLISH THROUGH INTERPRETER)

24

25 CO-CHAIRPERSON JOSEPH JUDAS: Before --

1 at this time -- so at this time -- so at this time, the
2 ENR, do you have questions for those two (2) presenters
3 at this time, the ENR?

4

5 (INTERPRETATION CONCLUDED)

6

7 QUESTION PERIOD:

8 MR. ERNIE CAMPBELL: Ernie Campbell, ENR.

9 Thank you very much, David and Bob, for that
10 presentation. I think it was a very, very, you know,
11 honest and accurate assessment, I guess, of, you know,
12 what a lot of folks think of the situation. And we
13 appreciate that and we don't have any questions.

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

16

17 (DOGRIB INTO ENGLISH THROUGH INTERPRETER)

18

19 MS. BERTHA RABESCA ZOE: Bertha Rabesca
20 Zoe. I'd like to say thank you very much to the
21 presenters but at this time we have questions to --

22

23 (INTERPRETATION CONCLUDED)

24

25 CO-CHAIRPERSON JOSEPH JUDAS: (DOGRIB

1 SPOKEN).

2 DR. ANNE GUNN: Anne Gunn, Mr. Co-Chair,
3 I have no questions, except to thank very much for the
4 presentation.

5 CO-CHAIRPERSON JOSEPH JUDAS: Mahsi, Anne
6 Gunn.

7

8 (DOGRIB INTO ENGLISH THROUGH INTERPRETER)

9

10 CO-CHAIRPERSON JOSEPH JUDAS: Next one,
11 John Andre...? John Andre is not present at this time.
12 Boyd Warner is not present at this time.
13 Barry -- Barry Taylor, questions -- any
14 questions?

15

16 (INTERPRETATION CONCLUDED)

17

18 MR. BARRY TAYLOR: Barry Taylor. No
19 comments right now. I appreciated Bob's thoughts. Thank
20 you.

21 CO-CHAIRPERSON JOSEPH JUDAS: Mahsi,
22 Barry. Yellowknife First Nation (DOGRIB SPOKEN)

23 MR. TODD SLACK: Thank you, Mr. Co-Chair.
24 Todd Slack, YKDFN. I have one (1) question.

25 Gentlemen, given your long histories and

1 experience with environmental stewardship and
2 environmental management, when you review the joint
3 proposal are there gaps or new measures that you think
4 should be introduced to better ensure that conditions are
5 created to facilitate or to aid the herd recovery?
6

7 (BRIEF PAUSE)

8
9 MR. DAVID LIVINGSTONE: David
10 Livingstone. I -- I think what we tried to do, without
11 getting into the details of the -- the joint proposal,
12 was present our broader perspective on the issues.

13 And -- and we've laid out in our -- our
14 joint intervention the -- the broad recommendations that
15 we think are necessary to ensure that the herd recovers.
16 Now we -- we recognize that there are going to be some --
17 or there -- there will have to be some negotiation and --
18 and the measures that result are not necessarily going to
19 reflect our recommendations.

20 But there are some key things that -- that
21 I think are essential. And -- and first of all, I -- and
22 it's not a -- it's not something that Board itself can
23 impose, but I think we have to get over this sense of
24 entitlement that we seem to have developed when it comes
25 to demanding things of -- of nature.

1 We seem to think that -- that as humans we
2 have rights that exceed the -- the capacity of -- of
3 nature to accommodate and -- and we don't seem to be
4 easily able to temper our expectations. And we've seen
5 it happen all over the world and we've seen it happen in
6 Canada. We've seen it happen with codfish, and -- and in
7 years past with the bison, and -- and the passenger
8 pigeon and you name it.

9 So I think that the first thing that --
10 that people have to understand is that -- as I -- I said
11 earlier, it's -- in this particular case, it's no longer
12 a question of what the caribou can do for us -- to
13 paraphrase a former president of the United States, it's
14 not what the caribou can do for us, but what we can do
15 for the caribou.

16 So that's the first thing, that's an
17 attitude shift and it's a -- a recognition that -- that
18 the system is only so resilient and if we continue to
19 push and demand then we're going to end up with
20 potentially nothing.

21 The -- the second thing that I -- I had
22 suggested that we really need to -- to do better at is
23 monitoring and research, filling in those gaps, making
24 sure that we are keeping on top of what's going on and
25 that we have a very good handle on it.

1 And the third thing is enforcement. We
2 know full well that -- that there will be situations
3 where the rules are broken. And -- and I don't think we
4 can afford to turn a blind eye to those infractions any
5 longer, or -- or to be as tolerant as -- as we -- we
6 appear to have been in the past.

7 In my view, and I -- and I don't think I'm
8 exaggerating, this is a crisis and if we don't act firmly
9 and -- and clearly and effectively then we stand to lose
10 a resource that past generations have treasured and
11 future generations would expect from us to hand to them.

12 So I -- I don't think it's a question of
13 details that -- that we looked at. It's a -- it's a
14 question of the broader picture. And -- and I'm sure
15 that there are details that S-- that we looked at. It's
16 a -- it's a question of the broader picture. And -- and
17 I'm sure that there are details that -- that Bob or I
18 might quibble with, but I think the -- the broad message
19 is what we were here to deliver from our perspective.

20 MR. ROBERT TURNER: It's Bob Turner. I'll
21 just add a -- a little. In -- in relation to the
22 recommendations, the only thing I have to point out is in
23 regards to, I believe, the year 2012, and it follows our
24 recommendation of determining pressures in stages.

25 I mean, you should introduce the pressures

1 in stages, not consider all of the pressures in one (1)
2 year if you're going to con -- consider an allowable
3 harvest for the Aboriginal people, that should be in one
4 (1) period of time, and the next pressure introduced in a
5 year or two (2) later, and then so on.

6 And just in -- in -- to add to David's
7 comments, I believe there could be a lot of assistance
8 and help in -- in regards to determining numbers through
9 education, and introducing -- I know ENR has a lot of
10 programs they have involved with the schools, they go
11 into schools. And one (1) of the biggest concerns you
12 always hear -- well, not the biggest concern, but one (1)
13 of the concerns you always hear is: You never have
14 information on the Aboriginal harvest.

15 And develop a survey. Teach the students
16 how to do a survey right in the school, in the
17 communities. And I think that could be easily done in
18 the smaller communities, and even in -- in the larger
19 community like Yellowknife. I think it's education is
20 the key.

21 That's -- that's all I have to say for
22 that. Thanks.

23 CO-CHAIRPERSON JUDAS: Thank you, anyone.

24

25 (DOGRIB INTO ENGLISH THROUGH INTERPRETER)

1 CO-CHAIRPERSON JOSEPH JUDAS: Gordon Van
2 Tighem -- Gord -- Mayor Gordon Van Tighem from rec --
3 (DOGRIB SPOKEN) is not present. And we'll carry on to
4 Karen Master -- your -- McMaster.

5

6 (INTERPRETATION CONCLUDED)

7

8 MS. KAREN MCMASTER: Thank you both for
9 your presentation. they were both very heartfelt and I
10 appreciate that. I have a couple of questions.

11 One (1) is: I was interested in your
12 participation in the Bathurst Management Plan and some of
13 the action items there. The ARC, Alberta Research
14 Council, has indicated that the herd is likely in a
15 decline.

16 And I'm wondering, are you of the view
17 that they're in a decline as ARC is saying, or that
18 they're at a low point as outlined in that plan?

19 MR. DAVID LIVINGSTONE: David
20 Livingstone. I'm not -- I'm no biologist, I'm not an
21 expert in the field. All I can say is that based on --
22 on my experience working with ENR and other wildlife
23 managers, I -- I have no reason to doubt that -- that the
24 herd is -- has de -- has been declining for a number of
25 years. Whether it's reached the bottom, I think depends

1 on the management actions we take.

2 Another year of harvesting five (5) or six
3 thousand (6,000) caribou, I think we're done, frankly.
4 And the decline will -- will be a -- at a point of no
5 return. So I -- I think that it's been declining to
6 date, whether its bottomed out or not -- you know, I was
7 astonished, frankly, that -- that the numbers were as low
8 as they were.

9 I -- you know, the folks from ENR had said
10 that it didn't look good based on the -- the survey
11 earlier in 2009, but I had no idea about the actual
12 number and that the previous number was a hundred and
13 twenty-nine thousand (129,000) or thereabouts just a few
14 years ago. And to decline to thirty-five thousand
15 (35,000) was frankly shocking.

16 And I -- I can say that -- that had the
17 group that I went hunting with in September known that it
18 was that low, we would have thought twice, certainly
19 about going to where we went and -- and perhaps thought
20 twice about going at all.

21 So is it a -- is it continuing to decline?
22 I think that only further studies and research can -- can
23 tell us that, but I can tell you that, from my
24 perspective, we keep hunting the herd as hard as we have
25 in the past, we guarantee a -- a further decline.

1 MS. KAREN MCMASTER: Thank you. Karen
2 McMaster. Just one (1) more question, please.

3 I'm wondering, you spoke about surveys for
4 communities, and do you think, as a reasonable action
5 plan, that mandatory reporting for everyone might be
6 helpful in the future, just to ensure we've got some
7 correct data here?

8 MR. ROBERT TURNER: Well, I mentioned
9 surveys because it gives you a good estimate. You're --
10 you're never going to get an accurate number, even with
11 mandatory requirements. I mean, even with the tag
12 system, you're not going to get a perfectly accurate
13 number. Just because some tags are issued to some
14 people, it doesn't mean that those are the only numbers
15 of an animal that's taken.

16 I mean, I don't -- I don't want to go too
17 much on that, but I think I'm trying to stress that
18 education is the most important, and -- and if we can get
19 the schools involved, you know, I think it would be an
20 interesting program, I mean, to get students doing
21 surveys in the communities and it's voluntary. And I
22 think the majority of the people that are concerned about
23 the caribou will provide accurate information, and that's
24 what we have to go by.

25 MS. KAREN MCMASTER: Thank you. No more

1 questions.

2 CO-CHAIRPERSON JOSEPH JUDAS: Mahsi,
3 Karen.

4

5 (DOGRIB INTO ENGLISH THROUGH INTERPRETER)

6

7 CO-CHAIRPERSON JOSEPH JUDAS: North Slave
8 Metis Alliance...? North Slave Metis Alliance...?

9 (DOGRIB SPOKEN) Martin...?

10

11 (INTERPRETATION CONCLUDED)

12

13 MR. MARTIN KNUTSAN: Hello. Martin
14 Knutsan, NWT Wildlife Federation. I've got two (2) sets
15 of questions here.

16 First one: Did you review the ARC report,
17 and do you concur with its findings?

18 MR. DAVID LIVINGSTONE: David
19 Livingstone. I looked at the ARC report. I can't say
20 that I -- I looked at it carefully, reviewed it in
21 detail. And -- and furthermore, as I said earlier, I'm
22 not a -- I'm not a biologist. I'm not trained in the
23 field, so I couldn't comment from a professional
24 standpoint about its accuracy.

25 All I can tell you is that, from my

1 experience working with biologists and wildlife managers
2 and my experience on the land itself, I have no reason to
3 doubt those figures. I have seen nothing that -- that
4 causes me to -- to think that -- that ARC and ENR have
5 got it wrong, and certainly I've -- I've been not -- not
6 in any way convinced by some of the presentations that
7 I've -- I've seen in the past that extract from the ARC
8 report out of context and -- and reach conclusions that I
9 think are -- are a stretch.

10 MR. MARTIN KNUTSAN: Martin Knutsan, NWT
11 Wildlife. Both of you have mentioned in your
12 presentation that you were part of the -- the caribou
13 management plan, and that -- that was a plan commissioned
14 by ENR, is that correct?

15 MR. DAVID LIVINGSTONE: David
16 Livingstone. That was some time ago. Yeah, I think it
17 was -- I think the initiative came from -- from ENR, but
18 it was a plan that was -- oh, it was a -- a
19 recommendation from the DIAVIK environmental review, I --
20 I believe, and the recommendation charged ENR with taking
21 the leadership -- a leadership role in developing a
22 caribou management plan for the Bathurst herd.

23 It was a collaborative, a very
24 collaborative approach. It included representatives from
25 all the Aboriginal governments within the range of the

1 Bathurst herd, and we, over a period of a couple of
2 years, developed a -- a consensus plan. It -- it didn't
3 go any further than that, as I recall.

4 MR. MARTIN KNUTSAN: Thank you. No
5 further questions.

6 CO-CHAIRPERSON JOSEPH JUDAS: Mahsi,
7 Martin.

8

9 (DOGRIB INTO ENGLISH THROUGH INTERPRETER)

10

11 CO-CHAIRPERSON JOSEPH JUDAS: The next,
12 NWT Tourism. Jenni Bruce, do you -- Patterson (sic) --
13 Peterson Point Lodge. (DOGRIB SPOKEN)

14 MS. AMANDA PETERSON: Thank you. Amanda
15 Peterson. Thank you, Mr. Co-Chair. Thank you for your
16 presentation. I have no questions at this time.

17 CO-CHAIRPERSON JOSEPH JUDAS: Mahsi.
18 Joyce, Resource...? Rabesca Resources...?

19 MS. JOYCE RABESCA: Joyce Rabesca here.
20 I want to thank you for your presentation. It's -- it
21 was really heartfelt and very much in line with -- with
22 the way we're thinking, my husband and I, Moise. So
23 thank you, and I really have no questions, but honour you
24 and respect what you have said. Thank you.

25

1 (DOGRIB INTO ENGLISH THROUGH INTERPRETER)

2

3 CO-CHAIRPERSON JOSEPH JUDAS: Thank you.
4 Legal counsel...? Legal counsel from the Board...?

5

6 (INTERPRETATION CONCLUDED)

7

8 MR. JOHN DONIHEE: Thank you, Mr.
9 Chairman. John Donihee, for the Board. As much as I
10 hate to pass the opportunity to question Mr. Livingstone,
11 there -- there are -- there are no questions from counsel
12 or staff.

13 CO-CHAIRPERSON JOSEPH JUDAS: Thank you,
14 John. Charlie...?

15 MR. CHARLIE RABESCA: Thank you, Chair.
16 No question.

17 CO-CHAIRPERSON JOSEPH JUDAS: (DOGRIB
18 SPOKEN) Grant?

19 CO-CHAIRPERSON GRANT PRYZNYK: No
20 questions, Mr. Co-Chair. Thank you.

21 CO-CHAIRPERSON JOSEPH JUDAS: (DOGRIB
22 SPOKEN) Bruce?

23 MR. BRUCE MACDONALD: Thank you, Mr. Co-
24 Chair. Bruce MacDonald, Board member. No questions, but
25 thank you for your presentation.

1 CO-CHAIRPERSON JOSEPH JUDAS: Ray Case
2 (DOGRIB SPOKEN)

3 MR. RAY CASE: Thank you, Mr. Co-Chair.
4 I have no questions.

5 CO-CHAIRPERSON JOSEPH JUDAS: Mahsi, Bob
6 and Dave, for your presentation today. Thank you. We're
7 having a ten (10) minute break. Thank you.

8

9 --- Upon recessing at 11:10 a.m.

10 --- Upon resuming at 11:45 p.m.

11

12 CO-CHAIRPERSON GRANT PRYZNYK: Okay,
13 everyone, it's Co-Chair Grant Pryznyk with Co-Chair
14 Joseph Judas here. We're back to order now. I've been
15 asked by the Tlicho Government to speak at this time.

16 Order, please. Thank you very much.

17 Order.

18

19 (BRIEF PAUSE)

20

21 CO-CHAIRPERSON GRANT PRYZNYK: Mr. Pape,
22 you're going to speak on behalf of Tlicho Government?

23

24 APPLICATION TO ADJOURN BY TLICHO GOVERNMENT:

25 MR. ARTHUR PAPE: Arthur Pape for Tlicho

1 Government, Mr. Co-Chair. Thank you. I have a motion to
2 make to the Board. I've discussed this with your
3 counsel, and this motion is made after discussions,
4 extensive discussions, with ENR and their counsel.

5 And they'll speak for themselves, but this
6 motion comes as a result of discussions that Tlicho
7 Government and GNWT officials have been having over the
8 last four (4) days.

9 And the bottom line, Mr. Chairman, is that
10 this is an application for you to adjourn the Hearing and
11 to provide time for ENR and Tlicho Government to complete
12 the process that you asked them to undertake originally;
13 that is, to develop a joint proposal for management of
14 the caribou herd in Wek'eezhii for the coming period.

15 Let me explain what lies behind this
16 application and give you some details.

17 The Tlicho Government and ENR agree that
18 they have not yet been able to complete the task that you
19 asked them to undertake. They started it, they made some
20 progress and then various events caused the process to
21 virtually shut down, so that when it was time to report
22 to you, the Board, on a joint proposal you received an
23 incomplete proposal.

24 There are some important agreements in
25 that proposal but there are some very substantial

1 disagreements that were not resolved in that proposal.

2 And probably based on what we've heard
3 here from a number of Intervenors and also from your own
4 independent expert, Anne Gunn, there probably are some
5 parts of that plan that are not nearly well enough
6 developed to be effective and contribute to the goals
7 that the parties saw which was to do the right thing in
8 respect of the state of the caribou herds in Wek'eezhii
9 and ensure that management is based on conservation
10 principles, the objectives of the Tlicho Agreement, the
11 mandate of the Board, and the precautionary principle.

12 There's no question that the Tlicho
13 Government and ENR have benefited greatly from the
14 Hearing process. Both parties have had a chance to
15 explain their own interests and positions and experience
16 and perspective.

17 And both parties have had an opportunity
18 to learn a great deal about the interest and perspective
19 of other parties. And the enormous number of community
20 members who came and spoke at the Hearings.

21 I'm sure that that is part of the reason -
22 - that is, the Hearing process itself is part of the
23 reason why ENR and Tlicho Government have reached an
24 agreement between them that they should reconstitute the
25 process they had begun and improve that process and

1 strengthen it and finish the work.

2 In the discussions between Tlicho
3 Government and ENR they have worked out some ways to
4 strengthen the process to ensure that they have enough
5 strength and technical capacity and policy weight at the
6 table to get the job done.

7 The parties have the benefit of a great
8 deal of information and -- and -- and recommendations
9 from this process. The parties have worked out a
10 schedule for their own preparation for the process and
11 renewed days at a joint table, developing a joint -- the
12 joint plan.

13 The schedule would lead to a finished
14 joint proposal by the end of May, and that proposal will
15 have been approved by the authorities in Tlicho
16 Government and in GNWT who would need to approve it. So
17 the schedule provides for a revised plan to come to the
18 Board by the end of May.

19 Certainly the parties would be more than
20 willing to provide the Board with some kind of interim
21 progress report by the end of April, because the schedule
22 is such that there should be substantial progress by
23 then.

24 The reconstituted planning -- joint
25 planning process will, as I say, be able to take

1 advantage of a great deal that's been said here and
2 suggested by others. I know there are some who wish that
3 they could also be part of that process, but for all
4 kinds of reasons based on the Tlicho Agreement itself and
5 the process that the Board is required to go through and
6 the process that the Board initiated, these two parties
7 have the primary governance, responsibilities and
8 mandates to develop management plans in Wek'eezhii for
9 the caribou.

10 And it was this Board's proposal that they
11 seek to do it together, jointly. And that was -- and
12 everything we've heard and seen in this hearing supports
13 the wisdom of the Board having asked the parties to try
14 to go down that road, and they want to finish going down
15 that road.

16 It's very possible -- I -- I won't make it
17 more than that -- but it's very possible and -- and quite
18 probable that, in the course of these two months of work,
19 the parties will also ensure that other conversations and
20 discussions with others who aren't at the table take
21 place, of all types and as appropriate.

22 But we haven't addressed that in any
23 detail yet, but it's very clear from this hearing -- it
24 was clear before, but it's more clear now -- that
25 effectively designing management plans for such a

1 challenging set of problems and effectively implementing
2 them requires a great deal of work of many types,
3 including effective communication and engagement.

4 The parties have agreed that they want to
5 invite your independent consultant, Anne Gunn, to act as
6 an independent technical consultant to the process, and
7 they're prepared to invite her to do that if you as a
8 Board do not object. The parties would be certainly
9 willing to have the Board's technical staff be observers
10 in the process if you decide you want that.

11 Now let me say a few things about why, in
12 our view, it is better for you to do this than to hear
13 all our submissions and go away and make your own
14 decisions about the management plan, because that's
15 really the alternative that you could think about if you
16 didn't want to accept this motion and give ENR and Tlichon
17 Government a chance to finish the work.

18 If ENR and Tlichon Government don't finish
19 this work together, the Board would have to finish the
20 work. The Board would have to decide the very difficult
21 management decisions in great detail about harvesting,
22 about whether total allowable harvests are the mechanism
23 and what those should be if they are, about how those
24 would be allocated.

25 The Board would have to apply all the

1 principles in Chapter 12. And the Board would have to
2 not only design -- finish designing the management plan
3 and filling in the holes, but that would leave you in the
4 position as a Board of trying to get other parties, and
5 particularly ENR and Tlicho Government, to implement the
6 plan you think is the right plan.

7 With great respect, it's possible that a
8 situation could emerge under which that would be the
9 right thing for this Board to do. I believe you have a
10 jurisdiction to do that in appropriate circumstances
11 under Chapter 12 of the agreement.

12 But the agreement did not really establish
13 the Board as the management body for caribou or other
14 renewable resources. The agreement established the Board
15 as a co-management body responsible to oversee and
16 backstop the various bodies and institutions and -- and
17 governments who have responsibilities to manage, and to
18 do everything in your power as a Board to ensure that
19 it's done right.

20 That's a very, very important role, and
21 it's not the same as the role that ENR has or Tlicho
22 Government has. And at this early stage in the
23 development of the implementation of this part of the
24 Tlicho Agreement, with respect, we suggest that the Board
25 continue to push the parties to do their part, and that

1 in doing so, you will be playing the role that the
2 agreement saw for you.

3 Your own consultant, Anne Gunn, in very
4 few words, was very clear in her written submission and
5 in her presentations here that effective management of
6 something as complex and multi-factored as the caribou
7 and its habitat requires the wisdom of all the parties
8 involved, and it requires their proper engagement in
9 order that management plans could not only be complete
10 and smart, but could be implemented effectively.

11 And so it follows from that that it would
12 be better for the caribou, for the parties, for the
13 vision of collaborative adaptive co-management, that the
14 Tlicho Agreement establishes as a fundamental principle
15 it would be better for the achievement of all those
16 principles and objectives if the parties go back to work
17 and bring you a much more complete and fully developed
18 and agreed upon joint management proposal.

19 And after a good deal of thought, it's our
20 submission that it would be best for the Board to not
21 start making decisions about the very important issues of
22 substance that you've heard so much good evidence on but
23 that, in fact, it would be best for you to make all those
24 decisions in the context of a revised improved management
25 proposal.

1 And in closing, this application for an
2 adjournment is because this Hearing has been so
3 successful. If the Hearing had not been a success, the
4 parties would not have become so much more engaged.

5 If people hadn't listened to each other,
6 they would not have begun to adjust their own thinking
7 and how they explain things in this Hearing.

8 And if we hadn't heard from so many people
9 in the communities perhaps none of us would fully
10 understand how powerful these issues are and how
11 important it is that these two (2) Governments work
12 together to get it right and do so in a collaborative
13 way, because otherwise no matter how smart any one of
14 these parties might be, the plan might not be capable of
15 being implemented.

16 And so it's with all that in mind that we
17 respectfully request that the Board grant an adjournment
18 and schedule a reconvening of the Hearing for some time
19 that you would decide after the end of May that would
20 still be consistent with the schedule for the Board to
21 play your role both in reviewing and making
22 recommendations on some aspects of the plan.

23 And if necessary, if the plan is to
24 include total allowable harvests, a sufficient time for
25 the Board to decide those issues including total

1 allowable harvests and their allocation.

2 And all of that could be done we believe,
3 in time to have a new plan finished and implementable and
4 enforceable in time for August hunting.

5 Thank you, Mr. Co-Chair.

6 CO-CHAIRPERSON GRANT PRYZNYK: Thank you,
7 Mr. Pape. I will -- I'd like to explain what we'd like
8 to do now is for the -- especially for the Intervenors,
9 is to ask a few questions for clarification from the
10 Tlicho Government and ENR. And then we'll come around
11 and ask each of you in turn what your thoughts are on --
12 on the Application and we'll proceed from there. Okay?

13 Okay, Mr. -- Mr. Pape, can you confirm
14 this is a joint Application or a joint for -- for an
15 adjournment?

16 MR. ARTHUR PAPE: Arthur Pape. Mr.
17 Chairman, I'll let ENR speak for themselves, but the
18 concept that we would go back to work, establish a
19 schedule and work together to redo this plan, that's a
20 joint concept.

21 And the technical question of the
22 adjournment is something we've talked about together and
23 we both agree on.

24 CO-CHAIRPERSON GRANT PRYZNYK: Okay.

25 MR. ARTHUR PAPE: But I'm not -- I

1 haven't been asked to make it jointly for the parties.

2 CO-CHAIRPERSON GRANT PRYZNYK: Okay. Mr.
3 Bohnet, do you care to respond on behalf of ENR.

4

5 SUBMISSIONS BY ENR:

6 MR. GARY BOHNET: Yes, thank you very
7 much. Gary Bohnet, ENR. First of all, yes, we do
8 support the Application for adjournment that's been made
9 by the Tlicho Government and as articulated by Mr. Arthur
10 Pape.

11 I mean, I think there is a couple of
12 issues from an ENR perspective that have been addressed.

13 And without going into and repeating what
14 Mr. Pape has said, I think clearly there's other
15 intervenors here that have to know that in going down
16 this route for the -- for the Application for Adjournment
17 that poses us some challenges but we -- we're prepared to
18 -- to take up the challenge.

19 Probably one (1) of the biggest ones we
20 realize that, at the same time, we have to have a
21 parallel process to work for tho -- with those Aboriginal
22 governments outside of the Wek'eezhii area, particularly
23 the Akaitcho and Yellowknives Dene First Nations and the
24 Metis groups that harvest from that same herd, and I
25 think that's an important point.

1 We're prepared to work with them. We're
2 willing to work with them. It would be outside this
3 process, a parallel type of process, and I think it's
4 important for the -- the Board also to realize that.

5 The other thing that Mr. Pape mentioned, I
6 think there is some challenges, but I think, again, from
7 these hearings people have spoken, we've listened, we've
8 heard the issue of working collaboratively, and coming to
9 a resolution on these issues can only be positive because
10 this whole issue on caribou has been so divisive that
11 only by trying to work these things out together as
12 Aboriginal governments together can we really find ways
13 to move forward.

14 The timing will be a challenge, I think we
15 have to realize that. I mean, this is going to be
16 meaning that the Tlicho Government and ENR in particular
17 are going to have our noises to the grindstone to meet
18 the time frames. And we really hope that the Board will
19 play -- pay close attention to making sure that
20 everything's on track and on schedule.

21 The other thing, we're not naive enough to
22 believe, and I think, whether it be the Tlicho or any
23 northerners, that there's -- this issue, as I said
24 earlier, is -- is divisive, however -- and it's going to
25 take some tough decisions that we're going to have to

1 make. But making those decisions in cooperation with our
2 partners, the other Aboriginal governments, I mean, it'll
3 be a win/win for all.

4 So, Mr. Chairman, yes, we support the
5 application made by the Tlicho Government and look
6 forward to working with them and with this Board. Thank
7 you.

8 CO-CHAIRPERSON GRANT PRYZNYK: Thank you
9 very much, Mr. Bohnet. So you're suggesting that by the
10 end of May, May 31st I believe was the date you
11 suggested, that you could have the -- the joint proposal
12 back again to us with the results of your -- your work.

13 So, in essence, you give two (2) months
14 for the Board. You're asking the Board they would have
15 two (2) months, or less time than that, to decide what to
16 do, and to have it to the governments for implementation
17 by August. Are you talking the 1st of August, middle of
18 August, late August?

19 MR. ARTHUR PAPE: Arthur Pape. I don't
20 know the details of that schedule, Mr. Chairman, but I do
21 understand that the next hunting season on the herd would
22 begin in August.

23 CO-CHAIRPERSON GRANT PRYZNYK: Okay,
24 thank you, Sir. So do you have any more specifics that
25 you could indicate on the -- the outcomes or the changes

1 that would result, either of you?

2 MR. ARTHUR PAPE: Mr. Chairman, Arthur
3 Pape. We haven't tried to go there. We -- in the
4 original submissions it was clear what issues we hadn't -
5 - the parties -- these parties had not been able to reach
6 agreement on.

7 But as I said, there are some other issues
8 associated with all of that, other potential management
9 courses of action that may assist in stopping the decline
10 or preparing a basis for recovery, other kinds of
11 collaborative monitoring and adaptive management
12 processes that may increase the effectiveness of it all.

13 Many of these things have been raised.
14 The parties haven't even tried to begin discussing them.
15 But the bottom line is, as Mr. Bohnet said, that the --
16 both parties, I believe, from the discussions they've had
17 together and separately, have recognized that there are
18 some very tough decisions and they have to be made.

19 And it wasn't possible to make them
20 before, and there's a much better chance that it's going
21 to be possible to make them jointly now.

22 CO-CHAIRPERSON GRANT PRYZNYK: Okay,
23 thank you, Sir. How do you foresee that it will be
24 easier for the Board to make a decision if it decides to
25 grant this adjournment and come forth with the

1 recommendations?

2 You had indicated that there were areas of
3 disagreement, and you're hoping to resolve those, and --
4 and modify, and finetune the proposal. I believe you
5 might have used words to that effect.

6 MR. ARTHUR PAPE: Arthur Pape. Mr.
7 Chairman, the point is that what you have before you now
8 is not a management plan that you could recommend that
9 the parties implement. You have some parts of a
10 management plan, some very substantial disagreements on
11 harvesting issues and whether there need to be limits
12 and, if so, what they should be.

13 You've had a number of different
14 submissions even from these two (2) parties about the way
15 to approach harvesting limits. And you've heard many
16 submissions from others about other management steps that
17 should be seriously considered or should be taken now,
18 especially around predators.

19 The point is, if these parties don't get
20 it together and bring you a coherent well-reasoned
21 proposal on all those issues it's going to fall to the
22 Board to decide what the best answers to those questions
23 are and to make recommendations to the parties.

24 On everything except total allowable
25 harvest and its allocations, the parties still have the

1 power to deal with that. So in many ways if we went that
2 way through a process in which the Board tried to resolve
3 the unresolved issues we might be into a much more
4 difficult and time consuming process than if we do it
5 this way.

6 And hopefully -- and I think there's a
7 reasonable basis for this hope as a result of the
8 hearing, and the real good will in both these parties and
9 the strengths that they have, if the parties can resolve
10 these issues and resolve them well, the Board will have a
11 great deal more to work with in your task of making
12 recommendations on most issues and perhaps decisions on
13 some issues.

14 CO-CHAIRPERSON GRANT PRYZNYK: Thank you,
15 again. What -- how do both governments foresee involving
16 our other Intervenors in the -- in the entire process of
17 redoing or reviewing the -- the joint management
18 proposal? Or not redoing, but reviewing and working
19 forwards from this point?

20 MR. ARTHUR PAPE: Arthur Pape. Well, as
21 I said, we haven't discussed that jointly. You heard Mr.
22 Bohnet undertaking that ENR will ensure appropriate
23 parallel processes with others who they need to involve.
24 That's fundamentally their responsibility.

25 And it's enough to say, at this stage,

1 that this question of engagement with others is certainly
2 a question that this reestablished ENR/Tlicho Government
3 table will need -- need to consider as they do their
4 work. I can't give you any explanation of how that might
5 be done because that issue hasn't been addressed yet.

6 But certainly the pro -- the proposal that
7 came to you originally was a proposal on which there had
8 been some input. There has now been a great deal more
9 input. And, ultimately, that one (1) of the jobs of this
10 Board is to ensure the proper involvement and engagement
11 of other parties in -- in the process of management plans
12 being developed and your review of those management
13 plans. That's all I can say.

14 I -- we can't -- and I -- I'm -- I'm
15 making this very clear that the Tlicho Government is not
16 at this stage suggesting that we should give specific
17 assurances or comfort to anyone about this. It's enough
18 of a challenge at this point to figure out how to
19 reconstitute the process of developing the plan and
20 ensuring that it's a strong enough process that it can do
21 its job.

22 As I say, I don't think anyone believes
23 that all that work could be done in complete isolation.

24 CO-CHAIRPERSON GRANT PRYZNYK: Thank you
25 again. Mr. Bohnet, would you care to perhaps answer to

1 that one, please?

2 MR. GARY BOHNET: Sure, thank you very
3 much, Mr. Chairman. Yes, I think Arthur covered most of
4 the stuff but I think, I mean some of the other
5 intervenors clearly, they're here, they've been
6 presenting, they've made their case to ENR over and over
7 again and, you know, it is an issue.

8 And I think as -- as representatives of
9 the public government, we'll make sure that we have
10 contact, update them and get input from the other
11 intervenors that are not going to be part -- directly
12 part of the discussions that we will be having with the
13 Tlicho Government.

14 We have some -- some obligations as the
15 public government. Thank you.

16 CO-CHAIRPERSON GRANT PRYZNYK: Thank you,
17 sir. One (1) final one that I have is any suggestions
18 from either or both of you on how this whole process
19 should be concluded, once we get the report back from
20 you?

21

22 (BRIEF PAUSE)

23

24 MR. ARTHUR PAPE: Mr. Chairman, Arthur
25 Pape. Well, if you adjourn then it follows that once you

1 have the report you'll reconvene the Hearing in some way.

2 And I'm sure that, as a minimum, you'll
3 need to give people some time to consider it and an
4 opportunity to make submissions. It's hard to say at
5 this stage whether a very elaborate process would be
6 required.

7 Certainly, the fundamental issues on which
8 you heard so much evidence, there is no reason that a --
9 an improved and refurbished plan should make it necessary
10 or appropriate for you to revisit the fundamental issues
11 on which you've heard so much evidence.

12 All the evidence about the state of the
13 herd and what's happened to it and the -- the -- the very
14 important general evidence and specific evidence you've
15 heard about factors that are operating and factors that
16 need to be brought into play so that the decline can be
17 halted and the herd can recover and the time frame for
18 that, it won't be necessary to revisit that evidence.
19 You've got it. And the parties have done their best and
20 there's not going to be new evidence generated on these
21 herds in the -- in the time between now and the end of
22 May.

23 So nor are I imagine -- and you've heard
24 tremendously good evidence about the importance of
25 caribou for the Aboriginal communities, for different

1 generations of Aboriginal people, for other types of
2 interests, whether its outfitters or resident hunters.
3 And you've heard very different perspectives from those
4 people about how they personally respond. Again, none of
5 those fundamentals are going to change.

6 So, in my submission, at this preliminary
7 stage, I can't imagine that there would be any
8 requirement to revisit the very substantial evidentiary
9 questions that you've had so much good evidence on in the
10 last five (5) days.

11 I'm sure the parties will have things to
12 say and I'm sure you'll want a process that's robust
13 enough to ensure that those thoughts can be properly
14 considered. But it shouldn't need to be a Hearing
15 anything like this length or complexity, I would say.

16 CO-CHAIRPERSON GRANT PRYZNYK: Thank you,
17 sir.

18 Mr. Bohnet, do you have any thoughts on
19 this?

20 MR. GARY BOHNET: Well, I don't think I
21 have much more to add. I think Mr. Pape has articulated
22 a process and I think, quite frankly, I think the Board
23 and their legal counsel probably have some work
24 themselves to do as far as to make sure the process fits
25 within the mandate of this particular Board and the

1 agreements that establish this Board. So I'll leave it
2 to your legal counsel and your capable Board to finalize
3 the exact details of process on all this here.

4 But I would agree that I don't think the -
5 - the next step or the -- the conclusion of -- of an
6 agreement between the parties and the presentation of a
7 new -- new plan to you needs to be as extensive as what
8 we've seen here the last five (5) days.

9 MR. ARTHUR PAPE: Mis -- Mr. Chairman --
10 Mr. Co-Chair, excuse me, it's Arthur Pape again.

11 CO-CHAIRPERSON GRANT PRYZNYK: Yes, sir.

12 MR. ARTHUR PAPE: If I could just add one
13 (1) more note. Because we -- we're asking the Board to
14 adjourn so that -- excuse me -- so that ENR and Tlicho
15 Government can bring you a much more robust, and
16 complete, and jointly agreed management proposal.

17 We don't in any way see the Board as a
18 body whose role is to simply review a management proposal
19 and say "yes" or "no" to it. You heard a great deal of
20 evidence, and there's a great deal of written evidence on
21 the record, about the circumstances of the herd, the role
22 that the caribou play, and the type of management
23 approaches that have worked or not worked here and
24 elsewhere.

25 You have that evidence. It's certainly

1 expected that when the Board finally makes its decision
2 and its recommendations and its decisions, the Board will
3 address those issues and deal with the evidence you've
4 heard.

5 So I -- I want to make that clear so that
6 it won't be thought that either ENR or Tlicho Government
7 thinks that the Board should just sit around and, you
8 know, wait for what these parties can come up with, and
9 then say "yes" or "no." The Board has a bigger role than
10 that.

11 And it's in the context of the Board's
12 determinations about some of the large questions about
13 which you've heard disagreement, and you've had a great
14 deal of evidence, and it's in the context of all those
15 important issues, about the ecology of the herd, and
16 management principles, and management experience, et
17 cetera.

18 It's in the context of your decisions
19 about that that you will review the improved proposal
20 that these parties hope to bring to you.

21 CO-CHAIRPERSON GRANT PRYZNYK: Mr.
22 Bohnet, do you care to -- anything? No. Thank you.
23 Okay, thank you.

24 Mr. Donihee, do you have any further
25 questions at all?

1 MR. JOHN DONIHEE: No, Sir.

2 CO-CHAIRPERSON GRANT PRYZNYK: Okay, no
3 questions from Mr. Donihee. All right, we'll go through
4 the Intervenors one (1) at a time in the same order as
5 we've gone through the entire hearing.

6 The first one is Shoshone Wilderness
7 Adventures. John Andre, do you have any comments?
8 Shoshone Wilderness Adventures...? He's not here.

9 MS. KAREN MCMASTER: And, Mr. Chairman,
10 may I --

11 CO-CHAIRPERSON GRANT PRYZNYK: Yes?

12 MS. KAREN MCMASTER: -- put in a request?
13 If we could have a moment to discuss this amongst
14 ourselves, and perhaps even have lunch to adjourn?

15 CO-CHAIRPERSON GRANT PRYZNYK: Your --
16 your name, please?

17 MS. KAREN MCMASTER: Sorry, sorry, Karen
18 McMaster. This motion has been brought fairly short
19 notice amongst the parties here, and they've had four (4)
20 days to discuss this, and I don't think it's very
21 reasonable to put people on the spot and ask for their --
22 their points of view immediately. So if we could
23 respectfully for some time to discuss this?

24 CO-CHAIRPERSON GRANT PRYZNYK: Okay, why
25 don't we adjourn until 12:30 -- I'm sorry, 1:30, and come

1 back at 1:30 and be ready with your responses and ready
2 to go then. Thank you.

3

4 --- Upon recessing at 12:28 p.m.

5 --- Upon resuming at 1:24 p.m.

6

7 CO-CHAIRPERSON GRANT PRYZNYK: Okay,
8 everyone. It's Chairman -- Co-Chair Grant with Co-Chair
9 Judas, Joseph Judas. Can we come to order, please.
10 Thank you very much.

11 Everything's going good with the sound
12 system and everything, everybody's -- and the
13 interpreters are okay? Okay. Great. Thank you.

14 As you're aware, there's a motion before
15 the floor, an application before the Board, and what we'd
16 like to do is go through in order of the -- the
17 Intervenors and have a -- have their thoughts on the
18 application before us.

19 I made an error the last time and asked
20 Mr. -- I did not ask Ms. Gunn first, to go first, as
21 she's listed first, so please, your thoughts on the
22 application.

23

24 SUBMISSIONS BY DR. ANNE GUNN:

25 DR. ANNE GUNN: Anne Gunn. Thank you,

1 Mr. Co-chair.

2 I have no opinion on the adjournment, but
3 I do remain committed to -- to working collaboratively
4 using my technical knowledge and experience, which I got
5 from being with people and caribou, to contribute to --
6 to the joint proposal and future work. Thank you.

7 CO-CHAIRPERSON GRANT PRYZNYK: Thank you
8 very much, Ms. Gunn.

9 Next for opinion is Shoshone Wilderness
10 Adventures, John Andre. John Andrew, Shoshone Wilderness
11 Adventures...? No response from that one.

12 The next one, Boyd Warner, Bathurst Inlet
13 Developments. Bathurst Inlet Developments...? No
14 response.

15 Next up, Arctic Safaris, Barry Taylor...?
16

17 SUBMISSIONS BY ARCTIC SAFARIS:

18 MR. BARRY TAYLOR: Yes. Barry Taylor.

19 I believe I have authorization from both
20 John and Boyd before they left on this --

21 CO-CHAIRPERSON GRANT PRYZNYK: Excuse me,
22 Mr. Taylor. This is for Arctic Safaris only. I -- there
23 is no evidence before the Board that the other two (2)
24 Intervenors had given you permission to speak for them.

25 MR. BARRY TAYLOR: Quite well.

1 CO-CHAIRPERSON GRANT PRYZNYK: Thank you.

2 MR. BARRY TAYLOR: I'm happy to see that
3 we're getting back together as a family again here and
4 getting our problems resolved.

5 Wearing my outfitter's hat, we're still
6 caught in a bind, because it's booking time. We're
7 losing clients right now. I lost several earlier this
8 week. Another two (2) or three (3) weeks is going to
9 spell the end for everyone in our industry. The
10 financial stress is also upon us.

11 What we're asking for, along with the
12 others, is that some way be found that where very soon we
13 have to know if we have tags that were promised to us
14 originally. We can operate, as Amanda said yesterday,
15 with seventy-five (75) tags. If the tags are not
16 imminent, we're going to have to ask for a financial
17 bailout, and we agree, with maintenance to camps, et
18 cetera, each outfitter's going to have to receive most
19 likely about three hundred and fifty thousand (350,000).
20 That will have to come -- be looked after by GNWT, I
21 assume, just to alleviate the other problem.

22 We're also asking for an independent
23 biologist and review with some input as talks proceed
24 here.

25 And that's my outfitter's hat off. As a

1 resident of the Territories, I just think this is
2 fantastic; we're back at the talks. We're working
3 together and we're back together as a family and there
4 isn't -- hasn't been a divorce.

5 With that, I'd like to thank everyone.
6 Enough said.

7 CO-CHAIRPERSON GRANT PRYZNYK: Mr.
8 Taylor, do I take it from your positive comments at the
9 end you're in favour of the application as presented here
10 today by the two (2) parties?

11 MR. BARRY TAYLOR: Definitely.

12 CO-CHAIRPERSON GRANT PRYZNYK: Okay,
13 thank you, Sir.

14 Yellowknives Dene First Nation, Todd
15 Slack...?

16

17 SUBMISSIONS BY YELLOWKNIVES DENE FIRST NATION:

18 MR. TODD SLACK: Thanks, Mr. Co-Chairs.
19 Todd Slack, YKDFN. I'm going to read a little bit from
20 my closing, and then offer a sort of summary. And Chief
21 Sangris wanted to be here today but, unfortunately, he
22 had other commitments.

23 One (1) outstanding issue that is before
24 the Board which the Yellowknives have not commented on is
25 the Tlicho request for an extension or adjournment to

1 these proceedings.

2 The Yellowknives have great -- the
3 greatest respect for this process and will not object as
4 long as there is an ENR commitment towards lifting the
5 hunting ban. As we meet here, the emergency measures are
6 still in place and ENR has publically said they will not
7 be lifted until after recommendations from the WRRB are
8 received and implemented.

9 In addition to the WRRB process, the GNWT
10 must engage in a consultation effort with the YKDFN to
11 reach accommodation if they intend to infringe on treaty
12 rights, which it appears will not begin until after the
13 decision of this Board.

14 Together, this could be a very long time
15 and reach into the next hunting season. As Alfred said
16 during the presentation, the community freezers already
17 sit empty. Another season of hardship would have a
18 tremendous impact on the community and those that rely on
19 the land, who are simply doing as their ancestors and
20 fathers have done for generations, often in the very same
21 places.

22 If commitment to remove the hunting band -
23 - pardon me, remove the hunting ban cannot be secured,
24 then further extensions only risk bringing more suffering
25 to the membership of the Yellowknives.

1 We have seen the tremendous progress this
2 week and feel that further agreement is possible, but
3 timing is a crucial issue.

4 To sum up, if ENR is willing to make this
5 commitment with regards to the hunting ban and engage in
6 a direct and separate yet parallel consultation with
7 YKDFN leadership, it is my opinion, the specifics of
8 which will have to be confirmed by leadership, that the
9 Yellowknives Dene would not object.

10 CO-CHAIRPERSON GRANT PRYZNYK: Thank you,
11 Sir.

12 City of Yellowknife...? City of
13 Yellowknife, any response to the application? No
14 response.

15 Karen McMaster...?

16

17 SUBMISSIONS BY MS. KAREN MCMASTER:

18 MS. KAREN MCMASTER: Karen McMaster.
19 Thank you. At the outset I'd -- I'd just like to note
20 that this hearing process has, I think, taken quite a
21 long time to unfold, as everyone is aware of.

22 And even getting this joint proposal
23 before the Board, I believe, has taken several years.
24 With that time -- time are resources and time are
25 expensive and personal contributions to this process have

1 been extreme.

2 I've noted in the past that we have two
3 (2) governments here who are well -- well funded who have
4 a considerable team of people in front of them. And I
5 would hope that it would be noted by the Board that each
6 of the individuals, company Intervenors, companies and
7 individuals do not have those same resources.

8 I believe there's been a lot of valuable
9 information discussed and -- and conveyed at this meeting
10 and it's been very helpful.

11 I -- I think the proponents have benefited
12 in many ways from the information that has been provided.
13 Information that I have submitted since November should
14 have been in that original proposal. I've said this
15 throughout this process.

16 As -- as the proponents have benefited
17 greatly from this meeting which has really turned into a
18 meeting and not a hearing, I would respectfully ask that
19 some Intervenor funding be provided going forward to
20 compensate us for our time and to compensate us for us
21 going forward.

22 My second request, would be that there be
23 disclosure of all the information that we have asked for
24 for this Hearing. I think that issue has been discussed
25 by many Intervenors during this process and it's -- it

1 has impeded our ability to prepare meaningfully for this
2 -- this Hearing and I would ask that there be a condition
3 that all information be disclosed.

4 I would ask that there be an independent
5 biologist to review the science going forward and
6 participation in that process.

7 And I would ask that if formal submissions
8 are submitted, that we be given timely information and
9 that we be given submissions in a sufficient time so that
10 we can comment on those submissions in a meaningfully --
11 meaningful way.

12 And I too would suggest that, given the
13 uncertainties and the time that it will take for the
14 Board now to make a decision, that the Minister consider
15 lifting that ban so that we don't put families out of
16 business, we don't destroy -- destroy lives and we allow
17 especially Elders the food and subsistence lifestyle that
18 they have had.

19 Thank you.

20 CO-CHAIRPERSON GRANT PRYZNYK: Thank you
21 very much. So if all -- if those conditions are met, you
22 are in agreement with the extension?

23 MS. KAREN MCMASTER: That's true, thank
24 you.

25 CO-CHAIRPERSON GRANT PRYZNYK: Okay,

1 thank you for that clarification, I appreciate that.

2 North Slave Metis Alliance...? North
3 Slave Metis Alliance...? No response.

4 NWT Wildlife Federation, Mr. Knutsan...?
5

6 SUBMISSIONS BY NWT WILDLIFE FEDERATION:

7 MR. MARTIN KNUTSAN: Yes, thank you, Mr.
8 Chairman. First of all, I would like to thank counsel
9 for the Tlicho for the recognition of the outfitters and
10 residents in his discussion and -- and for their
11 consideration of them in the process going forward.

12 I'd also like to mention that it -- that
13 was put forward before own government thought --
14 mentioned the outfitter or residents.

15 I'd also like to ask for an independent
16 review of the biology concurrently with the ENR and
17 Tlicho discussions. This has been a -- quite a common
18 thread throughout the -- the last few days and I think it
19 would be -- it would alleviate any future arguments that
20 might come up.

21 And if we had an independent review and I
22 think it's something that everyone at the -- around the
23 table said they want to work together, that this could
24 help bring a cohesive view of the caribou situation.

25 And I would ask that ENR would disclose

1 all information that they have to independent biologists
2 so that everyone could work together. And again, it's
3 for a common goal, you know, to the -- the betterment of
4 the science and the management of the caribou.

5 I think given those conditions that the
6 resident hunters would agree for a postponement or an
7 adjournment of this Hearing.

8 CO-CHAIRPERSON GRANT PRYZNYK: Okay,
9 thank you, sir. I request a moment here from -- from the
10 Chair.

11

12 (BRIEF PAUSE)

13

14 CO-CHAIRPERSON GRANT PRYZNYK: Okay,
15 thank you very much. Co-Chair Grant again. NWT Tourism,
16 Jenni Bruce...? NWT Tourism...? No response.

17 Peterson's Point Lake Lodge...?

18

19 SUBMISSIONS BY PETERSON'S POINT LAKE LODGE:

20 MS. AMANDA PETERSON: Hi, my name is
21 Amanda Peterson. I'm with Peterson's Point Lake Lodge.

22 I -- it's hard to know where to start
23 really. I guess I'll start with, I do have some concerns
24 with the motion that's been put forward to the Board.
25 And I'm very -- I think I can -- I hear and I've been

1 listening about the benefits of what that -- that process
2 might be.

3 This public hearing -- there's a silver
4 lining in this public hearing. And that silver lining is
5 that we've all been brought together to be able to
6 express our points of view, share our knowledge, hear the
7 wisdom as long as -- as well as our experiences and how
8 caribou is important and is a valued and respected
9 resource for everybody here in this room.

10 My -- so and -- and I -- I don't think my
11 closing arguments are valid anymore considering the -- or
12 may not be appropriate considering what's before the
13 Board. I would like to read a little bit from it and
14 then follow it up with some more comments.

15 So I want to start by saying that I'm
16 grateful to be at this hearing and to participate, to
17 present my point of view and offer suggestions. And in
18 hindsight this hearing, this formal process, has come
19 almost four (4) years too late. Back in 2000 -- December
20 of 2006, when we were informed of the population survey
21 that was done at that time, well, it is in my opinion
22 that the Government of the Northwest Territories didn't
23 show the leadership it should have during that time.

24 We are almost at four (4) years later and
25 still discussing the same issues that were discussed at

1 that time. Well, three (3) years ago, in March of 2007,
2 I believe, most of us sat.

3 It's to my knowledge and at a meeting that
4 we were promised tags to hunt for 2010 season. And on
5 this, our family and other -- and other outfitters booked
6 hunts in confidence. We've incurred expenses and have
7 prepared months in advance of this hearing.

8 So I believe I heard, Mr. Co-Chair, that
9 one (1) of the officials from the Department of
10 Environment and Natural Resources had said that they
11 would consult with vested parties while the Tlicho
12 Government and the Department of Environment and Natural
13 Resources worked through a joint proposal and hone in and
14 develop something that's collaborative.

15 Well, I have to say, I've lost complete
16 faith in our government. You've already heard me say
17 that they've showed no -- no leadership in this process,
18 and I have to say that I have a sincere concern that they
19 might tell us what they're going to do as they write
20 policies in the tower, but their -- the consultation
21 process, that's how it works.

22 In my experience, they create the policies
23 and they tell us how it's going to work. So
24 collaboration and -- and the interest of our family
25 business is not being heard by our representatives. So

1 I'd have to -- I -- I'd really want assurance to
2 commitment from the GNWT that they have a vested interest
3 in -- in our business and hearing our points of view.

4 As you can see from my presentation, our
5 family's presentation yesterday, I believe we have a lot
6 of suggestions and much to offer. And I actually don't
7 hear from the GNWT that that's really been well received.
8 I've heard from the Tlicho Government that they had heard
9 what we had to say and that might have provided some
10 value.

11 So I'd like a commitment from the GNWT to,
12 well, step up to the plate and begin to be leaders and
13 take action. I'm tired of hearing about the excuses,
14 about budget cuts and funding and I wonder really where
15 our priority of our GNWT -- of the GNWT is.

16 If we're concerned about caribou and the
17 lives of the people that it effects here, not only our
18 own family business but for the communities and the rest
19 of the people, I really think that they should prioritize
20 their investment of resources into -- you know, from a
21 bridge that will never pay for itself or Olympic
22 promotion.

23 I mean really, what's important? So I
24 have to say I have concerns about this process. I -- I
25 don't have faith that the GNWT will represent our

1 interests.

2 So I want assurance from them that they
3 will do -- do just that and that if they're not going to
4 represent our interests that perhaps they -- they'll
5 seriously consider accommodation for our business as
6 they've -- as they have provided accommodation to other
7 groups.

8 And so I ask for that for not only this
9 year but in the future because by the looks of it our
10 family and the staff that we employ will not be able to
11 continue to do what we've had -- what we've done for
12 thirty (30) years.

13 So I guess in closing I'd like to say one
14 (1) sort of thing, that I have more suggestions and we
15 have more suggestions for management that will assist the
16 management of caribou and, if appropriate, I'd like to be
17 invited to that table to discuss those suggestions.

18 I think our community of people here, the
19 community that share caribou and have a deep respect for
20 caribou have been able to enjoy this for many years and
21 that I hope we will be able to continue to enjoy it for
22 the future. Thank you.

23 CO-CHAIRPERSON GRANT PRYZNYK: Thank you,
24 Ms. Peterson. Next one up is Bob Turner.

25

1 SUBMISSIONS BY MR. BOB TURNER:

2 MR. BOB TURNER: It's Bob Turner.
3 Considering the -- the proposed motion and I guess I
4 would consider it as similar to a joint proposal to a
5 court and how much weight that carries, so I'd be
6 hesitant to support it as is.

7 And -- and it just -- it follows concerns
8 I've had over the years of how -- how groups or how one
9 (1) or two (2) groups would go away and come back with a
10 proposal that other people haven't had the ability to
11 participate in and then it gets a lot of weight and is
12 usually accepted by boards and courts.

13 So I think there has to be a little more
14 inclusion of others in that process. I understand the
15 importance of the Tlicho Government and -- and the ENR
16 getting together and having talks and discussions.

17 But we're in a process here where a lot of
18 people have already participated and put in a lot of time
19 and effort to provide their important views.

20 And not only that, I mean even within the
21 Tlicho Agreement I can -- I'll read you a little -- one
22 (1) little line here. It says:

23 "Tlicho citizens and members of an
24 Aboriginal people with rights to
25 harvest wildlife in Wek'eezhii."

1 And my interpretation of that would mean
2 that that "Aboriginal" word with a capital there is
3 referring to a group, probably the Yellowknives Dene,
4 because if you go back in time, Yellowknives Dene were a
5 part of the Dogrib Tribe and Council.

6 And at a minimum I would -- I would expect
7 they would be invited to the table to put forth such an
8 important recommendation to the Board.

9 So if I were to accept this recommendation
10 of adjourning for them to go away, back to the drawing
11 board, I would recommend that there be an invitation to
12 others to participate. At a minimum, the Yellowknives
13 should be able to participate in that proposal.

14 But I would accept observer status myself
15 but I think we have to all be involved from here. Thank
16 you.

17 CO-CHAIRPERSON GRANT PRYZNYK: Thank you
18 very much, Bob.

19 Any comments at all from either Tlicho
20 Government or ENR on any of the comments made by the
21 Intervenors? Mr. Pape...?

22 MR. ARTHUR PAPE: Arthur Pape. No
23 comments, Mr. Chair.

24 CO-CHAIRPERSON GRANT PRYZNYK: Thank you,
25 sir.

1 Mr. Bohnet, anything from ENR?

2

3 REPLY BY MR. GARY BOHNET:

4 MR. GARY BOHNET: Thank you, Mr.
5 Chairman. Well, we've heard the responses to the
6 Application for Adjournment from, you know, the different
7 Intervenors around the table. I think they're all
8 important, they all have to be given some weight and, you
9 know, we'll give them all due consideration.

10 Thank you, Mr. Chairman.

11 CO-CHAIRPERSON GRANT PRYZNYK: Okay,
12 thank you very much. We'll take a maximum thirty (30)
13 minute adjournment. All the Intervenors have had their
14 opportunity to speak and we'll come back in no more than
15 thirty (30) minutes so we invite you to have a coffee.

16 I think I see some more sandwiches or
17 something over there. So if anybody's got any room left
18 after lunch, feel free and we'll re-adjourn in no later
19 than thirty (30) minutes. Thank you very much.

20

21 --- Upon recessing at 1:50 p.m.

22 --- Upon Resuming at 2:40 p.m.

23

24 RULING

25 CO-CHAIRPERSON GRANT PRYZNYK: Okay.

1 Let's come to order, please. This is Co-Chair Grant
2 Pryznyk, with Co-Chair Joseph Judas. I have the
3 following statement to read on behalf of the Board.

4 The Board has carefully considered the
5 application and all submissions made. We recognize that
6 there are real risks associated with further delay before
7 the Board makes a final decision.

8 If the Board adjourns, the caribou hunting
9 ban will remain in place longer. The removal of this
10 restriction is not within the power of the Wek'eezhii
11 Board. This is a decision for the Minister of ENR.

12 The Board recognizes, however, that this
13 is a co-management process, and the importance of
14 encouraging collaboration, particularly between the GNWT
15 and Tlicho Governments. It is also clear that if a total
16 allowable harvest is imposed, that difficult questions of
17 allocation will result. A collaborative revised proposal
18 may simplify these allocation questions and save some
19 time.

20 On balance, the Board has decided to grant
21 the application for adjournment until May 31st, 2010. In
22 so doing, the Board would like to point out that both the
23 GNWT and Tlicho Governments bear some measure of
24 responsibility for the current state of affairs.
25 Speaking bluntly, this adjournment will allow these

1 parties to address these problems and fix them.

2 The adjournment comes with some
3 conditions. Tlicho Government and ENR must provide an
4 interim report on progress by April 30th, 2010.

5 This report shall include a summary of
6 consultations conducted with other parties, and
7 sufficient detail to enable the Board to determine
8 whether substantial progress has been made.

9 Board staff and independent experts will
10 participate in the process as observers, and report to
11 the Board on an ongoing basis.

12 If the Board concludes that substantial
13 progress has not been made by April 30th, 2010, it will
14 reconvene for final argument and proceed with its
15 decision.

16 The Board expects that any new proposal
17 filed by May 31st, 2010, will address harvest numbers,
18 allocation of harvest for both Bathurst caribou herd and
19 Bluenose East caribou herds, within the Wek'eezhii
20 management area.

21 The Board also recommends that the parties
22 make any new technical reports or analyses, prepared,
23 available to the parties by filing them with the Board
24 for posting on the public registry.

25 We also recommend that the Government

1 consider providing assistance to Intervenors so that they
2 can participate in this process. This means that the
3 final argument is postponed, pending the outcome of this
4 process.

5 We are adjourned. Thank you very much. I
6 would like to thank a number of people before we have our
7 closing prayer, and they are the maintenance staff in the
8 building here. They have done a great job in keeping us
9 going all week.

10 The -- the interpreters, our interpreter
11 staff have been going long, long days and keeping track
12 of some very fast talkers.

13 And, of course, our cook and kitchen staff
14 in the back who have been doing a great job for us,
15 keeping us all well fed and happy.

16 And the -- I'd also like to thank the
17 staff at the back, in the office back there. They've
18 given us early coffee in the morning all the time.
19 That's really great. Thank you very much. I appreciate
20 that.

21 And our Intervenors, of course, thank you,
22 and the general public and the elders, you've all been
23 amazing in this proceeding so far and I thank you very
24 much for your input.

25 And as well, the security -- the security

1 staff has been doing a great job for us, as well. And we
2 appreciate all the time you spend here all day.

3 And, Wendy, our transcriber and digital
4 person, who kept me on track and told me when I went
5 "wah-wah-wah" into the microphone.

6 Again, and also Board staff and counsel
7 for their input, and their advice during this long week,
8 and times leading up. There was a lot of logistical work
9 to do for this whole thing, and they did an excellent job
10 in keeping us -- getting us all here and keeping it all
11 going as well.

12 I'd -- I'd -- I'd like to thank the two
13 (2) governments for their -- their time, and their input,
14 and being with us all this time, and their
15 considerations.

16 And particularly, one (1) final one (1), I
17 think, I'd like to thank the people of Behchoko,
18 including their chief, for all the -- for the great
19 hospitality and letting us use their community cultural
20 centre for our public hearing. Thank you very much.

21

22 (DOGRIB INTO ENGLISH THROUGH INTERPRETER)

23

24 CO-CHAIRPERSON JOSEPH JUDAS: Thank you.

25 Would the Grand Chief like to speak?

1 (INTERPRETATION CONCLUDED)

2

3 (DOGRIB INTO ENGLISH THROUGH INTERPRETER)

4

5 GRAND CHIEF JOE RABESCA: As Board
6 members and Co-Chair, I -- I really would like to thank
7 you. A lot of people, many of the Elders behind me are
8 all representing our four (4) communities, as well as
9 Dettah, and Yellowknife, and Ndilo.

10 Some elders are about ninety (90) years
11 old. They still continue to support us, and to -- and
12 Board and Intervenors coming here together, ENR, and the
13 Tlicho Government.

14 The reason for this kind of hearing was
15 because we thought this would be a good process to do it
16 the right way. We also are abiding by rules and
17 regulations that are -- are available to us, and to work
18 by.

19 I'm sure that as Tlicho Government, we
20 have a lot of work ahead of us. We will be utilizing the
21 elders as much as we can. Sometime, a lot of --
22 sometimes there's a little bit of misinformation here and
23 there but, at the same time, sometimes we have a little
24 bit of head cold so -- but I know how important this is
25 so I try to stay as long as I could.

1 We all know that sometimes we have a
2 little bit of maybe misunderstanding. But as Dene people
3 we -- as people, we all have to work together. If we
4 don't work together it won't be right. And if only one
5 (1) group did it alone, it wouldn't be right. So we all
6 have to work on it together.

7 I'm concerned about the caribou. Even if
8 you see a photograph on the wall of caribou, it makes you
9 happy. And so I just wonder what can we do on our own as
10 Dene people. If there were many, many caribou, enough
11 for us to satisfy us, it would be okay. But -- but at
12 the same time, we don't want to run into a problem where
13 there's not many caribou out there. We don't want to run
14 into that problem.

15 There's many nations that are listening to
16 us, maybe in Inuvik, all around, other regions. And
17 because also, even with the Inuit people, they're
18 concerned about caribou. They travelled here to our
19 meeting. And they, just as us, have the same type of
20 diet.

21 And so without our good country food, we
22 wouldn't be strong people. And so here at this table we
23 have to probably bring in a lot of negotiators that have
24 implemented the land claim to be, but we need to get all
25 our people together. If we have disagreements and don't

1 trust one another, it -- it -- it's not a good way to
2 work on any process.

3 On any land claims there's a lot of
4 discussion, and I hear that all over, people trying to
5 settle their land claims. There's new chiefs among us,
6 Chiefs for the first time. And also, there's new members
7 of the Tlicho Government that are new members. But --
8 but this is not a new issue that we're talking about.

9 We all have our own ways, and so -- and we
10 all can work together. Also, together we all know what
11 your responsibilities are, Mr. Chairman. I thank you.
12 When I thank you, I honestly want to thank you.

13 I've been there in your positions. I know
14 you have a lot of work cut out for you. I know that
15 Joseph still has to travel home, and so does Charlie have
16 to travel home. We don't want them to have flack from
17 their own people when they get home, because of the
18 decisions that they have to make.

19 Even in the future we're going to have to
20 have Board members that have to make tough decisions, and
21 still at the same time try to help one another. If we
22 completely wipe out caribou, everyone will suffer, even
23 the children will suffer.

24 Even to look at the poster, when we see
25 it, it puts us in a good mood. And this is how we want

1 things to be for as long as possible. Sometimes with our
2 environment right now, where there's so many changes
3 happening around us, maybe it's because God is putting
4 all this punishment on us. And so the Elders, when we
5 ask them to support us through their prayer, they do
6 that. They really support us. They try to keep us going
7 through the spiritual, and so I always hear Elders
8 praying for us. They're not telling us work against each
9 other.

10 They're -- they're not telling us to work
11 on things alone, but this is -- don't work against one
12 another, work together. Even if you're sitting on your
13 own at different meetings you need to continue to work
14 together. Don't criticize each other. Work together.
15 As leaders, we have to be like that.

16 As leaders, we also have to let other
17 people take leadership roles. And so, in 2005, my
18 picture was taken, and at that time I resigned after
19 2005. And I wasn't bitter about sit -- standing down.
20 Many years after that, I was asked to try again as Grand
21 Chief. I wasn't sure I would win, but I'm here again.

22 And so whatever discussion and concerns
23 are taking place I'm always hearing what's going on. I
24 know what's going on. I want to represent our people. I
25 want our people to have a good life. I have deep

1 concerns about everything. I hoping that we can have
2 good meat to eat.

3 If it's thirty thousand (30,000) what are
4 we going do then if it comes to that? This is something
5 we have to do right. We -- it's not only for me, but
6 there for the future generations that as government
7 leaders we need to make the right decisions.

8 Mr. Chair, I've worked with you, I
9 appreciate your -- you as a person, and so we have to
10 work cautiously as we make any decision. And so we met
11 about this issue in Gameti. We asked them how well you
12 support us. This is the way to work together, and if we
13 work in this fashion we'll do it right.

14 Maybe if the young people did it they
15 might not have that much support. With the Elders we
16 have we can do it right. Let's work together.

17 And so I will be finishing my statement.
18 We continue to have the tapes that the Elders have said
19 in the past, companies like BHP and Fortune Minerals,
20 Rayrock, Colomac, all the mines that -- existing mines.
21 They told us don't open the Colomac mines.

22 Don't open up ten (10) mines because
23 there's going to be a disaster for the wildlife. You got
24 to keep some -- if you're going to close one (1) mine
25 down then you can open up the next mine. That's what was

1 the Elders are -- what if there's lots of mines on the
2 land, how you going to monitor the mines because the
3 animal right -- migrates in that route? And although
4 these Elders are not here with us, we still remember
5 their words.

6 Mr. Chair, what I'm saying here is we have
7 recorded tapes on these. When I put record at home the -
8 - although these Elders passed away I can listen to them.
9 And -- and while they're passed away, we can -- we can
10 still have -- we still have the recorders. I think I
11 have about nineteen (19) cases of recordings.

12 In the future, how will we manage our
13 wildlife? That's what's being said and with these
14 recordings we still have them available.

15 Although our Elders have passed away it's
16 like their words are still alive and living with us. And
17 in -- in the future we -- if the youth take a look at
18 these tapes, listen to these tapes it's like preserving
19 our -- our culture and we still have it available,
20 readily available for our people.

21 We talks amongst our lawyer and this
22 proposal and working together. He's our lawyer, he's not
23 making decision our -- maybe he -- he think he's talking
24 on our behalf. We tell him -- we discuss our issues and
25 that's how we work at these issues. Our lawyer is not

1 the only one that's making decisions for us. We the
2 leaders, we have to consult each other and that's how we
3 work together.

4 Mr. Chair, I don't want to be -- take too
5 much of your time because there's carnival. So the
6 carnival will begin so have a closing prayer and this is
7 what I was being told.

8 So I just want to say, I want to thank all
9 the Tlicho from the Whati, Wekweeti, Gameti, whoever here
10 is on the -- who's listening on the radio and although
11 you may be listening in the vehicle, we'll still be
12 working on this issue. And whoever wants to help us, the
13 Chiefs are available, the Board Members are and also the
14 ENR have mentioned that we will be working together and
15 thank you for listening.

16 We just want to work together, thank you
17 very much, Mr. Chair. Mahsi cho.

18

19 (INTERPRETATION CONCLUDED)

20

21 (DOGRIB INTO ENGLISH THROUGH INTERPRETER)

22

23 CO-CHAIRPERSON JOSEPH JUDAS: Thank you,
24 Joe, mahsi cho. (DOGRIB SPOKEN) And David's audio
25 services has done a good job for the past week so we'd

1 like to thank him for using his audio equipment.

2 And prior to the closing prayer, I'd like
3 to say a few words myself. There's the elderly women and
4 elderly men that's been staying here the whole. We who
5 sit on the Board and what's the reason why are we sitting
6 on the Board.

7 The past three (3) or four (4) weeks many
8 of the people had discussed this prior to the meetings
9 but this is how the process takes place at these Board
10 meetings.

11 And at times we go back into the -- we
12 know what's being said. We know all the visitors and
13 everything is being recorded and also the Elders speak to
14 the floor is being recorded.

15 And with that information and there's
16 about seven (7) or eight (8), six (6) or seven (7).
17 We're going to take this information back and we'll
18 discuss these things and at times when we go for breaks
19 and go back in the room -- in the boardroom and that's
20 how we do our way.

21 The Land and Water Board work in a similar
22 fashion when they have a public hearing like this. And
23 in the future this kind of public hearing if you want to
24 know more about the WRRB members, you can question the
25 Board Members.

1 So thank you for -- for coming and
2 listening and at times and on two (2) nights, on Tuesday
3 and Thursday night we worked well into the evening so
4 we're thankful to the Elders for being here and also the
5 -- all the visitors that attended these meetings.

6 And it's like we are talking in one (1)
7 language because we have interpretation and also
8 everything that's really available in this building so I
9 just want to say that. So Alfonz Apples will do the
10 closing prayer and that's how we're going to finish. And
11 that's all I'd like to say for now.

12 Thank you.

13

14 (CLOSING PRAYER)

15

16 CO-CHAIRPERSON GRANT PRYZNYK: Thank you,
17 all. We are adjourned.

18

19 --- Upon adjourning at 3:05 p.m.

20

21 Certified Correct,

22

23

24 _____
Wendy Warnock, Ms.

25