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# WEK'ÈEZHÌ RENEWABLE RESOURCES BOARD

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## Rule for Management Proposals

### A. INTRODUCTION AND BACKGROUND

The Wek'èezhì Renewable Resources Board (WRRB or “the Board”) under Section 12.3.6 of the Tłıchq Agreement has the authority to make rules respecting consultations to be conducted by it and the procedure for making applications, representations and complaints to the Board as well as the general conduct of any business before it.

#### **Application:**

This Rule applies to any person or organization making an application to the Board or required to consult the Board, including Parties<sup>1</sup> to the Tłıchq Agreement.

#### **The WRRB Role in Resource Management in Wek'èezhì:**

##### Wildlife-

Section 12.5.1 of the Tłıchq Agreement is mandatory. Except in an emergency situation as set out in 12.5.14<sup>2</sup> it requires that a Party, before taking “*any action for management of wildlife in Wek'èezhì submit its proposals to the WRRB for review under 12.5.4*”. This section of the Agreement is intended to be broadly inclusive of wildlife management initiatives. This interpretation is confirmed by the fact that 12.5.1 also authorizes the Board to identify “*types of action that need not be sent to it for review*” (emphasis added).

##### Forests and Plants-

Sections 13.3.1 and 14.3.1 prevent the authorization of commercial harvesting of trees and other plants in Wek'èezhì where, in the Board's opinion, those activities would have a significant adverse effect on wildlife in Wek'èezhì. In such cases, the Parties will have to consult the Board and seek its opinion. In addition, sections 13.4.1, 13.4.2, 14.4.1, and 14.4.2 of the Tłıchq Agreement indicate that the WRRB shall be consulted<sup>3</sup> on proposed land use policies, draft legislation and Tłıchq laws, research, and training plans respecting

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<sup>1</sup> Party is defined as “*the Parties to the Agreement, namely the Tłıchq, as represented by the Tłıchq Government, the Government of the Northwest Territories and the Government of Canada.*” Section 1.1.1 of the Tłıchq Agreement

<sup>2</sup> For greater certainty, the WRRB does not automatically treat late submissions, even if urgent, as emergencies. The Board's Rules of Procedure set out the process for requesting permission to file late documents.

<sup>3</sup> Note that the term “consultation” is defined in the Tłıchq Agreement.

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forest and plant management. In such cases, the Board may make recommendations for policies and rules in respect of the commercial harvesting of trees and plants as well as forest fire management activities.

Protected Areas-

Further, the WRRB “*shall be consulted regarding the establishment of any protected area or to changing the boundaries of an established protected area*”, as per Section 16.1.1 of the Tłıchq Agreement.

**Validity of Management Actions and Proposals:**

Any management action<sup>4</sup> which must be referred to the WRRB under one or more of these sections of the Tłıchq Agreement and which is implemented without being referred to the WRRB for its consideration may be invalid. The submission of a management proposal and consultation with the WRRB do not, however, take the place of other regulatory processes required by law or regulation, including Tłıchq laws.

**B. GEOGRAPHIC SCOPE OF BOARD JURISDICTION:**

Section 12.1.2 of the Tłıchq Agreement establishes the WRRB to perform the functions set out in the Tłıchq Agreement in Wek’èezhì. Wek’èezhì is the “management area” of the Agreement and is illustrated in Figure 1. The legal description of the area can be found in the Tłıchq Agreement, Chapter 1, Appendix 1, Part 2.

Some wildlife populations migrate through Wek’èezhì as the area forms a part of their range. The WRRB has joint authority over such migratory wildlife. Therefore, all management actions addressed to wildlife within Wek’èezhì including any transboundary wildlife when they are in Wek’èezhì must be referred to the WRRB under the terms of the Tłıchq Agreement. These proposed wildlife management actions require the submission of a management proposal to the Board.

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<sup>4</sup> For further clarity, a management action is defined as “a thing done to manage wildlife, forests, plants or protected areas for a certain purpose” that must be referred to the WRRB under the terms of the Tłıchq Agreement. A management proposal is a written submission by a Party to put forward a recommendation or series of recommendations for actions to manage wildlife, forests, plants or protected areas for consideration by the WRRB.

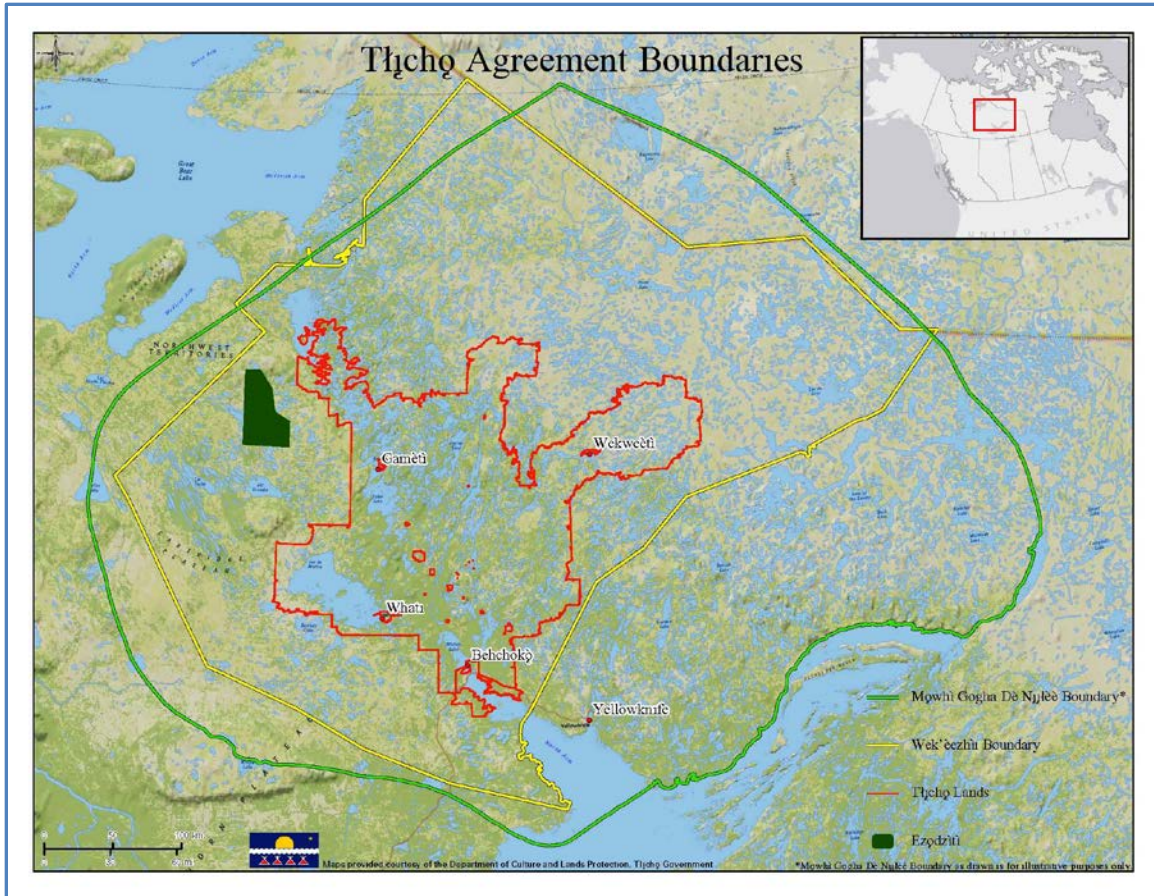


Figure 1: Wek'èezhıı Boundary

**C. NOTICE OF SUBMISSION OF A MANAGEMENT PROPOSAL:**

A Party submitting a management proposal must ensure that all authorities with responsibility for such resources or areas or affected by the proposed management action, are made aware of the proposed action.

**D. PURPOSE OF THIS RULE:**

Section 12.5.4 of the Tłıchǫ Agreement requires that the Board “shall review a proposal submitted to it under 12.5.1”. The Board is then required to either:

- make a final determination in relation to a proposal regarding a total allowable harvest level and its allocation for Wek'èezhıı, except for fish (Section 12.5.5 (a) of the Tłıchǫ Agreement), or
- in relation to any other proposal, make recommendations to implement, revise and implement, or not to implement (Section 12.5.5 (b) of the Tłıchǫ Agreement).

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The Board will use a similar process for consultations leading to consideration of actions for the management of forests, plants, and protected areas. Therefore, the following Rule has been developed to guide the Parties to the Tłıchq Agreement in making management proposal submissions to the WRRB.

#### **E. COMPONENTS OF THE RULE:**

The Rule has six components:

1. A list of the types of actions that must be submitted as a management proposal;
2. A list of the types of actions for which only Board notification is required;
3. A description of the required contents of a management proposal submission;
4. A timeline and process for review of a management proposal; and
5. A timeline and process for reporting.
6. Arrangements for the review of this Rule.

#### **1. Types of actions to be submitted as a management proposal**

As set out in Sections 12.5.1, 13.3.1, 13.4.1, 13.4.2, 14.3.1, 14.4.1, 14.4.2, and 16.1.1 of the Tłıchq Agreement, the WRRB must either be consulted or review and make a determination or recommendation on any “management actions” relating to the management of wildlife, forests, plants or protected areas, including such matters as:

- protection or enhancement of habitat;
- research;
- identification and reporting requirements;
- monitoring;
- training plans;
- plans for management;
- rules for harvesting;
- total allowable harvest levels;
- limitations on methods of harvesting and other limitations on harvesting activities;
- allocations of any total allowable harvest levels;
- commercial harvesting;
- designation of species or stocks at risk;
- identification of lands where harvesting or access for harvesting is prohibited for safety purposes; and
- regulatory/statutory changes (Wildlife, Timber, Fisheries, Species at Risk).

The Board will require a management proposal before such actions can proceed. For greater certainty, the Board also includes in its definition of “management actions” the issuance of certain licences, permits or other authorizations by the Parties.

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These include but are not limited to the following:

- Wildlife Research Permit
- Wildlife Management Permit
- General Wildlife Permit<sup>5</sup>
- Permit to Conduct Course where Wildlife is Harvested
- Commercial Wildlife Licence
- Special Harvester Licence
- Outfitter Licence<sup>6</sup>
- Licence to Capture Wildlife, including the possession of live wildlife
- Game Ranch Licence
- Fur Farm Licence
- Timber Cutting Permit/Licence<sup>7</sup>
- Timber Research Licence
- Migratory Birds Scientific Permit
- Migratory Birds Avicultural Permit
- Migratory Bird Damage or Danger Permit
- Migratory Bird Special Permit
- National Wildlife Area Permit
- Fisheries Exploratory Licence
- Fisheries Variation Orders<sup>8</sup>
- Fisheries Act Authorizations under Section 35 of the Fisheries Act, including emergency authorizations<sup>9</sup>
- Federal/NWT Species at Risk Permit

For management actions whose implementation will require more than one licence, permit or authorization one single or combined management proposal can be submitted. The Board encourages collaboration and joint management proposal submissions from the Parties where possible. A full description of the terms and conditions necessary to implement a proposal must be included.

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<sup>5</sup> Except those concerning the serving as a meal big game or upland birds

<sup>6</sup> Only newly establishing outfitter licence applications are required.

<sup>7</sup> The WRRB has notified Environment and Natural Resources – North Slave Region that timber cutting permit and licence applications requesting 30 cords or less of deadwood from designated woodlots do not require review and approval by the Board.

<sup>8</sup> In the instance that inaction would affect the long-term sustainability of a fish population, DFO may be exempt from submitting a management proposal for a Variation Order. This does not include restrictions to the Aboriginal right to fish for food, social or ceremonial purposes.

<sup>9</sup> To ensure the WRRB process can happen simultaneously with Fisheries & Oceans Canada process, the WRRB requests a notification of the possible requirement for a Fisheries Act Authorization as soon as possible following a development submission.

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Finally, the Board recognizes that certain actions within management proposals may be of a minor or administrative nature. In such cases, the Board reserves the right to review the management proposal and decide to treat the matter as one which requires only Board notification under section 2 below. A decision by the Board will be required to make such a change, and the Board will notify the Parties and the public via its website and distribution list before proceeding in this way.

## **2. Types of actions only requiring Board notification**

Subject to Section 12.5.1 of the Tłıchq Agreement, “*the Board may identify types of actions for the management of wildlife that need not be sent to it for review*”. As a result of its involvement in existing consultation processes, the Board already has the opportunity to review and provide comment to the Parties on several types of management actions. Therefore, instead of a formal management proposal submission, the following actions require a Party to provide only a written notification<sup>10</sup> to the Board before it is implemented:

- Regulatory requirements under the Canada Wildlife Act and Wildlife Area Regulations, Migratory Birds Convention Act and Regulations
- Regulatory requirements to add species to Schedule 1 of the Federal Species at Risk Act
- Recovery strategies, action plans and management plans developed under the Federal or NWT Species at Risk legislation
- Fisheries Licences to Fish for Scientific and Educational Purposes
- Urgent/Unanticipated Fisheries Variation Orders
- Consensus Agreements developed through the Conference of Management Authority (NWT SARA)

Due to the frequency of issuance of licences and permits related to the following actions, the WRRB only requires a Party to provide an annual summary of such issuances to the Board:

- Fisheries Commercial/Domestic Licensing
- Fisheries Licences to Fish for Scientific and Educational Purposes
- Issuance of Timber Cutting Permit/Licence

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<sup>10</sup> For further clarity, a notification is defined as “a formal written letter or report detailing the management actions proposed to be taken or have already been taken”. Notification of a proposed action to be taken should occur as soon as possible to ensure the WRRB has ample opportunity to review and provide comment. Notification of an action already taken should occur as soon as possible with reasons provided for taking such action, as per Section 12.5.14 of the Tłıchq Agreement.

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### **3. Content of a management proposal**

The following information should be provided in all management proposals (where inapplicable, please explain), the level of detail increasing with the complexity of the management actions proposed:

- background information on the species and issue;
- rationale for why the management action is being proposed;
- alternatives to the proposed management action and reasons why these were rejected;
- description of the management action, including implementation, timing, location, duration, and Tłıchǰ Citizen involvement;
- desired outcomes of the proposed management action (and outcomes that may be incidental to the action);
- consultation undertaken in preparation of the management proposal and the results of such consultation;
- any monitoring that will be conducted to assess the effectiveness of the management action;
- if multiple permits are required, please list all;
- timeframe of the proposed management action;
- relevant background supporting documentation, including key references, inspection/incident reports, and annual project summary reports; and,
- time period requested for the Board to review and make a determination or provide recommendations.

A template for management proposal submissions is available on the Board's website ([www.wrrb.ca](http://www.wrrb.ca)). The Board requests that Parties submit their management proposal in electronic format and provide ten (10) hard copies to the Board.

Where a management action falls within the list for which a management proposal would normally be required but involves routine activities and/or activities deemed to be minor in nature the required content of a management proposal can be adjusted as agreed upon by the WRRB. A Party must correspond with the Board to request a relaxation of the requirements of this Rule, however, the WRRB retains the right to request additional information, where required.

### **4. Timeline and process for review of management proposals**

One of three levels of review will be undertaken by the WRRB depending on the nature, content and context of a management proposal:

- Level 1 – will require Board or Board Staff (as directed by the Board) review but no public consultation

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- Level 2 – will require Board review and Board-led public consultation (no public hearing)
  - Level 3 – will required Board review and Board-led public consultation with a public hearing

Initially, all submissions will be treated as a Level 1 review, except where in the Board’s view the proposal will require the establishment of a Total Allowable Harvest as stated in Section 12.3.10 of the Tłıchq Agreement. Following an initial assessment, the Board has the discretion to increase the level of review as it deems appropriate. The Board will inform the Parties, as soon as practicable, if the level of review has been increased.

For Level 2 management proposals, the Board may establish a proceeding<sup>11</sup> and an online public registry. Notification of the proceeding and a request for comments will be made via its website, newspaper, social media and radio advertisements. A reasonable period will be granted to allow affected stakeholders and the public to provide comment.

Level 3 management proposals will result in the establishment of a proceeding which includes a public hearing. An online public registry will be established to constitute the record of proceedings on a project-specific basis. Affected stakeholders and the general public may subscribe to email notifications related to the specific proceeding. Notification of the proceeding will also be via newspaper, social media and radio advertisements. The WRRB has implemented Rules of Procedure that guide the conduct of all proceedings before the Board.<sup>12</sup>

## **5. Timeline and process for reporting**

The WRRB meets quarterly: February, May, September, and December of each year<sup>13</sup>. Therefore, to ensure timely review, the Parties are encouraged to contact the Board office in advance of the next scheduled meeting. This will allow the Parties to make management proposal submissions that coincide with Board meetings. The Board will not consider any management proposal submissions received within 2 weeks of a scheduled Board meeting. The WRRB will review and provide recommendations according to the process outlined for each Level in Figure 2. As per Section 12.5.8 of the Tłıchq Agreement, the Board “*shall give public notice of their recommendations*” by posting them on their website ([www.wrrb.ca](http://www.wrrb.ca)).

The Board requires a minimum of 30 days to review and respond to Level 1 management proposals.

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<sup>11</sup> For further clarity, a proceeding is defined as “a public meeting, consultation, or hearing in which the Board makes a determination or recommendation on an application or any matter over which it has authority.”

<sup>12</sup> For a copy of the Rules of Procedure, please contact the WRRB office.

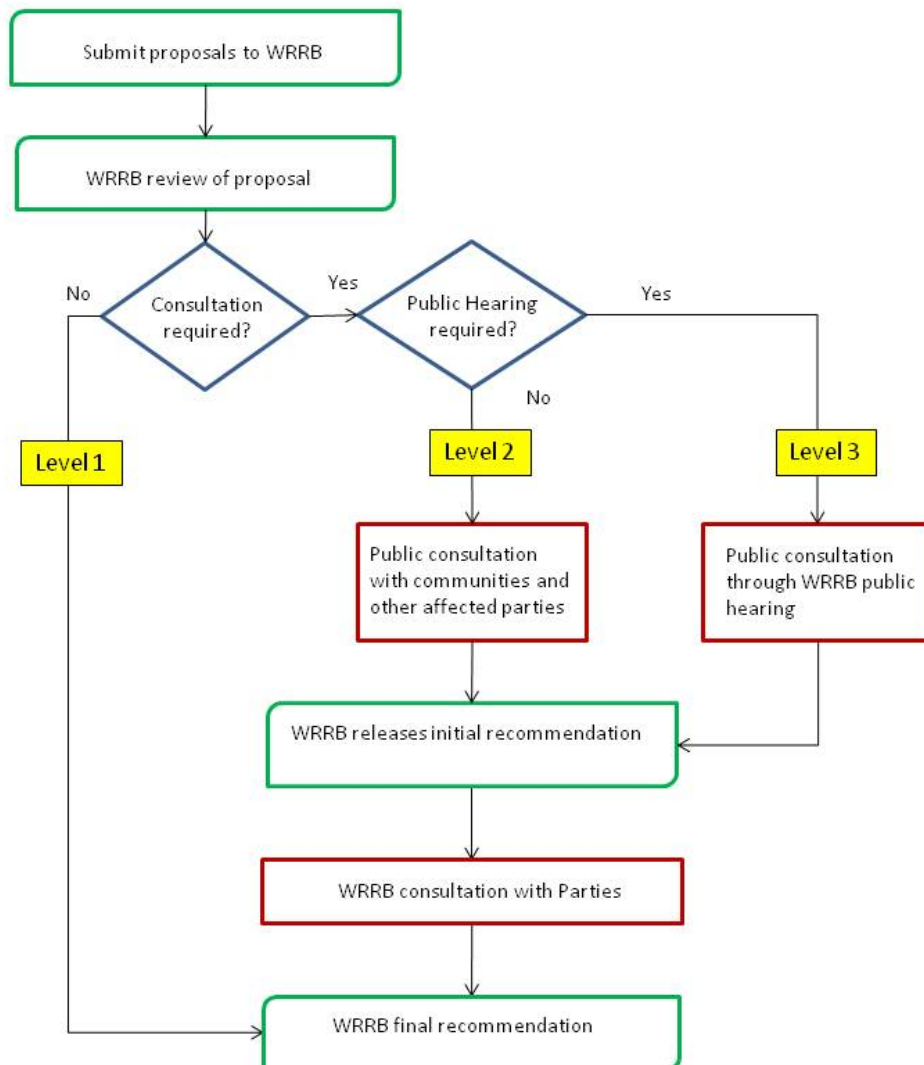
<sup>13</sup> The Board reserves the right to change meeting months as required.



Level 2 management proposals may require up to 90 days for consultation, review and response.

To allow adequate time for public consultation, public hearings and consultation with the Parties with management jurisdiction, Level 3 management proposals may take up to one year to complete.

**WRRB Proposal Review Process**



**Figure 2 – Management Proposal Review Process**

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As per Section 12.5.4 of the Tłıchq Agreement “if a Party wishes the Board to make its determination or recommendation within a particular period of time, it shall specify that period when submitting its proposal.” The Board will do its utmost best to respond within a reasonably specified time period.

**i. Reporting on Recommendations**

Section 12.5.8 of the Tłıchq Agreement allows the WRRB to “indicate the date by which a Party is expected to respond to or implement” the Board’s recommendations. Except when the Board indicates otherwise pursuant to section 12.5.8 of the Tłıchq Agreement, the Board expects a response within 42 days of receipt of its recommendations for a Level 1 or Level 2 management proposal, and within 60 days for a Level 3 management proposal. A written request is required from a Party wishing to extend the response period for any level of management proposal. The Board will review the request and makes its decision within 14 days of receipt.

**ii. Varying or Rejecting Recommendations**

Section 12.5.11 of the Tłıchq Agreement states that “each Party with power under its laws to implement a recommendation of the WRRB made under 12.5.5, 12.5.6, 12.5.7, 13.4.1 or 14.4.1 shall accept, reject or vary such recommendation. In making its decision, each Party shall consult with any other Party or body with power to manage any aspect of the recommendation. Where a Party rejects or varies any recommendation received from the Board, it shall give its decision in writing, with reasons, to the Board and to the other Parties, and shall give public notice of that decision”.

A Party must tell the Board whether its recommendation has been accepted. If a recommendation is varied, the Party must provide reasons for that decision, and, in addition, provide the change in wording (variation) so that the Board and all affected persons are clear about the final outcomes of the Board proceeding and necessary implementation actions. This ensures clarity with respect to the obligations under Section 12.5.12 of the Tłıchq Agreement, that “each Party shall, to the extent of its power under legislation or Tłıchq laws, establish or otherwise implement a) a determination of the WRRB under 12.5.5 or 12.5.6; and b) any recommendation of the Board as accepted or varied by it”.

If a recommendation is rejected, the Party must provide specific reasons and an explanation of why the rejection has occurred.

These actions should be undertaken within the timelines set out in section 5(i) above.

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### **iii. Project Summary Reporting**

The WRRB requests that a summary report be submitted within six months of the acceptance or variance of the Board's recommendations on proposed management actions, including an evaluation of the success of the project, where applicable, for Level 1 and 2 management proposals and within one year for a Level 3 management proposal. All summary reports will be posted to the WRRB's website. A written request is required from a Party wishing to extend the timeline for submission of summary reports for any level of management proposal. The Board will review the request and makes its decision within 14 days of receipt.<sup>14</sup>

All Parties are responsible for informing an applicant of the Board's requirement for annual reporting.

### **6. Review of Rule for Management Proposals**

This Rule for Management Proposals will be reviewed at three-year intervals from its inception date, including the identification of any management actions that are not subject to the Rule. Any Party may request a review, at any time, through a formal written request to the Board.

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<sup>14</sup> For greater certainty, this reporting is not required for licences or permits unless specifically requested in the Board's decision.

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## Management Proposal Template

1. Applicant Information	
Project Title:	
Contact Person:	
Organization Name:	
Address:	
Phone/Fax Number:	
Email:	

2. Management Proposal Summary	
Start Date:	Projected End Date:
Length:	Project Year ____ of ____
Provide a summary description of your management proposal (350 words or less).	

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Please list all permits required to conduct proposal.

**3. Background**

Provide information on the affected wildlife species and management issue.

**4. Description of Proposed Management Action**

Describe the proposed management action, including implementation, location and Tłıchq Citizen involvement.

What are the desired outcomes of the proposed management action?

What, if any, outcomes may be incidental to the management action?

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What monitoring, if any, will be conducted to assess the effectiveness of the management action?

**5. Rationale for Proposed Management Action**

Describe the purpose of your proposal and how it will address the management issue.

Describe alternatives to the proposed management action and reasons for why these were rejected.

**6. Consultation**

Describe any consultation undertaken in preparation of the management proposal and the results of such consultation.

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**7. Communications Plan**

Describe the management proposal's communications activities and how the Tłıchǫ communities will be informed of the proposal and its results.

**8. Relevant Background Supporting Documentation**

List or attached separately to the submission all background supporting documentation, including key references, inspection/incident reports and annual project summary reports.

**9. Time Period Requested**

Identify the time period requested for the Board to review and make a determination or provide recommendations on your management proposal.

**10. Other Relevant Information**

If required, this space is provided for inclusion of any other relevant project information that was not captured in other sections.

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## 11. Contact Information

Contact the WRRB office today to discuss your management proposal, to answer your questions, to receive general guidance or to submit your completed management proposal.

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