
WEK'ÈEZHÌ RENEWABLE RESOURCES BOARD

Rules for Management Proposals

A. INTRODUCTION AND BACKGROUND

The Wek'èezhì Renewable Resources Board (WRRB or “the Board”) was established under the Tłıchq Agreement as an independent tribunal, which acts in the public interest on matters related to wildlife, forests, plants, and protected areas management in Wek'èezhì. In addition, the WRRB plays a role in renewable resource management under both federal and territorial legislation.

Section 12.3.6 of the Tłıchq Agreement gives the Board the authority to make rules respecting the consultations it conducts and the procedures for making applications, representations, and complaints to the Board, as well as for the general conduct of any business before it. This includes adopting rules to govern proceedings where governments must consult the Board before they make decisions.

B. PURPOSE OF THIS RULE:

The Board will, to the extent possible, use a similar process for consultations addressing actions proposed for the management of wildlife, forests, plants, and protected areas. Therefore, the following Rules have been developed to guide the Parties to the Tłıchq Agreement in making Management Proposal submissions to the WRRB.

C. APPLICATION:

These Rules apply to any person or organization making an application to the Board or required to consult the Board by law or otherwise, including Parties to the Tłıchq Agreement, and will guide the Board's process in such circumstances.

Validity of Management Actions and Proposals:

Any Management Action which must be referred to the WRRB under the Tłıchq Agreement or legislation 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, including Tłıchq laws.

D. DEFINITIONS:

1. In the Rules:

WRRB or the “Board” means the Wek’èezhìi Resources Board established by section 12.1.2 of the Tłıchq Agreement (WRRB);

“Board Notification” means a formal written notice (letter or report) detailing the management actions proposed to be taken or which have already been taken under these Rules without the submission of a Management Proposal;

“Consultation” has the meaning set out in section 1.1.1 of the Tłıchq Agreement;

“Emergency” means a current or imminent event that requires a prompt response, special regulation, or Management Action to protect wildlife, habitat, trees, plants, or ecosystems and the environment;

“Forest Management” means management of forests, through forest conservation, forest fire control, timber and non-timber forest product management, reforestation, silviculture, and management of a forest ecosystem for wildlife and recreation, to balance the environmental, economic, social, and cultural benefits for the needs of present and future generations;

“Management Action” includes any action undertaken to manage wildlife, forests, plants, or protected areas for a specific purpose that must be referred to the WRRB, including a management plan, under chapters 12, 13, 14, and 16 of the Tłıchq Agreement and for greater certainty, this includes the issuance of certain licences, permits, or other authorizations listed in section G 1 below;

“Management Proposal” means a written submission made by a Party to the Board, as required by these Rules, to secure recommendations or an approval for a Management Action;

“Party” means one or more of the Parties to the Tłıchq Agreement, namely the Tłıchq, as represented by the Tłıchq Government, the Government of the Northwest Territories, and the Government of Canada;

“Plants” means flora, other than trees, in a wild state and includes fungi and algae;

“Proceeding” includes 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; and,

“Wildlife” means all *ferae naturae* in a wild state including fish, mammals, and birds.

2. Any word or phrase defined in the Tłıchǫ Agreement has the same meaning in these Rules.

E. GEOGRAPHIC SCOPE OF BOARD JURISDICTION:

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

Some wildlife populations migrate through Wek’èezhì as the area forms only a part of their range. The WRRB has authority over such migratory wildlife when it is in Wek’èezhì. Therefore, all management actions addressed to wildlife and wildlife habitat within Wek’èezhì, including any transboundary wildlife when they are in Wek’èezhì, must be referred to the WRRB under the terms of the Tłıchǫ Agreement. Such proposed wildlife management actions require the submission of a Management Proposal to the Board.

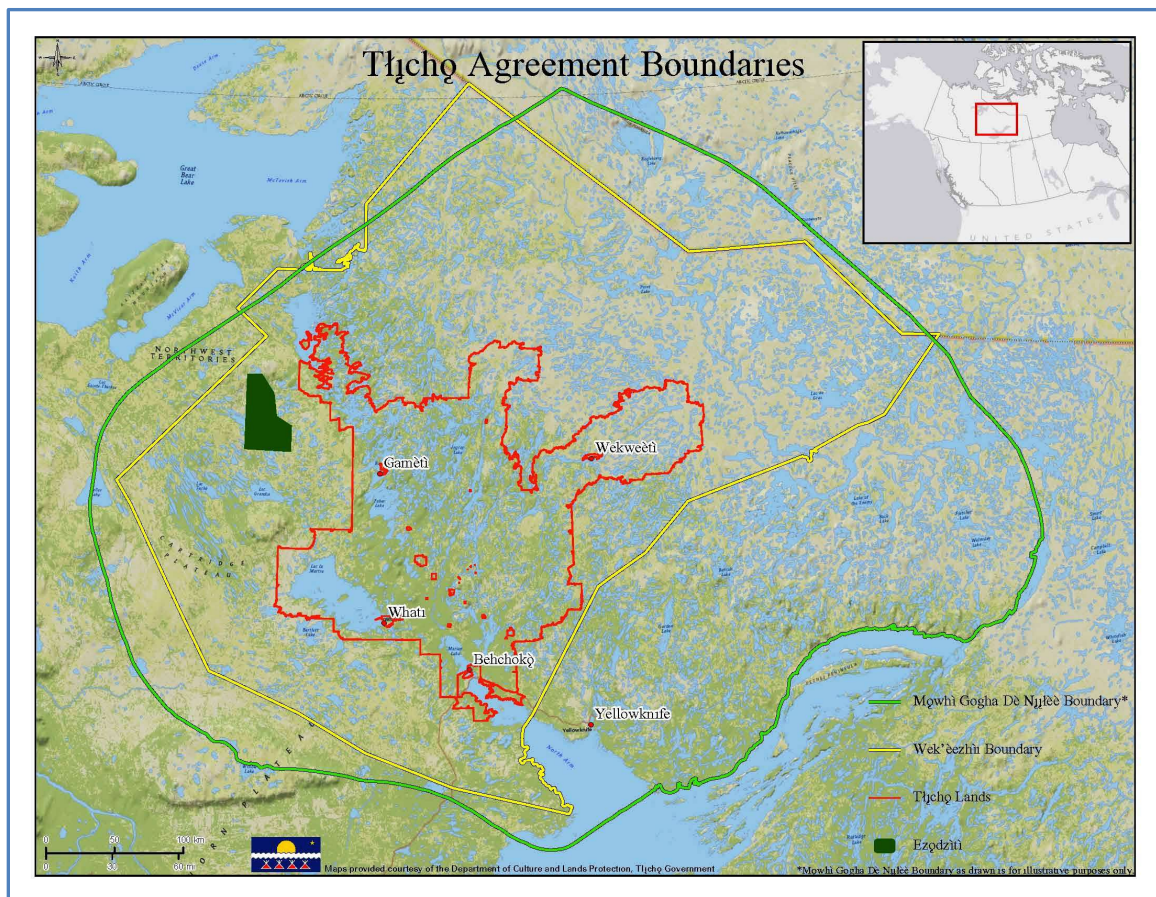


Figure 1: Wek’èezhì Boundary

F. WRRB ROLE IN RESOURCE MANAGEMENT IN WEK'ÈEZHÌ:

Wildlife-

Section 12.5.1 of the Tłıchq Agreement is mandatory. Except in an emergency as set out in 12.5.14,¹ 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 Tłıchq Agreement is intended to be broadly inclusive of wildlife management initiatives. This broad 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).

In addition to responsibilities set out in the Tłıchq Agreement, the following legislation sets out the role of the WRRB in wildlife management initiatives: *Wildlife Act (NWT)*, *Species at Risk (NWT) Act*, *Canada Wildlife Act*, *Species at Risk Act*, *Fisheries Act*, *Migratory Birds Convention Act*, *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act*.

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 about the effects of such harvesting on wildlife in Wek'èezhì.

In addition, Sections 13.4.1, 13.4.2, 14.4.1, and 14.4.2 of the Tłıchq Agreement require that the WRRB shall be consulted on proposed land use policies, draft legislation and Tłıchq laws, research, and training plans respecting 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.

In addition to responsibilities set out in the Tłıchq Agreement, the following legislation sets out the role of the WRRB in forest and plant management initiatives: *Forest Act (NWT)*.

Protected Areas-

The WRRB “*shall be consulted regarding the establishment of any protected area² or to changing the boundaries of an established protected area*”, as per Section 16.1.1 of the Tłıchq Agreement. Further, Section 16.2.1 of the Tłıchq Agreement requires that the WRRB shall be invited to participate in the preparation of any such territorial park

¹ 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.

² Note the broad definition of protected area found in s. 1.1.1 of the Tłıchq Agreement.

management plan that is wholly or partly in Wek'èezhìi. For clarity, the Board regards any wildlife, forest, or plant management within a protected area as a Management Action.

In addition to responsibilities set out in the Tłıchq Agreement, the following NWT legislation sets out a role of the WRRB in protected area management initiatives: *Protected Areas Act (NWT)*.³

G. IMPLEMENTATION OF THE RULES:

a) Public Notice of Submission of a Management Proposal or Board

Notification:

A Party submitting a Management Proposal, or a Board Notification, must ensure that all authorities with responsibility for the affected resources and areas and any affected communities are consulted about the Management Proposal or Board Notification prior to submission. The Board may require proof that such engagement has taken place.

b) Structure of these Rules:

The Rules include 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;
5. A timeline and process for reporting; and
6. Arrangements for the review of these Rules.

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, and related legislation, 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 but not limited to such matters as:

- protection or enhancement of habitat;
- research;
- identification and reporting requirements;
- monitoring;
- training plans;
- plans for management;
- rules for harvesting;

³ S.N.W.T. 2019, c. 11. The Act accommodates the roles set out for Renewable Resources Boards in land claims including the WRRB.

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- 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;
 - establishment of or boundary changes for protected areas; and,
 - statutory/regulatory changes (Wildlife, Fisheries, Forests, Plants, Species at Risk, and Protected Areas).

The Board requires a Management Proposal before such Management 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 including but not limited to the following:

- Wildlife Management & Monitoring Plans⁴
- Wildlife Research Permit
- Wildlife Management Permit
- General Wildlife Permit⁵
- Wildlife Observation Permit
- Permit to Conduct Course where Wildlife is Harvested
- Commercial Wildlife Licence
- Special Harvester Licence
- Outfitter Licence⁶
- Licence to Capture Wildlife, including the possession of live wildlife
- Game Ranch Licence
- Fur Farm Licence
- Wildlife Species-specific Management Plans
- Timber Cutting Permit/Licence⁷
- Timber Research Licence
- Forest Management & Monitoring Plans
- Migratory Birds Scientific Permit
- Migratory Birds Avicultural Permit
- Migratory Bird Damage or Danger Permit

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https://www.gov.nt.ca/ecc/sites/ecc/files/resources/wmmp_process_and_content_guidelines_jun_2021_complete_002.pdf

⁵ Except those concerning the serving as a meal big game or upland birds

⁶ Only a new or first outfitter licence application is included.

⁷ The WRRB has notified Environment & Climate Change – 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.

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- Migratory Bird Special Permit
 - National Wildlife Area Permit
 - Fisheries Exploratory Licence
 - Fisheries Variation Orders⁸
 - Fisheries Act Authorizations under Section 35 of the *Fisheries Act*, including emergency authorizations⁹
 - Fisheries Management Plans
 - Federal/NWT Species at Risk Permit
 - Protected Area Management Plans under Section 24 of the *Protected Areas Act (NWT)*

For Management Actions whose implementation will require more than one licence, permit, or authorization under different legislative regimes, one single or combined Management Proposal can be submitted. The Board encourages collaboration and joint submissions from the Parties, where possible. A full description of the activities and any legal terms and conditions necessary to implement a proposal must be included.

Finally, the Board recognizes that certain actions within a Management Proposal may be of a minor or administrative nature. In such cases, the Board reserves the right to review the 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 Management Actions only requiring Board Notification

Under 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*”. In addition, under Section 12.3.6 of the Tłıchq Agreement, the Board may identify activities under chapters 13, 14, and 16 that require Board Notification instead of a Management Proposal. For clarity, this includes management actions related to forests, plants, and protected areas.

The Board must be involved in a variety of ongoing renewable resource management and regulatory processes, and through these processes have the opportunity to review and provide comment to the Parties on the types of Management Actions listed below.

⁸ 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 Indigenous right to fish for food, social, or ceremonial purposes.

⁹ 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.

The following actions only requires a Party to provide a written Board Notification¹⁰ instead of a formal Management Proposal submission before these Management Actions are implemented:

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

Such a Board Notification should include a description of and rationale for the management action(s), date and location of implementation, and other information as requested at the Board's discretion.

Due to the frequency of the issuance of licences and permits related to the following matters, 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

An annual summary should be submitted at the end of the government fiscal year and include the number of permits or licences issued throughout the year, total yield harvested, and where the harvest occurred.

3. Content of a Management Proposal

The following information should be provided in all Management Proposals (where inapplicable, please explain). The level of detail must reflect the complexity of the Management Actions proposed:

- background information on the species and/or issue;
- rationale for why the Management Action is being proposed;
- alternatives to the proposed Management Action and reasons why these were rejected;

¹⁰ 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 without Board Notification, as per Section 12.5.14 of the Tłıchǫ Agreement.

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- description of the Management Action, including implementation, timing, location, duration, and Tłıchq 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 or licences are required, please list all; and,
 - relevant background and supporting documentation, including key references, inspection/incident reports, and annual project summary reports.

To the extent required, the Management Proposal template should be used and adapted, as necessary, for forest, plant, and protected area management actions. Adaptations should be discussed with Board staff. A fillable template for a Management Proposal submission is available in Appendix A. The Board requires that Parties submit their Management Proposal and all supporting materials in electronic format 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 with WRRB staff. A Party must engage with Board staff to request any relaxation of the requirements of this Rule. The WRRB retains the discretion to request additional information, where required.

4. Process for review of Management Proposals

Upon submission of a Management Proposal, it will be posted to the WRRB's website¹¹ for an initial public comment period of at least one week. Following the public comment period and Board review, a determination will be made to assign the Management Proposal to one of three possible levels of review by the WRRB. This determination will be based on the nature, content, and complexity of the Management Proposal. These levels of review are generally described below but the Board may choose to impose additional specific requirements subsequent to its review of a Management Proposal.

- Level 1 – the review will, subject to public notice and any consultation requirements, be limited to the Board or Board staff (as directed by the Board).

For clarity, a Level 1 proposal may include: any wildlife, forest, plant, or protected area management action. Standard Management Actions are reviewed by Board staff only. Any Management Proposal that identifies direct handling of wildlife

¹¹ <https://www.wrrb.ca/management-proposals>

and/or Board staff is of the view that additional input is required, will be reviewed by the Board.

- Level 2 – will require Board review and Board-led public consultation (online), but no public hearing.

For clarity, a Level 2 proposal may include: any wildlife, forest, plant, or protected area Management Action. Any Management Proposal that identifies actions for a species that have not previously been monitored and/or researched or where the Board feels that additional input from affected organizations, communities, or individuals is required will be reviewed by the Board with online consultation.

- Level 3 – will require Board review and Board-led public consultation with a public hearing. Section 12.3.10 of the Tłıchq Agreement states *“a public hearing shall be held when the Board intends to recommend or determine a total allowable harvest in respect of a population or stock of wildlife which has not been subject to a total allowable harvest within the previous two years”*. Further, Section 12.3.10 states *“a public hearing may be held by the WRRB where the Board is satisfied that such a hearing is desirable”*.

For clarity, a Level 3 proposal may include: any wildlife, forest, plant, or protected area Management Action. Any Management Proposal that identifies a total allowable harvest (TAH) for a species that has not previously had a TAH is reviewed by the Board with a public hearing. The Board may hold a public hearing if there is a change in an existing TAH or to review other proposed management actions that warrant additional consultation.

Upon receipt by the Board, all submissions will be treated as a Level 1 review. Following an initial assessment, the Board will determine the level of review as it deems appropriate. Section 12.3.10 authorizes the WRRB to hold a hearing where it is satisfied that such an action is desirable. The Board will inform the Parties, as soon as practicable, if the level of review has been increased or a public hearing will be required.

For Level 2 Management Proposals, the Board will initiate a proceeding and open 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.

Management Proposals deemed to require Level 3 review 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. The Board will approve a work plan for the proceeding which will be made public. Notification of the proceeding will also take place via newspaper, social media, and radio advertisements.

The WRRB's Rules of Procedure will guide the conduct of all proceedings before the Board.¹²

5. Timeline and process for reporting

The WRRB meets quarterly: February, May, September, and December of each year¹³. Therefore, to ensure timely review and approvals of Management Actions, 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 cannot 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.

¹² For a copy of the Rules of Procedure, please contact the WRRB office.

¹³ The Board reserves the right to change meeting months as required.

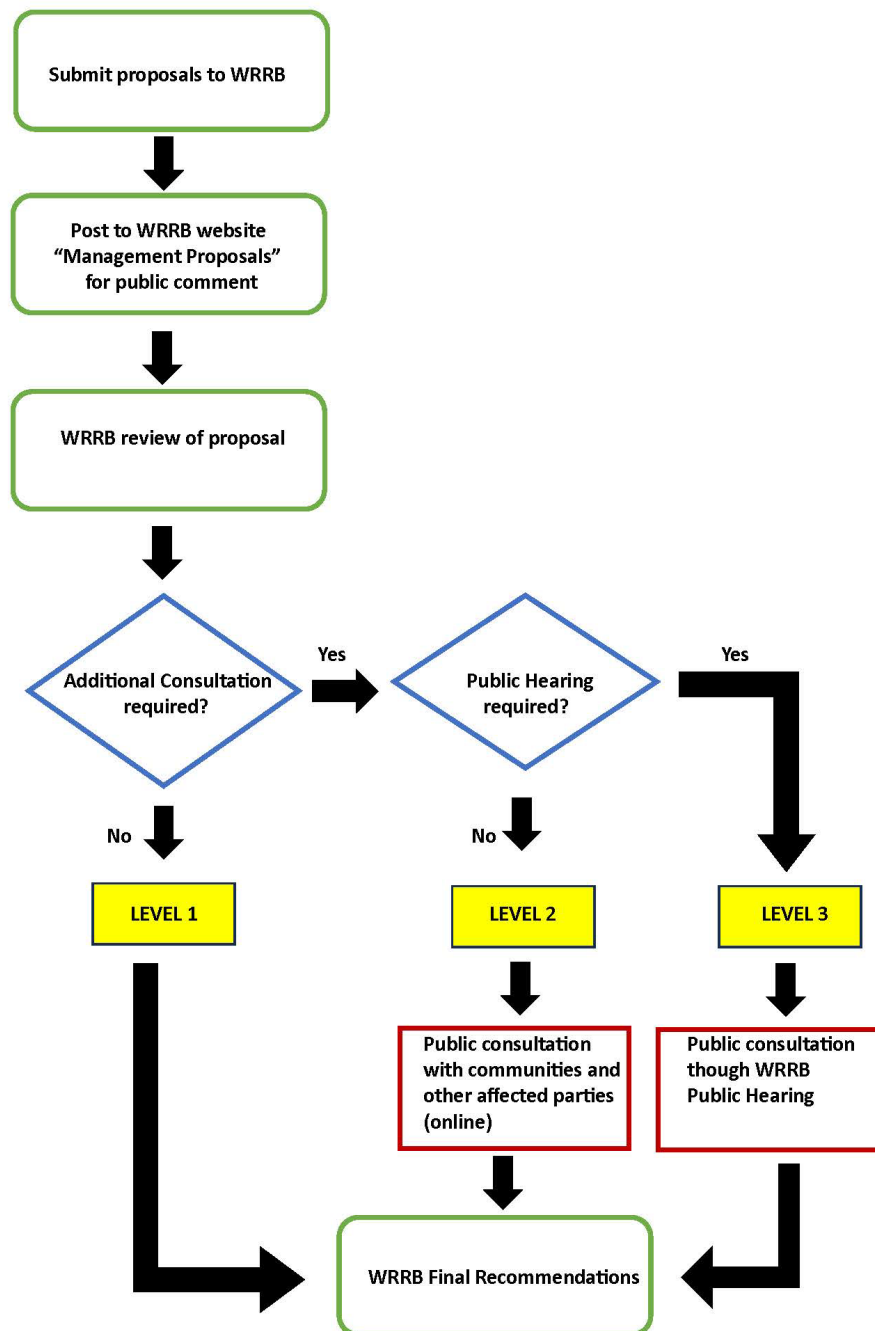


Figure 2: Management Proposal Review Process

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 on the Management Proposal page¹⁴ or the Public Registry page¹⁵. The Board may require up to 30 days to review and respond to Level 1 Management Proposals.

Level 2 Management Proposals may require up to 180 days for consultation, review, and response. To allow adequate time for public consultation, public hearing, and consultation with the Parties with management jurisdiction, Level 3 Management Proposals may take up to one year to complete.

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 make best efforts to respond within any reasonable time period that is requested.

Once the Board has made and posted its decision related to a Management Proposal, all items will be archived after 90 days on the Management Proposal page and 180 days on the Public Registry page. Archived documents will still be available for public viewing.

6. Party Response to 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 the Board’s recommendation has been accepted and provide reasons for that decision. 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.¹⁶ 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*

¹⁴ <https://www.wrrb.ca/management-proposals>

¹⁵ <https://www.wrrb.ca/public-information/public-registry>

¹⁶ Case law about modern treaty implementation also sets some limits with respect to variations in order to ensure that the honour of the Crown is maintained. See *First Nation of Nacho Nyak Dun v. Yukon*, 2017 SCC 58.

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 6(i) below.

i. Timelines

When the Board makes recommendations after review of a Management Proposal, 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 specifically indicates otherwise pursuant to section 12.5.8 of the Tłıchq Agreement, the Board expects a response within 45 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 make its decision within 14 days of receipt¹⁷.

Section 170 (4) of the Wildlife (NWT) Act states that *“if a year has passed since a board has made a decision or recommendation and the actions required by the GNWT have not all been taken, the Minister will let the board know, in writing, why the actions are not complete and when they will be”*.

The Board anticipates similar efforts by federal officials to respond to Board recommendations and decisions.

7. Review of Rule for Management Proposals

This Rule respecting Management Proposals will be reviewed at five-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.

¹⁷ Section 170 (1) of the *Wildlife (NWT) Act* sets out timelines for the Minister’s response to a decision or recommendation from a renewable resources board where no time limit has been provided.

Appendix A:

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).	

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?

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.

7. Communications Plan

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

8. Relevant Background Supporting Documentation

List or attach 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 the inclusion of any other relevant project information that was not captured in other sections.

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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