

**SPECIES AT RISK ACT  
CONSERVATION AGREEMENT  
FOR THE CONSERVATION OF THE  
BOREAL CARIBOU**

This Conservation Agreement for the conservation of the Boreal Caribou (“Agreement”) is made in duplicate as of March 6, 2019 pursuant to sections 10 and 11 of the *Species at Risk Act*, S.C. 2002, c.29

**BETWEEN**

**HER MAJESTY THE QUEEN IN RIGHT OF CANADA,**  
as represented by the Minister of the Environment  
who is responsible for the Department of the Environment  
(hereinafter referred to as “Canada”)

And

**THE GOVERNMENT OF THE NORTHWEST TERRITORIES,**  
as represented by the Minister of Environment and Natural Resources (hereinafter referred to as  
the “GNWT”)

## ***PREAMBLE***

AND WHEREAS the Parties are both signatories to the *Accord for the Protection of Species at Risk* to protect and recover threatened species;

WHEREAS the boreal caribou (*Rangifer tarandus caribou*) is a species which has been listed as threatened under the *Species at Risk Act, S.C. 2002, c. 29* (SARA) and the *Species at Risk (NWT) Act, SNWT 2009, c.16*;

AND WHEREAS the National Recovery Strategy for the Woodland Caribou (*Rangifer tarandus caribou*) (National Recovery Strategy), Boreal population, in Canada was completed in 2012, and the NWT Recovery Strategy for the Boreal Caribou (*Rangifer tarandus caribou*) (NWT Recovery Strategy) in the Northwest Territories (NWT) was completed in 2017, and both strategies call for Range Plans to be completed;

AND WHEREAS the Conference of Management Authorities (CMA) provides direction, coordination and leadership on species at risk in the NWT under the *Species at Risk (NWT) Act*, and has completed a *Consensus Agreement Respecting Implementation of the Recovery Strategy for Boreal Caribou in the Northwest Territories* (2017);

AND WHEREAS the measures agreed to by the Parties in Appendix A of this Agreement are consistent with the CMA's *Consensus Agreement Respecting Implementation of the Recovery Strategy for Boreal Caribou in the Northwest Territories*;

AND WHEREAS the conservation of boreal caribou should, to the extent possible be based on and use the best available information, including, but not limited to, Aboriginal traditional knowledge, community knowledge and scientific knowledge;

AND WHEREAS no restrictions on harvesting of boreal caribou by Indigenous people is proposed in this Agreement;

AND WHEREAS the boreal caribou population in the NT1 range is considered self-sustaining, there is more than 65% undisturbed habitat as of 2017, natural disturbance (forest fire) accounts for most of the disturbance, and human-caused disturbance is low (Schedule 2);

AND WHEREAS NWT shares its boreal caribou population (NT1) with the Yukon, and there is a need for coordination to meet requirements under SARA to ensure conservation of NT1 and its critical habitat as a whole;

AND WHEREAS the Parties recognize that the highest risk to critical habitat destruction in the NWT portion of the NT1 range is wildfire, and the risk of critical habitat destruction from anthropogenic activities is low at present (Schedule 2);

AND WHEREAS the Parties recognize that boreal caribou conservation and recovery is a long term endeavour which requires resourcing and commitment to implement conservation measures identified in the National Recovery Strategy and NWT Recovery Strategy;

AND WHEREAS the GNWT, Canada, Indigenous governments and organizations, renewable resource boards, land and water boards, environmental impact review boards, land use planning boards, land users and harvesters all share wildlife and habitat management and conservation responsibilities in the Northwest Territories;

AND WHEREAS the Parties intend that this Agreement be interpreted in a manner consistent with the recognition and affirmation of existing Aboriginal and Treaty rights as recognized in section 35 of the *Constitution Act, 1982*;

AND WHEREAS the Parties intend that any actions must be carried out in accordance with any applicable land claims agreement;

AND WHEREAS the GNWT has statutory authority for wildlife management in the Northwest Territories under the *Northwest Territories Act, S.C. 2014, c. 2, s. 2*, and exercises legislative authority over wildlife in the Northwest Territories in accordance with the provisions of the Inuvialuit Final Agreement, Gwich'in Comprehensive Land Claim Agreement, Sahtu Dene and Metis Comprehensive Land Claim Agreement, and Tłı̨chǫ Agreement;

AND WHEREAS, stemming from the aforementioned land claims agreements, Canada, the Minister of Indian Affairs and Northern Development, and - where delegated by the Minister of Indian Affairs and Northern Development - the GNWT, are responsible for implementing the integrated system of land and resource management via the *Mackenzie Valley Resource Management Act, S.C. 1998, c. 25*, which includes responsibility for land use planning, land and water use regulation, environmental impact assessment, and the NWT Cumulative Impact Monitoring Program;

AND WHEREAS both Canada and the GNWT will uphold their duties to work with and consult relevant integrated land and resource management entities on wildlife and land use decisions, as set out in land claims agreements and the *Mackenzie Valley Resource Management Act*, as well as SARA and *Species at Risk (NWT) Act*;

AND WHEREAS the administration and control of public lands, resources, and rights in respect of waters in the Northwest Territories were devolved from Canada to the Commissioner of the Northwest Territories as per the Northwest Territories Lands and Resources Devolution Agreement, as reflected in sections 51 and 52 of the *Northwest Territories Act, S.C. 2014, c. 2, s. 2*;

AND WHEREAS the land, water and renewable resources within the NWT portion of the NT1 range is ultimately managed by the GNWT and Canada, with the use of institutions of public government which Indigenous NWT governments appoint a specified number of members to, this Agreement pertains only to the exercise of GNWT's authorities in relation to the management of land in the NWT under the *Northwest Territories Act* and delegation under subsection 4(1) of the *Mackenzie Valley Resource Management Act (MVRMA)*;

AND WHEREAS Canada will protect critical habitat on areas of federally-administered lands within the NWT portion of the NT1 range through a SARA section 58 order or section 59 regulation;

AND WHEREAS the SARA does not reflect the spirit of the *Northwest Territories Lands and Resources Devolution Agreement*, Canada commits to explore options to consider targeted amendments to SARA that would make the application of the Act more consistent with devolution of lands to the NWT;

AND WHEREAS Canada has statutory responsibility for aquatic species and migratory birds protected by the *Migratory Birds Convention Act, 1994* in the Northwest Territories, wildlife species located on federal lands, and wildlife species listed on Schedule 1 of SARA, including the authority to address recovery, as well as the protection of listed wildlife species including the individuals, their residences and critical habitat on non-federal land in certain circumstances;

AND WHEREAS the Parties recognize that the protection of the habitat of species at risk is key to their conservation;

AND WHEREAS the Parties recognize the value of the stewardship approach to species conservation;

AND WHEREAS section 10 of SARA provides the competent ministers with the authority to enter into agreements with any other government of Canada, organization or wildlife management board with respect to the administration of any provision of the Act;

AND WHEREAS section 11 of SARA provides the competent ministers or their delegates with the authority to enter into conservation agreements with any other provincial or territorial government, Indigenous government or organization, or any other organization or person to benefit a species at risk or enhance its survival in the wild. The agreement must provide for the taking of conservation measures and any other measures consistent with the purposes of the SARA, including measures that prevent the species from becoming a species at risk or support species recovery in the case of a species at risk;

**NOW THEREFORE**, the Parties commit to the following:

## 1. DEFINITIONS

“Conference of Management Authorities” (CMA), established under the *Species at Risk (NWT) Act*, is the group of renewable resources boards and governments in the Northwest Territories that share management responsibility for the conservation and recovery of boreal caribou and other species at risk. The Management Authorities that make up the CMA are the: Wildlife Management Advisory Council (NWT), Gwich’in Renewable Resources Board, Sahtu Renewable Resources Board, Wek’èezhii Renewable Resources Board, Tłı̄chǫ Government, Government of Canada, and Government of the Northwest Territories. The Acho Dene Koe First Nation, Akaitcho Territory Government, Dehcho First Nations, Kátł’odeeche First Nation, North Slave Métis Alliance, Northwest Territory Métis Nation, and Salt River First Nation are invited to participate in CMA meetings;

“Critical Habitat” means the habitat that is necessary for the survival and recovery of the species and that is identified as the species critical habitat in the National Recovery Strategy<sup>1</sup>;

“Measures” means the measures or actions that will be taken by the Parties to support conservation and recovery of the boreal caribou in the NWT, consistent with the Consensus Agreement Respecting Implementation of the Recovery Strategy for Boreal Caribou in the Northwest Territories that are listed in Appendix A;

“National Recovery Strategy” means the 2012 SARA “Recovery Strategy for the Woodland Caribou (*Rangifer tarandus caribou*), Boreal population, in Canada”;

“NT1” means the range of boreal caribou in the Northwest Territories and Yukon<sup>2</sup>;

“NWT Recovery Strategy” means the 2017 *Species at Risk (NWT) Act* “Recovery Strategy for the Boreal Caribou (*Rangifer tarandus caribou*) in the Northwest Territories”;

“Parties” means Canada and GNWT collectively and “Party” means any one of them;

“Representatives” are those persons designated by each of the Parties in accordance with subsection 15.3 of this Agreement;

“Undisturbed habitat” means areas that have not burned within the past 40 years, and areas that are further than 500 m from human disturbance footprints (e.g. roads, seismic lines, and cut blocks) visible on 1:50,000 scale Landsat imagery<sup>3</sup>.

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<sup>1</sup> Environment Canada. 2012. Recovery Strategy for the Woodland Caribou (*Rangifer tarandus caribou*), Boreal Population, in Canada. SARA Recovery Strategy Series. Environment Canada, Ottawa, ON. xi + 138pp. [www.sararegistry.gc.ca/virtual\\_sara/files/plans/rs\\_caribou\\_boreal\\_caribou\\_0912\\_e1.pdf](http://www.sararegistry.gc.ca/virtual_sara/files/plans/rs_caribou_boreal_caribou_0912_e1.pdf)

<sup>2</sup> ibid

<sup>3</sup> Environment Canada. 2012. Recovery Strategy for the Woodland Caribou (*Rangifer tarandus caribou*), Boreal Population, in Canada. SARA Recovery Strategy Series. Environment Canada, Ottawa, ON. xi + 138pp. [www.sararegistry.gc.ca/virtual\\_sara/files/plans/rs\\_caribou\\_boreal\\_caribou\\_0912\\_e1.pdf](http://www.sararegistry.gc.ca/virtual_sara/files/plans/rs_caribou_boreal_caribou_0912_e1.pdf)

## 2. GOAL AND PURPOSE

- 2.1 The overarching goal of this Agreement is to articulate the actions the Parties will take over the next five years to support the conservation and recovery of the boreal caribou population in the Northwest Territories, in line with the population and distribution objectives outlined in the *Recovery Strategy for the Woodland Caribou (Rangifer tarandus caribou), Boreal population, in Canada* and the conservation and recovery goal and objectives outlined in the *Recovery Strategy for the Boreal Caribou (Rangifer tarandus caribou) in the Northwest Territories*.
- 2.2 The purposes of this Agreement are to:
  - 2.2.1 Set out measures that will be taken by the Parties to support conservation and recovery of the boreal caribou in the Northwest Territories (Appendix A), consistent with the *Consensus Agreement Respecting Implementation of the Recovery Strategy for Boreal Caribou in the Northwest Territories* (Schedule 1);
  - 2.2.2 Coordinate planning efforts between the Parties;
  - 2.2.3 Resolve key knowledge gaps or disagreements with respect to boreal caribou conservation and recovery;
  - 2.2.4 Facilitate the integration of new information into updated recovery and planning documents; and
  - 2.2.5 Achieve recovery for the NT1 self-sustaining local population by maintaining conditions that support its self-sustaining status.

## 3. PRINCIPLES

- 3.1 The following principles will guide the interpretation and implementation of this Agreement:
  - 3.1.1 **Cooperation:** the Parties will work together to achieve a common understanding of measures needed to achieve boreal caribou conservation and recovery and will cooperate in the delivery of these measures in a manner that minimizes duplication, maximizes efficiency, and respects jurisdictional roles and responsibilities;
  - 3.1.2 **Collaboration:** The Parties will work collaboratively with renewable resources boards and Indigenous governments and organizations, fully respecting their roles and contributions as key components of the NWT's integrated resource management system;
  - 3.1.3 **Results focus:** the Parties will work toward the conservation and recovery of the boreal caribou to ensure a healthy and sustainable population across the NWT portion of their NT1 range that offers harvesting opportunities for present and future generations, and recognizing the need for and contribution of both habitat and non-habitat measures in achieving these results;

- 3.1.4 **Adaptive management:** the Parties recognize that monitoring the effects of measures and adjusting approaches as necessary will be critical to success, as recovery is an emerging “discipline”; and
- 3.1.5 **Transparency:** the Parties will make information related to implementation of measures covered by this Agreement publicly available.

#### **4. INTERPRETATION**

- 4.1 The preamble hereof and Appendix A hereto form an integral part of this Agreement.
- 4.2 Schedules 1 to 11 of this Agreement set out the GNWT’s perspective on issues addressed in this agreement. Those schedules are attached for information purposes only and do not form part of this Agreement.
- 4.3 This Agreement does not create any new legal powers or duties on the part of the Parties nor does it alter the powers and duties established by SARA, the *Species at Risk (NWT) Act*, the *Wildlife Act*, S.N.W.T. 2013, c. 30, any land claims agreements or Self-government agreements, the *MVRMA*, the *Canadian Environmental Assessment Act*, 2012, S.C. 2012, c. 19, s. 52, the *Northwest Territories Lands and Resources Devolution Agreement* , or any other federal or territorial legislation.
- 4.4 This Agreement itself may not constitute protection within the meaning of sections 58 or 61 of SARA but plays an important role in setting out the measures needed for recovery.
- 4.5 Neither Party relinquishes any jurisdiction, right, power, privilege, prerogative or immunity by virtue of this Agreement.

#### **5. CRITICAL HABITAT PROTECTION ASSESSMENT AND ISSUANCE OF PROTECTION ORDERS**

- 5.1 In the Northwest Territories, administration and control of most public land was transferred to the Government of the Northwest Territories effective April 1, 2014. The Government of Canada will work with the GNWT, Indigenous governments, and northern wildlife management boards to protect critical habitat in a manner that respects the *Northwest Territories Lands and Resources Devolution Agreement* and the GNWT’s authorities to administer and control public lands and rights in respect of waters under the devolution agreement.
- 5.2 Information on measures to protect critical habitat, including this Agreement, and any schedules to the Agreement, will be considered by the Minister of the Environment in forming her opinion regarding the protection of critical habitat in the Northwest Territories and in fulfilling her obligations under the *Species at Risk Act*. Upon GNWT request, Canada will explain to the GNWT how information it submitted to inform the Minister of the Environment’s opinion was taken into account.

## **6. COORDINATION WITH RECOVERY STRATEGIES, ACTION PLANS, AND RANGE PLANS**

6.1 The Parties will:

- 6.1.1 Cooperate in the development, review, amendment and implementation of recovery strategies, action plans, management plans, progress reports, range plans and similar documents related to the conservation and recovery of boreal caribou in the Northwest Territories.
- 6.1.2 Keep the other Party informed of the timing of the preparation of recovery strategies, action plans, management plans, progress reports, range plans, and other recovery, planning and implementation documents related to the conservation and recovery of boreal caribou in the Northwest Territories and seek to coordinate timelines and processes to maximize efficiencies and meet territorial and federal statutory timelines.
- 6.1.3 Provide the other Party with an opportunity to share information that would assist in the preparation of the documents listed in section 6.1.2 and with an opportunity to review and comment on drafts of such documents.

## **7. MEASURES FOR BOREAL CARIBOU**

7.1 The Parties will take the measures listed in Appendix A of this Agreement to support conservation and recovery of the boreal caribou in the Northwest Territories, consistent with the *Consensus Agreement Respecting Implementation of the Recovery Strategy for Boreal Caribou in the Northwest Territories*.

## **8. AGREEMENT ADMINISTRATION**

8.1 The Representatives will identify primary and alternate contacts with respect to the implementation of this Agreement to ensure that communication, cooperation and collaboration between the Parties are clear, timely and effective.

## **9. GOVERNANCE**

- 9.1 In accordance with the *Consensus Agreement Respecting Implementation of the Recovery Strategy for Boreal Caribou in the Northwest Territories*, the Parties will undertake periodic reviews of recovery progress, implementation, and current information with the CMA and invited participants. Regularly scheduled CMA meetings may be used for periodic reviews.
- 9.2 The Parties are responsible for keeping the CMA, Indigenous governments and organizations, and bodies responsible for management of NWT land informed on the implementation of this Agreement. The Parties will participate jointly to update these organizations.



## ***10. FINANCIAL ARRANGEMENTS AND SUPPORT***

- 10.1 Recognizing the significant financial investments required to support boreal caribou conservation and recovery, the Parties will work together to identify needs, priorities and funding opportunities to implement measures to achieve the Goal and Purpose identified in this Agreement.
- 10.2 The Parties recognize that implementation of this Agreement is subject to their respective appropriations, priorities and budgetary constraints.
- 10.3 Canada will contribute funds to support the participation of Indigenous partners to achieve the Goal and Purpose. Half of these funds will support the GNWT to coordinate and facilitate Indigenous engagement and half will provide support to Indigenous organizations for participating in activities related to all aspects of this Agreement.
- 10.4 It is understood that any financial contribution by Canada pursuant to subsection 10.3 would be the subject of a separate agreement between the Parties. Pursuant to section 40 of the Financial Administration Act (R.S.C. 1985, c. F-11), if Canada does not receive the necessary appropriation from Parliament for any payment Canada may be obligated to make under this Partnership Agreement or a separate funding agreement, Canada shall not be obligated to make the payment.

## ***11. MONITORING AND REPORTING***

- 11.1 The Parties will undertake periodic reviews of recovery progress, implementation, and current information with the CMA and invited participants, to inform both an adaptive management approach and facilitate measurement of progress against the reporting requirements under section 63 and paragraph 126 (c) of SARA.
- 11.2 Canada will prepare and issue, annually, a public report on implementation of the activities undertaken as part of this Agreement, unless otherwise agreed to by the Parties. The GNWT will provide input into the report.
- 11.3 These reports will address, in general terms:
  - 11.3.1 Progress against measures agreed to by the Parties under this Agreement;
  - 11.3.2 Steps taken to protect the critical habitat of boreal caribou in the Northwest Territories;
  - 11.3.3 Progress towards achieving Goal and Purpose under this Agreement;
  - 11.3.4 New population and habitat monitoring results;
  - 11.3.5 The effectiveness of measures outlined in section 7 and Appendix A of this Agreement;
  - 11.3.6 Research findings; and

- 11.3.7 Unforeseen circumstances or stochastic events (e.g. fire, forest health issues) that might impact measures.
- 11.4 Based on the reviews outlined in sections 11.1 and 11.2, the Parties will evaluate the measures taken and propose to the CMA and invited participants any additional measures that may be required to increase the likelihood of achieving the Goal and Purposes described in this Agreement or otherwise expedite the recovery of the boreal caribou in the NWT. Any additional measures would be appended to Appendix A as appropriate.
- 11.5 Prior to the end of year five of this Agreement, a report on outputs and deliverables in relation to results of the measures to date will be produced by the Parties and used to inform discussions on renewal of this Agreement.

## ***12 AGREEMENT DURATION, TERMINATION AND RENEWAL***

- 12.1 This Agreement takes effect on the date of the last signature affixed to this Agreement (“Effective Date”). It will remain in force for a term of five (5) years, unless terminated earlier by one of the Parties in accordance with subsection 12.2 or if the Parties mutually agree to terminate it.
- 12.2 Either Party may terminate this Agreement by giving ninety (90) days written notice of termination to the other Party provided the dispute resolution process identified in section 14 of this Agreement is unsuccessful in resolving disputes.
- 12.3 The Parties may renew this Agreement or any part of it, and its duration may be extended with the mutual written consent of the Parties prior to the expiration of this Agreement.
- 12.4 The Parties may enter into separate agreements relating to this Agreement, including agreements with directly affected Indigenous governments or organizations. The Parties intend that any such separate agreement will, unless otherwise agreed to in writing, expire on the date of expiry of the present Agreement.

## ***13. AMENDMENT***

- 13.1 This Agreement may be amended at any time while this Agreement is in force with the written mutual consent of Representatives of the Parties identified pursuant to subsection 15.3 of this Agreement.
- 13.2 In particular, Appendix A to this Agreement may be amended in writing from time to time and automatically incorporated to this Agreement by the mutual written consent of the Representatives identified pursuant to subsection 15.3 of this Agreement.

## ***14. DISPUTE RESOLUTION***

- 14.1 If a dispute arises out of, or in connection with this Agreement, including any question regarding its existence, interpretation, validity or termination, the Parties will attempt to resolve the dispute as follows: The primary and alternative contacts identified by the Representatives of this Agreement will attempt to resolve the dispute through discussions. Advice may be sought from the CMA and invited participants as appropriate; and
- 14.2 If negotiations in 14.1 above do not resolve the dispute, the dispute will be referred to the Assistant Deputy Minister, Operations for the GNWT Environment and Natural Resources, and the Assistant Deputy Minister of Environment and Climate Change Canada, Canadian Wildlife Service (the Representatives).
- 14.3 The Parties intend that nothing in this section will affect, alter, or modify the rights of the Parties to terminate the Agreement.

## ***15. DESIGNATION FOR IMPLEMENTATION OF THIS AGREEMENT***

- 15.1 The administration and day-to-day implementation of this Agreement will be carried out on behalf of the federal party by the Assistant Deputy Minister of the Canadian Wildlife Service, Environment and Climate Change Canada.
- 15.2 The administration and day-to-day implementation of this Agreement will be carried out on behalf of the territorial party by the Assistant Deputy Minister, Operations, for the GNWT Environment and Natural Resources.
- 15.3 For the purposes of this Agreement, the Representatives from each jurisdiction are:
- 15.3.1 Northwest Territories – the Assistant Deputy Minister, Operations for the GNWT Environment and Natural Resources; and
- 15.3.2 Canada – the Associate Assistant Deputy Minister of the Canadian Wildlife Service, Environment and Climate Change Canada.

## ***16. COUNTERPARTS***

- 16.1 This Agreement may be signed in several counterparts and each counterpart shall constitute an original document; these counterparts taken together shall constitute one and the same Agreement. The Parties agree that executed counterparts may be transmitted by facsimile machine and that such counterparts shall be treated as originally executed instruments. Each Party undertakes to provide the others with a copy of the original Agreement bearing actual original signatures within a reasonable period of time following the execution of this Agreement.

**17. SIGNATURES**

**IN WITNESS WHEREOF**, this Agreement has been signed on behalf of the Parties by their duly authorized Representatives.

**Her Majesty the Queen in Right of Canada,**

as represented by the Minister of the Environment

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Niall O’Dea

Date

Associate Assistant Deputy Minister

Canadian Wildlife Service

Environment and Climate Change Canada

**Government of the Northwest Territories,**

as represented by the Minister of Environment and

Natural Resources

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Rita Mueller

Date

Assistant Deputy Minister

Environment and Natural Resources

Government of Northwest Territories

APPENDIX A - Measures that will be led by GNWT through application of the *NWT Conference of Management Authorities Consensus Agreement Respecting Implementation of the Recovery Strategy for Boreal Caribou in the Northwest Territories*

CMA Approach <sup>4</sup>	CMA Action	<u>Measures</u>
1.1 Develop region-specific range plans and an overall NWT-Yukon range plan for habitat management.	1.1.1 Create range plans by mapping and prioritizing caribou habitat areas, identifying the tools to manage disturbance in each area, and showing how these areas contribute to achieving or maintaining adequate habitat.	Engagement/consultation on range planning Framework  Development of regional range plans (2019-2022)
	1.1.2 Where range plans identify gaps (areas without appropriate tools in place to manage disturbance), consider the suite of northern tools and ensure mechanisms are in place to manage disturbance.	Range plan implementation
2.2 Manage the harvest to ensure it is sustainable	2.2.1 Investigate and define sustainable harvest levels	Contractor to evaluate sustainable harvest rates based on available harvest data and demographic data

<sup>4</sup> The CMA Approaches and CMA Actions are reproduced verbatim from the *Recovery Strategy for Boreal Caribou in the Northwest Territories* (2017). These are a subset of the recommended approaches and actions to achieve the conservation and recovery objectives for boreal caribou in the NWT, as agreed to by the Conference of Management Authorities. In addition to the measures and contributions in the table, agreed to by the Parties through this Section 11 Conservation Agreement, the GNWT and management partners are also implementing additional approaches and actions as described in the *NWT Conference of Management Authorities Consensus Agreement Respecting Implementation of the Recovery Strategy for Boreal Caribou in the Northwest Territories* (2017) (Schedule 1). The GNWT will continue with implementation of the other approaches and actions, including those with no specific measures identified in this Section 11 agreement, as previously agreed to by the CMA.

*Schedule 1 – NWT Conference of Management Authorities Consensus Agreement Respecting Implementation of the Recovery Strategy for Boreal Caribou in the Northwest Territories (2017)*

The *Consensus Agreement Respecting Implementation of the Recovery Strategy for Boreal Caribou in the Northwest Territories* includes the recommended approaches from the NWT Recovery Strategy to achieve conservation and recovery objectives for boreal caribou in the NWT. The Management Authorities' intent to undertake those recommended conservation and recovery approaches are summarized in this *Consensus Agreement*.

[https://www.nwt-species-at-risk.ca/sites/default/files/consensus\\_agreement\\_boreal\\_caribou\\_implementation\\_nov2417\\_signed.pdf](https://www.nwt-species-at-risk.ca/sites/default/files/consensus_agreement_boreal_caribou_implementation_nov2417_signed.pdf)

## Schedule 2 – Northwest Territories Context

### Summary

The population of boreal caribou in the Northwest Territories (NWT) is likely self-sustaining (Schedule 2). It is an extensive, continuous population that still occurs across its historic range. The range (NT1) is large and relatively intact with 69% undisturbed habitat (Schedule 3).

As a result of the slow pace of development, existing and planned conservation efforts, and the currently low level of human disturbance, the risk of critical habitat in the NWT portion of NT1 being destroyed by human activities over the next 5 years is likely low. The GNWT will strive over the long term to ensure the cumulative impacts of disturbance are managed at a landscape level.

### Habitat condition and drivers of disturbance

The Northwest Territories (NWT) has one of the largest continuous boreal caribou ranges in Canada, consisting of about 441,000 km<sup>2</sup> of mostly intact boreal forest. Ninety-eight (98) % of this NT1 range is in the NWT and 2% is in the Yukon.

The NT1 range has not experienced significant habitat fragmentation or range recession. As of fall 2017, 69% (305,411 km<sup>2</sup>) of the NT1 boreal caribou range is undisturbed habitat (based on ECCC 2015 buffered anthropogenic footprint data<sup>5</sup> and fires from 1977-1985 from the National Fire Database<sup>6</sup>, and fires from 1986-2017 from the National Burn Area Composite<sup>7</sup>; Schedule 3). A great deal of this undisturbed habitat is found in large areas at least 500 km<sup>2</sup> in size. Most of the range is comprised of suitable habitat that likely provides the biophysical attributes required by boreal caribou (as described in Appendix H-1 of the national recovery strategy).

Natural disturbance (forest fire) accounts for most of the habitat disturbance in the range. Twenty-four (23.7) % (104,972 km<sup>2</sup>) of the range is disturbed by fire. This is considered an overestimate, as fire disturbances, prior to 1986, were measured based on polygons delimited by fire perimeters that can include large areas of residual unburned habitat within them. The accuracy of mapped fires from 1986 to present was recently improved under the National Burned Area Composite initiative, and exclude unburned residual habitat within fire perimeters. Forest fires are a natural and critical part of the boreal forest landscape in the NWT, and are essential to maintaining the health of the ecosystem upon which boreal caribou depend. Further research is needed to understand the relative impact of fire and human disturbance on boreal caribou population trends in the NWT. For summaries of what is known about boreal caribou ecology in the NWT, see the Status Report and Assessment of Boreal Caribou in the NWT<sup>8</sup> and the Recovery Strategy for the Boreal Caribou (*Rangifer tarandus caribou*) in the Northwest Territories<sup>9</sup>.

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<sup>5</sup> <http://data.ec.gc.ca/data/species/developplans/2015-anthropogenic-disturbance-footprint-within-boreal-caribou-ranges-across-canada-as-interpreted-from-2015-landsat-satellite-imagery/>

<sup>6</sup> <http://cwfis.cfs.nrcan.gc.ca/datamart>

<sup>7</sup> <http://cwfis.cfs.nrcan.gc.ca/datamart>;

<sup>8</sup> [http://www.nwt-species-at-risk.ca/sites/default/files/boreal\\_caribou\\_nwt\\_status\\_report\\_dec\\_2012\\_3.pdf](http://www.nwt-species-at-risk.ca/sites/default/files/boreal_caribou_nwt_status_report_dec_2012_3.pdf)

<sup>9</sup> [http://www.nwt-species-at-risk.ca/sites/default/files/nwt\\_boreal\\_caribou\\_recovery\\_strategy\\_2017\\_final\\_0.pdf](http://www.nwt-species-at-risk.ca/sites/default/files/nwt_boreal_caribou_recovery_strategy_2017_final_0.pdf)

Nine (9)% (40,305 km<sup>2</sup>) of the range is disturbed by 500 m buffered human-caused footprint - primarily seismic lines. Only 9 of the 51 boreal caribou ranges in Canada, including NT1, have a level of human-caused disturbance this low (ECCC 2017<sup>10</sup>).

Habitat disturbance is unevenly distributed in the NT1 range, with most of the fire and human-caused disturbance in the southern part of the range, and the highest level of disturbance in the Southern NWT region (Schedule 3). Most of the human disturbance footprint in the region is from seismic lines that were cut several decades ago prior to modern best practices.

There was a 4% (16,649 km<sup>2</sup>) increase in total habitat disturbance (non-overlapping combined fire and human disturbance) in the NT1 range, from measurements in 2010/11 (Environment and Climate Change Canada 2012) to measurements in fall 2016 (ECCC 2017<sup>6</sup>; GNWT 2018<sup>11</sup>). Most of this increase (3%; 11,394 km<sup>2</sup>) was due to fires, as there were many large fires in 2014 and 2015. Over this 6-year time period, the amount of newly burned forests was greater than the burned area that turned 41 years old. The amount of new human-caused disturbance since 2010/11 is small. The net increase in buffered human-caused disturbance from 2010/11 to 2016 was 1% (6,023 km<sup>2</sup>), some of which overlapped with burned areas. Some of this 'new' disturbance was actually old disturbance that was present on the landscape but not detected back in 2010/11.

The rate of new human disturbance in the range has been slow, averaging about 0.2% a year over the last 5 years. The pace is expected to continue to be slow in the next 5 years due to reduced interest in oil and gas exploration in the Central Mackenzie Valley region, the cancellation of the Mackenzie Gas Pipeline Project, and interim land withdrawals in the southern NWT which preclude the issuance of new oil and gas and mineral rights due to ongoing land claims negotiations. New human-caused disturbance is therefore anticipated to affect less than 1% of the range over the next 5 years. At the same time, some old disturbances (both fire and human-caused) will regenerate and become undisturbed habitat again. For example, in 2016 approximately 5% (~8000 km<sup>2</sup>) of the Southern NWT region consisted of burned habitat that was going turn 41 years old between 2017 and 2021. There will also be new fires which are difficult to predict, but assuming an average fire year every year, we could expect a gain of about 1% (~1600 km<sup>2</sup>) more undisturbed habitat in the region due to regeneration of burns. There will likely be additional recovery of human-disturbed habitat over that time period as well.

### **Population condition**

The NT1 range supports a boreal caribou population with an estimated 6000 - 7000 individuals. The population size, population growth rates and amount of undisturbed habitat indicate that this population is likely self-sustaining and not at imminent risk of extirpation. In population monitoring study areas, annual estimates of population growth rate ( $\lambda$  or Lambda) are variable, but close to 1. When averaged over the

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<sup>10</sup> Environment and Climate Change Canada. 2017. Report on the Progress of Recovery Strategy Implementation for the Woodland Caribou (*Rangifer tarandus caribou*), Boreal population in Canada for the Period 2012-2017. Species at Risk Act Recovery Strategy Series. Environment and Climate Change Canada, Ottawa. ix + 94 pp.

<sup>11</sup> A Framework for Boreal Caribou Range Planning – Discussion Document and Appendices. GNWT 2018. Discussion document: <https://www.enr.gov.nt.ca/en/draft-boreal-caribou-range-planning-framework-discussion-document>; Appendices: <https://www.enr.gov.nt.ca/en/draft-boreal-caribou-range-planning-framework-appendices>.



years of monitoring, they indicate increasing numbers in the northern part of the range and slightly declining numbers in the southern part of the range<sup>12</sup>.

### **Existing protection for boreal caribou habitat**

The responsibility for the management of NWT land and resources is shared among a number of parties including Indigenous governments, the GNWT, Government of Canada, NWT communities, resource-management and land-use planning boards, and private land owners (Schedule 4). A large portion of boreal caribou habitat in the NWT is currently protected from new human disturbance through protected areas, land use plan zoning, and interim land withdrawals (Schedules 5, 6, and 7). These areas contribute to the conservation of currently undisturbed habitat, as well as burned habitat that will become important critical habitat in the future.

- Established protected areas
  - In the NWT there are protected areas in place that protect boreal caribou habitat from most types of disturbance by human activity.
  - Established permanent protected areas protect ~29,800 km<sup>2</sup>, or 6.8%, of the boreal caribou range from human disturbance.
  - Additional ‘candidate protected areas’ have been identified that cover ~12,800 km<sup>2</sup>, or 2.9%, of the range. While processes to establish these are not complete, this habitat is currently protected from human disturbance through a combination of land withdrawals and land use plan zoning.
- Land use plan Conservation Zones
  - In the NWT, approved land use plans are implemented through comprehensive land claim agreements and the *Mackenzie Valley Resource Management Act*. They are mandatory and enforceable.
  - In Conservation Zones, most types of industrial development that would add further human disturbance to the boreal caribou range are prohibited except under very limited circumstances.
  - Conservation Zones cover 21,845 km<sup>2</sup>, or 4.9%, of the range (includes Conservation Zones [SLUP], Gwich’in Conservation Areas [GLUP], Heritage Conservation Areas [GLUP], Cultural Heritage Zones [TLUP], Traditional Use Zones [TLUP] and Habitat Management Zones [TLUP]).
- Interim land withdrawals
  - In the Southern NWT region, until land claim negotiations and land use planning are complete, there is currently a mix of surface and sub-surface land withdrawals under the Dehcho Interim Measures Agreement, Acho Dene Koe Interim Measures Agreement, Northwest Territory Metis Interim Measures Agreement, Akaitcho Interim Measures Agreement and *NWT Lands Act*.
  - Land withdrawals cover about 59,404 km<sup>2</sup>, or 13.4%, of the NT1 range.

In total, 28% of the range is protected from new human disturbance by protected areas, land use plan conservation zones, or land withdrawals in the NWT. The Southern NWT region, which has the highest level of human-caused disturbance, also has a particularly high level of habitat protection: 51%.

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<sup>12</sup> Appendix A in: A Framework for Boreal Caribou Range Planning – Discussion Document: Appendices. GNWT 2018. <https://www.enr.gov.nt.ca/en/draft-boreal-caribou-range-planning-framework-appendices>.

Outside of these areas, there are other mechanisms in place to manage the cumulative impacts of human development on boreal caribou habitat (Schedules 5, 6, and 7).

- Land use plan Special Management Zones
  - In Special Management Zones all types of land use are possible but may be subject to additional requirements or directives related to protection of boreal caribou and their habitat. These zones cover 60,926 km<sup>2</sup>, or 13.8%, of the range (includes Special Management Areas [GLUP], Special Management Zones [SLUP], and Enhanced Management Zones [TLUP]).
- Land use plan conditions/requirements
  - In addition to the conservation and special management zones described above, each land use plan may also include further special conditions/requirements for addressing impacts to boreal caribou habitat outside of these zones<sup>13</sup>.
  - Approved land use plans are in place for the Gwich'in Settlement Area, Sahtú Settlement Area and Tłı̨chǫ Lands (covering 45% of the NT1 range). A draft interim land use plan for the Dehcho region is under review (covering an additional 34% of the NT1 range).
- Community conservation plans
  - In the Inuvialuit Settlement Region, Community Conservation Plans are in place to formalize conservation priorities for the region; these plans cover 7% of the NT1 range.
- Regulatory system
  - GNWT Environment and Natural Resources is required under the *Species at Risk (NWT) Act* (sections 76-77) to make a submission to regulatory decision boards regarding potential impacts whenever there is any proposed development or permit or license application that could affect boreal caribou habitat.
  - The *Mackenzie Valley Resource Management Act*, *Canada Environmental Assessment Act* and federal *Species at Risk Act* together require that impacts on boreal caribou habitat be identified, considered, mitigated and monitored when a proposed development goes through an environmental assessment.
- Best management practices
  - The *Northern Land Use Guidelines - Northwest Territories Seismic Operations* recommend approaches to avoiding and minimizing new habitat disturbance within boreal caribou range through the re-use of existing disturbances and application of low impact seismic techniques to limit line width and line of sight.
  - Other *Northern Land Use Guidelines* provide guidance and best practices for access roads and trails, pits and quarries, and camps and support facilities.

### **What is needed**

Significant progress has been made on conserving boreal caribou in the NWT since the national recovery strategy was published in 2012. Key highlights in the NWT include:

- Completion of regional land use plans for the Sahtú Settlement Area (2013) and Tłı̨chǫ Lands (2013), which both integrate some protection for boreal caribou habitat.

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<sup>13</sup> This is included in the 2010 draft Gwich'in plan which is not yet approved, but not in the 2003 approved plan

- Completion of a new NWT *Wildlife Act* with regulatory mechanisms to protect wildlife habitat and enable mandatory conditions on development permits (2014)
- Assessment and listing of boreal caribou under the *Species at Risk (NWT) Act* (2014)
- Completion of a NWT Boreal Caribou Recovery Strategy and Implementation Agreement (2017)

Range planning in NWT is complex. The sheer size of the range and the dominant role of fire in overall habitat disturbance create challenges for planning and management. In some regions of NT1, over 35% of the habitat is disturbed due to fire alone. These fires are a natural part of the boreal ecosystem and further research is required to understand how boreal caribou persist in these high-fire landscapes. Because the primary disturbance is fire and human-caused disturbance is low, the location of undisturbed habitat changes from year to year as old burned areas regenerate and new fires burn. Most of the range is good habitat for boreal caribou and there is more than 65% undisturbed habitat. Therefore, there is room for flexibility in deciding where more stringent management actions or protections would need to be applied if needed.

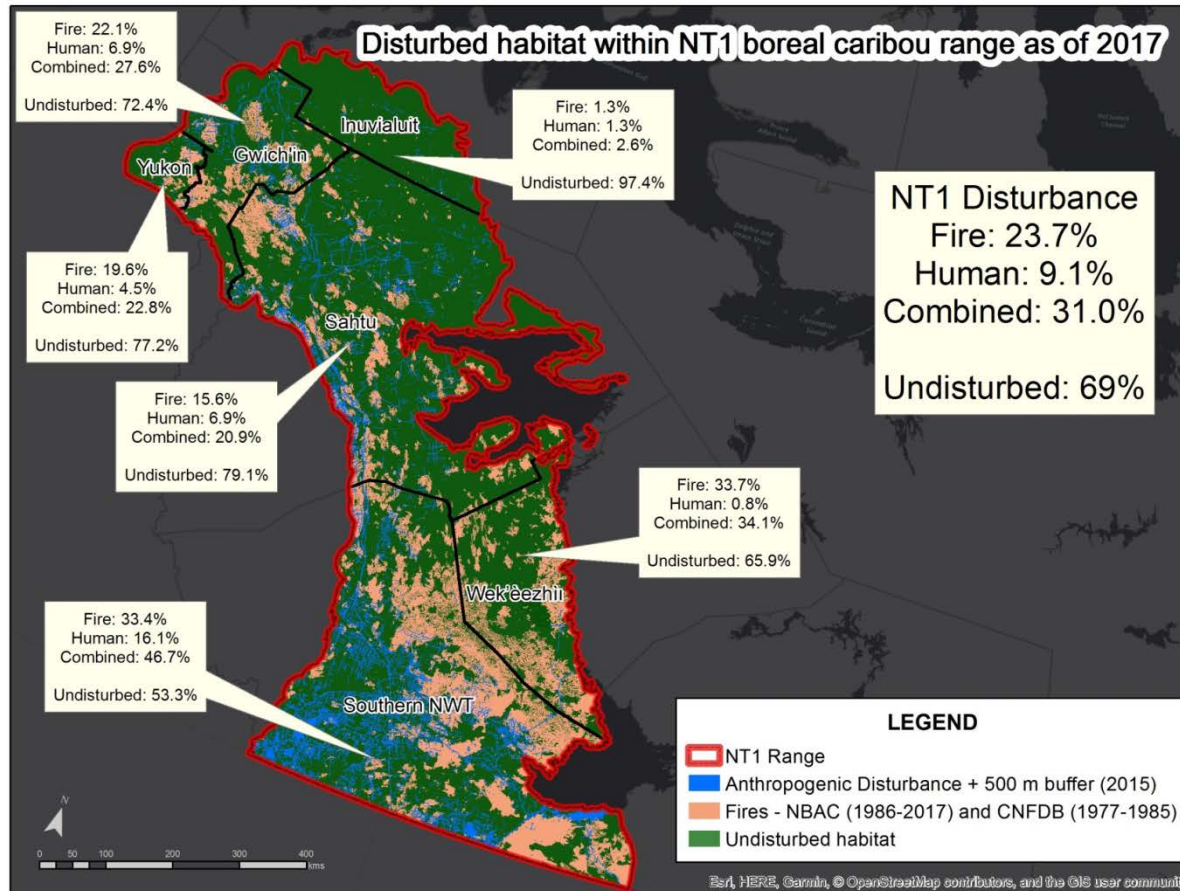
Effective conservation of boreal caribou in the NWT will not be achieved through short-term application of emergency protection measures to specific patches of habitat. Instead, cumulative impacts of disturbance must be managed at a landscape level over the long term. A robust approach to managing overall range condition on an ongoing basis is needed to ensure that there continues to be adequate habitat across the range.

To be effective in the long term, NWT range plans must have the support of Indigenous, territorial, and federal governments, renewable resources boards and other land owners and they must consider ecological, cultural and economic values as well as the best available science, traditional and local knowledge to achieve balanced outcomes. The GNWT has made significant progress towards range plans by developing a draft range planning framework<sup>14</sup> (released 2018, currently going through consultation and engagement). This is in the spirit of the implementation of the *Northwest Territories Lands and Resources Devolution Agreement* and the federal *Species at Risk Act*. Respecting the integrated land and resource management regime requires adequate time to effectively and meaningfully cooperate with Indigenous governments and organizations, renewable resources boards and relevant land and interest holders to ensure the continued current effective conservation of boreal caribou in the NWT.

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<sup>14</sup> A Framework for Boreal Caribou Range Planning – Discussion Document and Appendices. GNWT 2018. Discussion document: <https://www.enr.gov.nt.ca/en/draft-boreal-caribou-range-planning-framework-discussion-document>; Appendices: <https://www.enr.gov.nt.ca/en/draft-boreal-caribou-range-planning-framework-appendices>.

Schedule 3 – Habitat disturbance by region within the NT1 range as of fall 2017

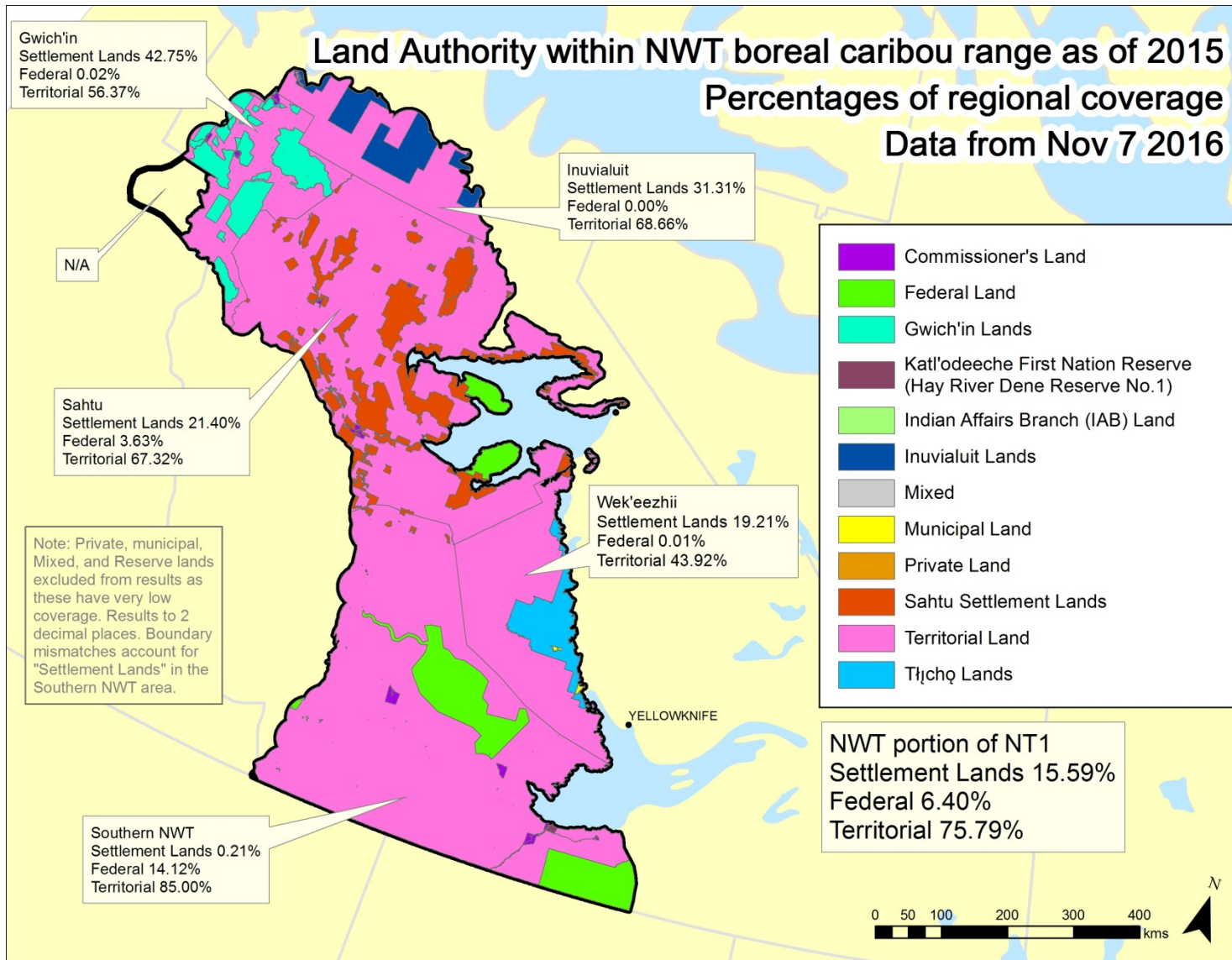


Anthropogenic disturbance is based on ECCC 2015 buffered anthropogenic footprint data<sup>15</sup> and fire disturbance is based on fires from 1986-2017 from the National Burn Area Composite<sup>16</sup>, and 1977-1985 from the National Fire Database<sup>16</sup>

<sup>15</sup> <http://data.ec.gc.ca/data/species/developplans/2015-anthropogenic-disturbance-footprint-within-boreal-caribou-ranges-across-canada-as-interpreted-from-2015-landsat-satellite-imagery/>

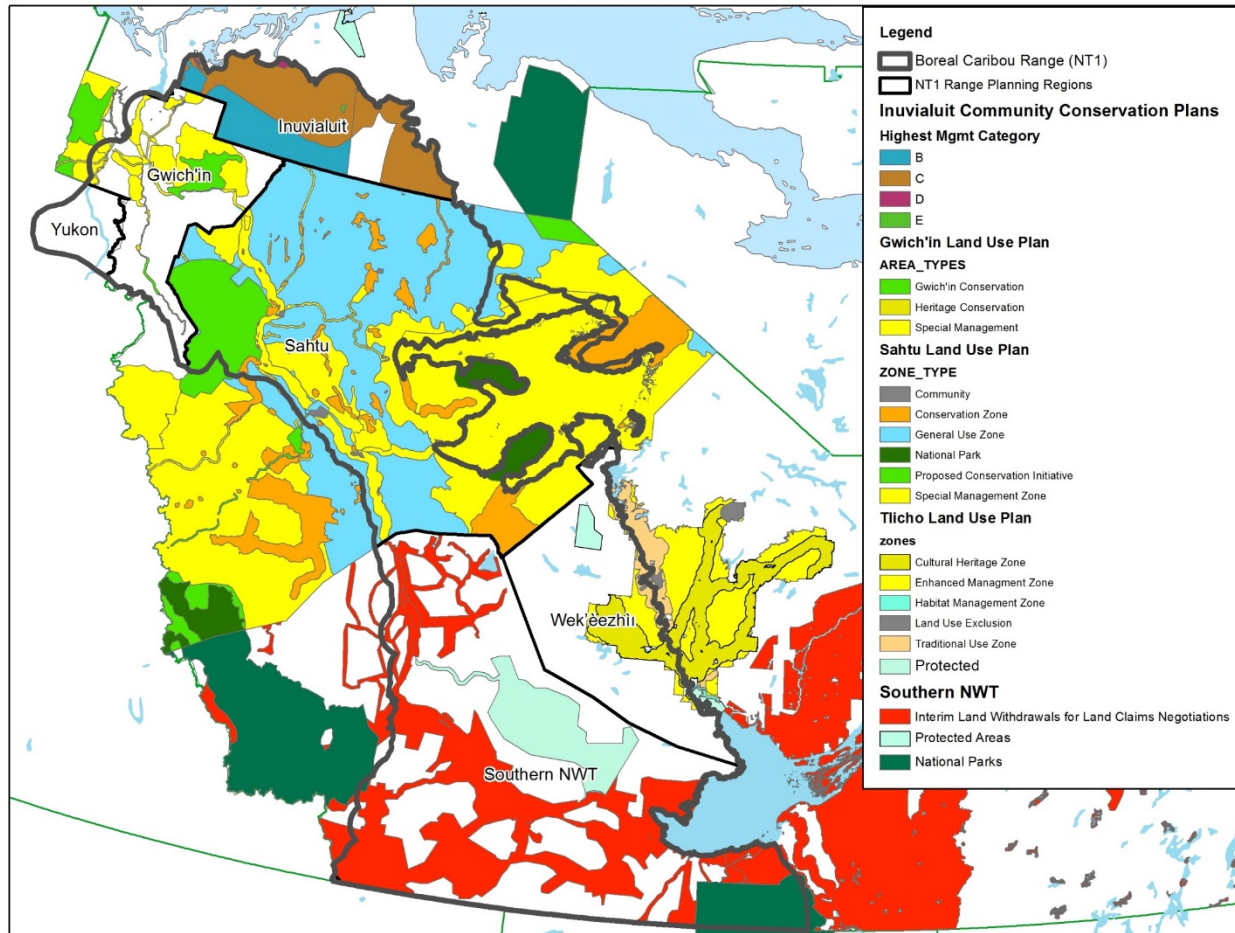
<sup>16</sup> <http://cwfis.cfs.nrcan.gc.ca/datamart>

Schedule 4 – Land Authority within NWT boreal caribou range as of 2015

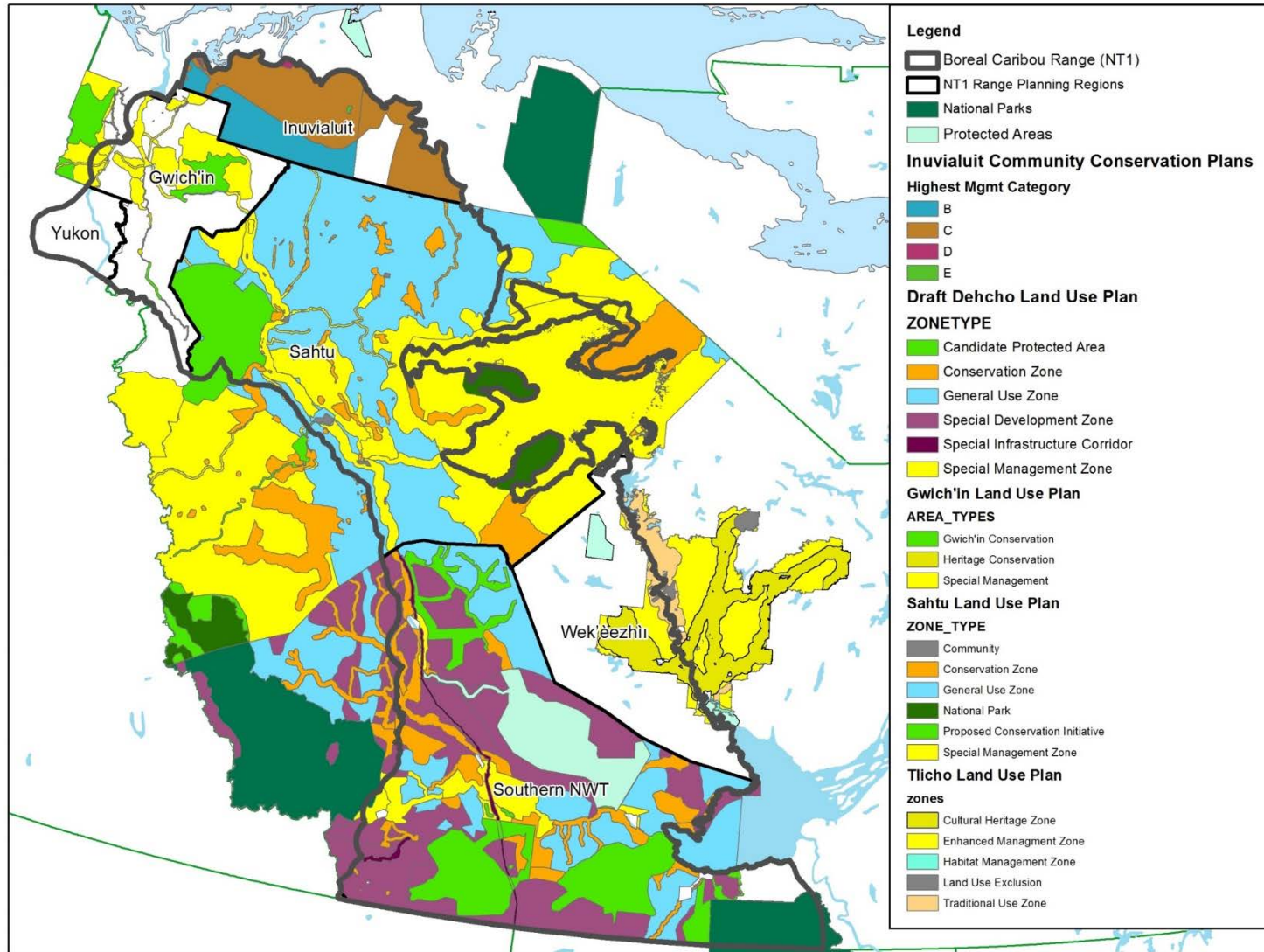




Schedule 5 – Current Land Protection within NWT NT1 range



Schedule 6– Current and Potential Land Protection if the Interim Dehcho Land Use Plan was implemented



Schedule 7 – Breakdown of different land use zones and other land designations across the NWT portion of NT1

Region	Land Use Plan	Zone Type or Land Designation	Area (Ha)	Zone as % of regional portion of NT1 range	Zone as % of NT1 Range	Zone as % of NWT portion of NT1 range
NT1	N/A	RANGE	44,292,048.98			
NWT	N/A	NWT Portion of NT1 Range	43,399,259.21		97.98	
<b>Southern NWT</b>		<b>REGION</b>	<b>16,241,765.22</b>		<b>36.67</b>	<b>37.42</b>
<b>Current situation</b>						
Southern NWT	N/A	Interim land withdrawals for land claim negotiations	5,940,431.50	36.58	13.41	13.69
Southern NWT	N/A	Protected Areas	2,291,694.14	14.11	5.17	5.28
Southern NWT	N/A	<i>Sub-total</i>	<i>8,232,122.89</i>	<i>50.68</i>	<i>18.59</i>	<i>18.97</i>
Southern NWT	N/A	Unclassified/Community	8,009,642.32	49.32	18.08	18.46
<b>Future Scenario where draft Dehcho Land Use Plan is implemented</b>						
Southern NWT	DLUP	Candidate Protected Area Zone	2,822,627.04	17.38	6.37	6.50
Southern NWT	DLUP	Conservation Zone	1,712,046.97	10.54	3.87	3.94
Southern NWT	DLUP	General Use Zone	2,855,263.45	17.58	6.45	6.58
Southern NWT	DLUP	Special Development Zone	5,225,565.84	32.17	11.80	12.04
Southern NWT	DLUP	Special Infrastructure Corridor	216,453.15	1.33	0.49	0.50
Southern NWT	DLUP	Special Management Zone	858,345.32	5.28	1.94	1.98
Southern NWT	N/A	Interim land withdrawals for land claim negotiations – South Slave	359,863.53	2.22	0.81	0.83
Southern NWT	N/A	Protected Areas	2,291,694.14	14.11	5.17	5.28
		<i>Sub-total - adds up to slightly more than REGION due to overlapping land use zone types</i>	<i>16,341,859.44</i>	<i>100.62</i>	<i>36.90</i>	<i>37.65</i>
<b>Gwich'in</b>		<b>REGION</b>	<b>3,866,210.02</b>		<b>8.73</b>	<b>8.91</b>
Gwich'in	GLUP	Gwich'in Conservation Area	238,768.07	6.18	0.54	0.55
Gwich'in	GLUP	Heritage Conservation Area	12,721.92	0.33	0.03	0.03



Region	Land Use Plan	Zone Type or Land Designation	Area (Ha)	Zone as % of regional portion of NT1 range	Zone as % of NT1 Range	Zone as % of NWT portion of NT1 range
<b>Gwich'in</b>	<b>GLUP</b>	Special Management Area	998,270.46	25.82	2.25	2.30
<b>Gwich'in</b>		<i>Sub-total</i>	<i>1,249,760.45</i>	<i>32.33</i>	<i>2.82</i>	<i>2.88</i>
<b>Gwich'in</b>	<b>GLUP</b>	General Use/Community	2,616,449.57	67.67	5.91	6.03
<b>Inuvialuit</b>		<b>REGION</b>	<b>3,439,298.31</b>		<b>7.77</b>	<b>7.92</b>
		Non-overlapping highest management categories:				
<b>Inuvialuit</b>	<b>CCP</b>	B	898,848.71	26.13	2.03	2.07
<b>Inuvialuit</b>	<b>CCP</b>	C	2,143,881.07	62.33	4.84	4.94
<b>Inuvialuit</b>	<b>CCP</b>	D	37,281.08	1.08	0.08	0.09
<b>Inuvialuit</b>	<b>CCP</b>	E	4,647.07	0.14	0.01	0.01
<b>Inuvialuit</b>		<i>Sub-total</i>	<i>3,084,657.92</i>	<i>89.69</i>	<i>6.96</i>	<i>7.11</i>
<b>Inuvialuit</b>	<b>N/A</b>	Unclassified/Community	<i>354,640.39</i>	10.31	0.80	0.82
<b>Sahtu</b>		<b>REGION</b>	<b>14,901,479.33</b>		<b>33.64</b>	<b>34.34</b>
<b>Sahtu</b>	<b>SLUP</b>	Community	43,752.10	0.29	0.10	0.10
<b>Sahtu</b>	<b>SLUP</b>	Conservation Zone	1,300,795.87	8.73	2.94	3.00
<b>Sahtu</b>	<b>SLUP</b>	General Use Zone	6,958,247.88	46.70	15.71	16.03
<b>Sahtu</b>	<b>SLUP</b>	National Park	534,284.70	3.59	1.21	1.23
<b>Sahtu</b>	<b>SLUP</b>	Proposed Conservation Initiative	1,280,915.61	8.60	2.89	2.95
<b>Sahtu</b>	<b>SLUP</b>	Special Management Zone	4,783,468.04	32.10	10.80	11.02
		<i>Sub-total</i>	<i>14,901,464.19</i>	<i>100.00</i>	<i>33.64</i>	<i>34.34</i>
<b>Wek'eezhii</b>		<b>REGION</b>	<b>4,950,506.34</b>		<b>11.18</b>	<b>11.41</b>
<b>Wek'eezhii</b>	TLUP	Cultural Heritage Zone	465,041.46	9.39	1.05	1.07
<b>Wek'eezhii</b>	TLUP	Enhanced Management Zone	310,944.82	6.28	0.70	0.72

<b>Region</b>	<b>Land Use Plan</b>	<b>Zone Type or Land Designation</b>	<b>Area (Ha)</b>	<b>Zone as % of regional portion of NT1 range</b>	<b>Zone as % of NT1 Range</b>	<b>Zone as % of NWT portion of NT1 range</b>
<b>Wek'eezhii</b>	TLUP	Habitat Management Zone	9,074.51	0.18	0.02	0.02
<b>Wek'eezhii</b>	TLUP	Land Use Exclusion Area (also counted as a protected area)	7,894.38	0.16	0.02	0.02
<b>Wek'eezhii</b>	TLUP	Traditional Use Zone	158,184.31	3.20	0.36	0.36
<b>Wek'eezhii</b>						
<b>Wek'eezhii</b>	N/A	Protected Areas (also includes Land Use Exclusion Area)	156,210.83	3.16	0.35	0.36
<b>Wek'eezhii</b>		<i>Sub-total</i>	<i>1,107,350.32</i>	<i>22.37</i>	<i>2.50</i>	<i>2.55</i>
<b>Wek'eezhii</b>	N/A	Unclassified	3,843,156.02	77.63	8.68	8.86

## *Schedule 8 – Land and Resource Management*

The responsibility for the management of NWT land and resources is shared among a number of parties including Indigenous governments, the GNWT, Government of Canada, NWT communities, resource-management and land-use planning boards, and private land owners (Schedule 4).

In the Inuvialuit Settlement Region (ISR) the area of land and water is subject to the *Inuvialuit Final Agreement* (IFA). The legislation implementing the IFA is the *Western Arctic (Inuvialuit) Claims Settlement Act*, 1984. The Inuvialuit and the governments of Canada, the Northwest Territories and the Yukon share management responsibilities in the Inuvialuit Settlement Region. The Wildlife Management Advisory Council (NWT) is the main instrument of wildlife management in the NWT portion of the ISR.

Regulation of land and water resources in the Mackenzie Valley is part of an integrated system incorporating the *Waters Act* and *Northwest Territories Lands Act*. The *Mackenzie Valley Resource Management Act*<sup>17</sup> (MVRMA) establishes boards to carry out land use planning, regulate the use of land and water, and conduct environmental assessments of proposed developments in the Mackenzie Valley. The *Mackenzie Valley Resource Management Act* section 50(1) provides that the federal Minister (CIRNAC) may, after consultation with a planning board, give written policy directions that are binding on the planning board with respect to the exercise of any of its functions under this Act. Although the *Mackenzie Valley Resource Management Act* remains federal legislation, devolution provides the GNWT with significant delegated authorities including the authority to approve Type A water licences, the designation of inspectors, the holding of security and powers, and duties and functions related to environmental assessment.

The *Sahtu Dene and Metis Comprehensive Land Claim Agreement*, *Gwich'in Comprehensive Land Claim Agreement*, and *Tłı̄chǫ Agreement* provide integrated approaches for planning and management of wildlife and wildlife habitat in the Sahtu Settlement Area, Gwich'in Settlement Area, and Wek'èezhii, respectively. The main instruments of wildlife management in each of these regions are the Sahtu Renewable Resources Board, Gwich'in Renewable Resources Board and Wek'èezhii Renewable Resources Board.

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<sup>17</sup> The MVRMA applies to all of the NT1 boreal caribou range except for the Inuvialuit Settlement Region and the Yukon.

## *Schedule 9 – Regional Land Use Planning*

Canada and the GNWT are approving parties to regional land use plans (Gwich'in, Sahtu, and Dehcho), are reviewers of the Tłı̨chǫ Wenek'e (Land Use Plan), and contributors to Community Conservation Plans in the Inuvialuit Settlement Region.

The GNWT considers regional land use plans to be the primary instrument to define where certain activities can take place, and has prioritized promoting and supporting land use planning in all regions in the NWT. The GNWT recognizes that the purpose of regional land-use planning in settled claim areas in the Mackenzie Valley is to protect and promote the existing and future well-being of the residents and the communities of the settlement areas, having regard to the interests of all Canadians<sup>18</sup>.

The *Mackenzie Valley Resource Management Act* section 41(2) states that “A land use plan shall provide for the conservation, development and use of land, waters and other resources in a settlement area”. In the integrated resource management system in the Mackenzie Valley, land use planning plays an essential role in defining the types of activities that can take place within different management zones, mitigation or planning requirements that developers must meet before applying for land use permits and water licenses, and in framing and informing environmental impact assessments of proposed land and water uses and resource activities. Boreal caribou management has been and is expected to continue to be a topic of much interest in environmental assessments of mining and infrastructure projects in the NWT. Efforts to strengthen regional land use planning will help to clarify requirements for undertaking development projects in boreal caribou habitat and facilitate more timely, effective and evidence-based environmental assessments.

Land use planning is a shared responsibility. Overseen by regional planning bodies, regional land use planning is pursued on a government-to-government basis with Indigenous Governments, the GNWT, and Canada (primarily represented by CIRNAC). The planning process is responsive to the priorities of communities, and the needs of each region; and is intended to build the common understanding, shared information, and productive working relationships upon which the integrated regulatory system depends. Given its scope and tri-partite nature, land use planning cannot and should not be a hastened exercise.

Land use planning relies upon and is informed by the traditional and scientific knowledge provided by Indigenous organizations, government, and stakeholders. Boreal caribou habitat is one of a multitude of values and interests incorporated into land use plans in the NWT. The GNWT supports any additional science and traditional knowledge that may inform or provide evidence for future land use plans (ex. Wek'eezhii, southeastern part of the NWT) or would lead to amending existing and draft land use plans (ex. Gwich'in, Sahtu and Draft Interim Dehcho Land Use Plan) in order to further protect boreal caribou habitat.

The following table summarizes the current status and potential opportunities for integrating boreal caribou habitat interests into land use plans.

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<sup>18</sup> GNWT's Land Use and Sustainability Framework:  
[http://www.lands.gov.nt.ca/sites/lands/files/resources/land\\_use\\_and\\_sustainability\\_framework\\_updated\\_email.pdf](http://www.lands.gov.nt.ca/sites/lands/files/resources/land_use_and_sustainability_framework_updated_email.pdf)

Table 1 - *General Status and Opportunity Assessment for Integrating Boreal Caribou Habitat Protection into Regional Land Use Planning, and Key Planning Partners for Engagement.*

Region	Status	Opportunity	Key Planning Partners for Engagement
Inuvialuit Settlement Region	2018 Updated Community Conservation Plans are in place for each of the six communities in the ISR.	The plans provide guidance for community-based conservation, monitoring, and management of lands and renewable resources within the region.	Wildlife Management Advisory Council (NWT)  Wildlife Management Advisory Council (NS)  Inuvialuit Game Council  Environmental Impact Screening Committee  Environmental Impact Review Board  Inuvialuit Land Administration  Inuvialuit Regional Corporation
Gwich'in Settlement Region	2008 Approved Gwich'in Land Use Plan is currently implemented 2012 Revised plan requires tri-partite review and approval	-2012/15 Revised plan recognizes the importance of boreal caribou habitat	Gwich'in Land Use Planning Board  Gwich'in Tribal Council  Gwich'in Renewable Resources Board
Sahtu Settlement Region	2013 Sahtu Land Use Plan approved and implemented  2018 – five year review initiated	-Assess the existing boreal caribou habitat protections provided by the plan's zoning and conformity requirements and determine if additional conditions and/or changes to zones are warranted	Sahtu Land Use Planning Board  Sahtu Secretariat Incorporated (and sub-regional land corporations)  Sahtu Renewable Resources Board
Tłı̄chǫ Lands	Tłı̄chǫ Wenek'e complete and implemented on Tłı̄chǫ Settlement Lands	-Work directly with Tłı̄chǫ Government to determine if revisions to zoning and/or Directives are warranted	Tłı̄chǫ Government
Wek'eezhii Management Area	GNWT and Canada (CIRNAC) are concluding consultation on a draft Terms of Reference for a land use planning committee for the Wek'eezhii Land Use Plan	-Formal planning could begin as early as 2019 -In the interim, funding could provide the Tłı̄chǫ Government and other Indigenous Governments	Tłı̄chǫ Government  Participation by: North Slave Metis Alliance

Region	Status	Opportunity	Key Planning Partners for Engagement
		and Organizations (North Slave Metis Alliance, Yellowknives Dene First Nation) capacity to develop and formalize traditional and scientific knowledge that would inform the planning process	Akaiicho Treaty 8 and Yellowknives Dene First Nation  Wek'eezhii Renewable Resources Board
Dehcho and Acho Dene Koe Region	Draft Interim Dehcho Land Use Plan under review by the Dehcho Main Table Negotiators (Dehcho First Nations, CIRNAC, and GNWT)  Acho Dene Koe have begun land use planning	-Integrate best practices and/or monitoring for caribou habitat in the Dehcho and Acho Dene Koe Regions in the Draft Interim Dehcho Land Use Plan  -ECCC/CIRNAC and the GNWT to work with the Dehcho Land Use Planning Committee's Technical Working Group to integrate protection for caribou habitat into the draft plan	Dehcho Land Use Planning Committee  Acho Dene Koe First Nation  K'atl'odeeche First Nation
Southeastern part of the NWT	The GNWT and Canada (CIRNAC) are working in partnership with the Akaiicho and the Northwest Territory Metis Nation to design and cost a planning process for the southeastern portion of the NWT which is based on future settlement areas. The GNWT is engaging with Indigenous Governments and Organizations with traditional territories in this area to understand their interests in future planning. GNWT provides contribution funding to Indigenous Governments and Organizations in the Southeastern part of the NWT to provide capacity to research and organize traditional knowledge and build capacity for an eventual planning process	Provide funding specifically for determining TK and interests as they relate to boreal caribou habitat  Integrate existing TK and scientific evidence	Akaiicho Treaty 8 – Lutsel K'e First Nation, Deninue Kue First Nation, Yellowknives Dene First Nation  Northwest Territory Metis Nation and locals  K'atl'odeeche First Nation  Athabaska Denesuline  Ghotelnene K'odtineh Dene  Salt River First Nation  Smith's Landing First Nation  North Slave Metis Alliance

## *Schedule 10 – Individual Boreal Caribou Protection*

The conservation and recovery goal for the NWT, stated in the NWT Recovery Strategy, is to ensure a healthy and sustainable boreal caribou population across their NWT range that offers harvesting opportunities for present and future generations. Harvesting is one of the important values of boreal caribou in the NWT. Boreal caribou are highly respected and valued by Indigenous harvesters, and some resident hunters also harvest boreal caribou for subsistence use. The GNWT’s vision is for boreal caribou harvesting to be able to continue, now and in the future, by managing boreal caribou at a level that can sustain harvesting.

### **Review of regulations**

The NWT Recovery Strategy (action 2.2.4) recommends to “Review the NWT Wildlife Act *Big Game Hunting Regulations* for woodland caribou. As part of this review, consider whether regulations for boreal and mountain woodland caribou should be further differentiated, and whether changes to seasons, bag limits, quotas, open harvesting zones and/or harvest reporting mechanisms are needed”. In the Consensus Agreement on Implementing the NWT Recovery Strategy, the GNWT committed to undertake this action.

The *Wildlife Act* and its related regulations took 15 years to complete. The Act came into force on November 28, 2014 after multiple rounds of extensive consultation and engagement. We have a *Wildlife Act* for the NWT with a main purpose to conserve wildlife in the NWT, encourage wise use and promote stewardship of wildlife by all residents.

The *Wildlife Act* and its regulations were developed using a collaborative co-drafting approach with the Wildlife Act Working Group (WAWG), a Stakeholders Wildlife Act Advisory Group (SWAAG), and results from consultation and public engagement. Development of new boreal caribou related harvesting regulation initiatives followed the same collaborative process and were developed with input from WAWG and SWAAG.

Woodland caribou have two biologically distinct units, or “ecotypes”. One ecotype lives as “Boreal” and the other as “Northern Mountain” caribou. The current regulations only recognize “Woodland Caribou”. The current harvest regulations for NWT residents allow for one woodland caribou tag which groups together boreal woodland caribou and northern mountain caribou. The GNWT has consulted on draft *Wildlife Act* regulatory amendments that include splitting the woodland caribou into the two ecotypes<sup>19</sup>. Separating them in the regulations will help enable possible future management actions specific to each ecotype. The consultation package also invited input on possible future changes to initiatives to protect boreal caribou individuals.

There are no proposed changes for asserted or established Aboriginal or treaty rights holders.

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<sup>19</sup> Wildlife Act “Phase 2” Regulations and Guidelines: Regulatory Amendments and Wildlife Management and Monitoring Plan (WMMP) Process and Guideline Requirements.  
[http://www.enr.gov.nt.ca/sites/enr/files/resources/phase\\_2\\_discussion\\_document\\_17apr18\\_2\\_final.pdf](http://www.enr.gov.nt.ca/sites/enr/files/resources/phase_2_discussion_document_17apr18_2_final.pdf)

## **Harvest information**

Environment and Natural Resources (ENR) monitors resident harvest with the NWT Resident Hunter Harvest Survey. Between 2001 and 2015 the average resident harvest of boreal caribou in the NWT was estimated to be 22 animals per year. During this time period the resident harvest was predominantly bulls and the average reported female to male ratio of the boreal caribou harvest was 0.35. An average resident harvest of 22 animals per year represents about 0.3% of the estimated population (using a population estimate of 6500 caribou). Although concerns were raised in the NWT Recovery Strategy that estimated harvest of woodland caribou by resident hunters was increasing, analysis of the 2001-2015 data by ENR in 2017 indicated that the increase is due to increased harvest of the mountain woodland ecotype. The data indicate no increase in boreal caribou harvest by resident hunters.

There are currently no regulated restrictions on Indigenous harvest of boreal caribou in the NWT. Our current understanding of local and traditional knowledge is that Indigenous people in the NWT tend to only harvest this type of caribou opportunistically; most communities rely more on barren-ground caribou, moose, or other wildlife (Gunn 2009; Environment Canada 2010; McDonald 2010; Benson 2011; Chocolate 2011, Olsen et al. 2001). Accurate Indigenous harvest information for boreal caribou is not available for all areas of the NWT, but based on regional harvest studies and Traditional Knowledge reports, the average number of boreal caribou harvested by Indigenous people in the NWT could be as low as 65 (1% of the estimated population) and as high as 190, 2.9% of the estimated population (Gwich'in Renewable Resource Board 2009; Olsen et al. 2001; Dehcho First Nations 2011). The GNWT has been working with Indigenous Governments and organizations to promote opportunities for enhanced Indigenous harvest monitoring.

The estimated total annual harvest of boreal caribou in the NWT most likely represents 3% or less of the estimated NWT population.

## **Looking forward**

Time was required to effectively and meaningfully engage and consult with Indigenous governments and organizations and renewable resources boards, and engage the public and relevant stakeholders in the NWT.

Demonstrating cooperative working relationships and partnerships with Indigenous governments and organizations (IGOs) and renewable resources boards continues to show a successful approach to Indigenous reconciliation that ensures Indigenous views and priorities are part of government decision making.

ENR also specifically requested feedback on the possible implementation of immediate management actions to help protect individual boreal caribou. We received diverse strong, meaningful feedback from open houses, bilateral meetings, and written submissions. The comments ranged from a complete ban on boreal caribou harvesting for anywhere from a 1 to 3 year period, to statements that ENR has too many information gaps on how boreal caribou are doing in the NWT to make sweeping management decisions.

Given legitimate conservation concerns and meaningful input heard through the consultation and engagement sessions, ENR will be adding restrictions to General Hunting Licence and Resident Hunting Licence holders and their boreal caribou harvest requirements to the Phase 2 package of regulations.



Additionally, ENR commits to continue working with IGOs and co-management partners to explore additional possible conservation measures. Specifically:

- Change season requirement for Resident Hunting Licence (RES) holders to July 15 to December 15 (currently July 15 to January 31).
- Change season requirement for General Hunting Licence (GHL) holders to July 15 to December 15 (currently July 1 to June 30).
- Add a condition requirement for both GHL and RES holders that harvest is male-only.
- Add a condition requirement for GHL holders that a tag is required.
- A commitment to work with IGOs and co-management partners to review new additional conservation measures.

All proposed regulatory amendments require each renewable resources board, as per the settled land claim agreements, the time to formally review and approve the draft regulations before they are enabled. The goal is to have new regulations in force for the 2019/20 hunting season starting on July 1, 2019.

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## *Schedule 11 – Boreal Caribou Range Planning*

Since the national recovery strategy for boreal caribou was published in 2012, the GNWT has undertaken a number of steps towards development of range plans for the NT1 range. The GNWT began working on a Framework for range planning in the NWT in 2013 and engaged with renewable resources boards on an early draft of the Framework (then called a “range planning guidance document”) in 2014. While development of the Framework continued in 2015, the GNWT also held meetings with communities in the Southern NWT (Dehcho and South Slave regions) to collect traditional and local knowledge of important areas for boreal caribou in anticipation that a range plan would be developed in these regions first. In 2016/2017 GNWT undertook extensive internal engagement with key GNWT departments to further develop the draft Framework.

The Framework is intended to establish the broad approach to developing regional range plans in the NWT. The draft Framework outlines the following proposed elements: regional division of the range plans within the NWT portion of the NT1 range (Schedule 3), regional disturbance limits and thresholds that collectively ensure the range-wide 65% undisturbed critical habitat target is met, and a tiered management framework for applying different classes of management actions within each region according to regional status relative to the disturbance thresholds and maps of relative habitat importance for boreal caribou. The Framework also identifies different legal and policy tools that can be used to implement different management actions to remain below the proposed disturbance thresholds, the proposed cycle for review and renewal of regional range plans, and associated research and monitoring that will be needed to evaluate the effectiveness of the range plans.

The draft range planning Framework was released as a Discussion Document for public engagement and consultation in May 2018<sup>20</sup>. Engagement and consultation on the Framework are underway. The GNWT is working with affected parties in all regions of the NWT to further develop and refine the draft Framework based on the input received from Indigenous governments and organizations, renewable resources boards, land use planning and regulatory boards, federal government departments, industry and environmental interest groups, and the general public. The GNWT expects to complete consultation and engagement in May 2019 and release the final Framework in summer 2019. Once the Framework is complete, the GNWT will work with partners to develop regional range plans guided by the Framework. It will be vital to have broad support for the range planning Framework before moving forward with developing regional range plans, to ensure consistency and coordination among plans, and that the regional plans collectively meet the range-wide 65% undisturbed critical habitat target.

The draft Framework proposes initiating the development regional range plans in 2019. While the Framework lays out the structure for what regional range plans will consider, the process of developing the range plans themselves will require extensive input from renewable resources boards, key takeholders, and affected Indigenous governments and organizations. Traditional and local knowledge will be a key source of information for developing these plans, as they will rely on local context and local information to a large degree, particularly in developing maps of management classes. Regional plans will be developed in a staggered approach starting with the regions that currently have the highest levels of

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<sup>20</sup> A Framework for Boreal Caribou Range Planning – Discussion Document and Appendices. GNWT 2018. Discussion document: <https://www.enr.gov.nt.ca/en/draft-boreal-caribou-range-planning-framework-discussion-document>; Appendices: <https://www.enr.gov.nt.ca/en/draft-boreal-caribou-range-planning-framework-appendices>.

habitat disturbance to address where caribou are at greatest risk of declines first. Each regional range plan is anticipated to take 2 years to complete, and all regional plans are expected to be completed by 2022. If regional plans identify the need for new regulations or policies to implement their management actions, these may take additional time and resources to develop and implement after the regional plan is complete.

To be effective in the long term, time is needed to develop and complete the Framework and all regional range plans. This allows the GNWT to effectively and meaningfully engage and consult with Indigenous governments and organizations, and renewable resources boards and engage the public and relevant stakeholders in the NWT. Demonstrating cooperative working relationships and partnerships with Indigenous governments and organizations and renewable resources boards continues to highlight a successful approach to Indigenous reconciliation that ensures Indigenous views and priorities are part of government decision making. The risk of critical habitat in the NWT portion of NT1 being destroyed by human activities while range plans are being developed is likely low (Schedule 2), therefore taking the necessary time to complete range plans properly is in the best interests of boreal caribou.