



**Government of the Northwest Territories Response to Committee
Report 24-19(2): Report on the Statutory Reviews of the
*Species at Risk (NWT) Act and Wildlife Act***

Background

The original Northwest Territories (NWT) *Wildlife Act* (1988) was based on legislation inherited from the Government of Canada. With the completion of a number of land, resources and self-government agreements, a new *Wildlife Act* was needed to reflect the current wildlife co-management regime in the NWT. At the same time, the Act needed to reflect new approaches to wildlife management, a focus on ecosystem-based approaches and biodiversity, new case law, and changes to wildlife compliance and enforcement approaches.

Both the *Wildlife Act* and *Species at Risk (NWT) Act* are the result of 15 years of consultation and collaboration, recognition of the need to meet the principles of wildlife co-management, and incorporation of important input from northerners with experience, knowledge and expertise on wildlife and wildlife habitat.

In 2005, the Government of the Northwest Territories (GNWT) and its co-management partners agreed on a collaborative process to co-draft species at risk legislation, that included GNWT representation from Environment and Natural Resources (ENR) and the Department of Justice, settled land, resource or self-government agreement organizations (Inuvialuit Game Council (IGC), Gwich'in Tribal Council (GTC), Sahtú Secretariat Incorporated (SSI), and the Tłı̨chǫ Government), and renewable resources boards established under land, resource or self-government agreements (Wildlife Management Advisory Council (NWT) (WMAC (NWT)), Gwich'in Renewable Resources Board (GRRB), Sahtú Renewable Resources Board (SRRB) and the Wek'èezhìi Renewable Resources Board (WRRB)). Following four years of successful collaboration, the made-in-the-north *Species at Risk (NWT) Act* came into force in February 2010.

Given the success of the co-drafting process used for the *Species at Risk (NWT) Act*, a similar approach was used to develop a new *Wildlife Act* in 2010. The collaborative working group was expanded to form the Wildlife Act Working Group (WAWG) with the addition of NWT Indigenous organizations without settled land, resources or self-government agreements (Northwest Territory Metis Nation and Kátł'odeeche First Nation). Dehcho First Nations and the Akaitcho Territory Government were invited but chose to only participate intermittently.

Extensive targeted consultation and public and stakeholder engagement occurred in all 33 NWT communities beginning in 2010. In response to calls for stronger engagement with interested stakeholders, the Minister of ENR formed a Stakeholders Wildlife Act Advisory Group (SWAAG) in 2012. This group included representatives of the NWT Tourism Association, Chamber of Mines, Canadian Association of Petroleum Producers, Barren-Ground Outfitters Association, Association of Mackenzie Mountain Outfitters, NWT Wildlife Federation, and licenced resident hunters.

A new *Wildlife Act* and associated regulations came into force in November 2014, with the exception of Sections 46 to 48 pertaining to hunter education. The final statutes of the *Wildlife Act* were brought in force on January 1, 2020, after a collaboratively developed Hunter Education training was completed in December 2019.

Under section 171 of the *Wildlife Act*, the act must be reviewed by the Legislative Assembly within five years of coming into force. Under section 147 of the *Species at Risk (NWT) Act*, the Act shall be reviewed by the Legislative Assembly 10 years after coming into force.

On August 20, 2020, the Standing Committee on Economic Development and Environment Committee (SCEDE) commenced the statutory reviews of the *Wildlife Act* and *Species at Risk (NWT) Act*. Between September 2020 and October 2021 Committee sent letters seeking feedback to all Indigenous governments, Indigenous organizations, renewable resource boards, the Inuvialuit Game Council, hunters and trappers associations, wildlife stakeholders, Indigenous guardian programs, tourism outfitters and the general public.

On March 8, 2022, SCEDE provided its Report on the Statutory Reviews of the *Species at Risk (NWT) Act* and the *Wildlife Act* to the Legislative Assembly. The Report was reviewed in Committee of the Whole on March 11 and “Motion 216-19(2): Committee Report 24-19(2): Standing Committee on Economic Development and Environment Report on the Statutory Reviews of the *Species at Risk (NWT) Act* and *Wildlife Act* – Government Response to Recommendations” was moved, directing the GNWT to respond to the Report within 120 days.

The Report includes thirteen recommendations. The GNWT appreciates the review of the legislation conducted by the SCEDE and is pleased to respond to each recommendation below. For many of the recommendations the GNWT agrees with the intent, but did not accept them as the approach being taken by the GNWT to address the issue differs from the approach recommended by SCEDE. The GNWT looks forward to continuing to work with our wildlife co-management partners to continue to advance collaborative wildlife management in the NWT.

Recommendation 1

The Standing Committee on Economic Development and Environment recommends the Government of the Northwest Territories advance discussions under section 12 of the *Wildlife Act* with Indigenous governments who are not represented by existing Renewable Resource Boards or without a final lands, resources and self-government agreement.

GNWT Response

Section 12 of the *Wildlife Act* allows the Minister to enter into agreements with governments, persons, bodies, or organizations but does not delegate or transfer Ministerial authorities or responsibilities for wildlife management. The delegation or transfer of Ministerial authorities or responsibilities is normally addressed through land and resource negotiations. As there are many factors that may affect wildlife management jurisdictions (i.e. overlapping Aboriginal interests) the Minister of Environment and Natural Resources would not want to enter into an agreement under section 12 that has the potential to prejudice future negotiation processes.

ENR currently works closely with all Indigenous governments and Indigenous organizations on many aspects of the *Wildlife Act* including wildlife and wildlife habitat research, monitoring and management programs across the Northwest Territories, Agreements under section 12 are not required for this collaborative and inclusive approach to continue.

For these reasons, the GNWT does not accept this recommendation.

Recommendation 2

The Standing Committee on Economic Development and Environment recommends the Department of Environment and Natural Resources strengthen the application of Section 14 and 21 under the *Species at Risk (NWT) Act* to ensure that Indigenous governments without a final agreement have a say in management of species at risk.

GNWT Response

Species at Risk (NWT) Act processes already ensure Indigenous governments and Indigenous organizations without a final land, resources and self-government agreement are invited to provide input on species at risk management through the Conference of Management Authorities (CMA) and the NWT Species at Risk Committee (SARC). Originally, Indigenous governments and Indigenous organizations who participated in the development of the *Species at Risk (NWT) Act* participated with the CMA.

The *Species at Risk (NWT) Act* recognizes that future agreements with Indigenous peoples whose land claim and/or self-government agreements are not yet settled are likely to address authorities and processes for the management and conservation of species. Because of this, the CMA has “Rules of Conduct”, which recognize that Indigenous governments and Indigenous organizations are invited to attend and participate equitably in species at risk listing, management plan development, and recovery strategy processes. Only formal consensus agreements require signature by the legal management authorities. Current guidelines for the participation of these groups are found in section 5 under ‘Observers’.

[Please see the CMA [Rules of Conduct/2. Structure of the CMA/CMA Membership.](https://www.nwt-speciesatrisk.ca/sites/enr-species-atrisk/files/cma_rules_of_conduct_approved_may2021.pdf) https://www.nwt-speciesatrisk.ca/sites/enr-species-atrisk/files/cma_rules_of_conduct_approved_may2021.pdf]

As per Section 14 of the *Species at Risk (NWT) Act*, the CMA may invite observers to its meetings and decide whether, and to what extent, they may participate. Operationally, a number of Indigenous governments and Indigenous organizations are currently on the email distribution list for the CMA and receive regular CMA business via email, including meeting invitations, access to the CMA website portal for meeting information (including agenda, minutes and all other material in the form of a binder); a number of these also choose to participate during the meeting in CMA business discussions. The current distribution list includes Acho Dene Koe First Nation, Akaitcho Dene First Nation, Salt River First Nation, Tłı̨chǫ Government, Dehcho First Nations, Kátł'odeeche First Nation, Northwest Territory Métis Nation, North Slave Métis Alliance, SRRB, GRRB, WRRB, WMAC-NWT and Beverly Qamanirjuaq Caribou Management Board as well as Environment and Climate Change Canada and Parks Canada. Upon request, additional Indigenous governments, Indigenous organizations, or management boards may participate in the CMA as observers. Requests can be sent to the Species at Risk Secretariat or the GNWT.

Indigenous governments and Indigenous organizations without final land, resources and self-government agreements (participants/observers of CMA) fully participate in management and recovery discussions, planning, recommendations and/or decisions for species at risk; however, statutory authorities (for example signing Consensus Agreements) are carried out by only the Management Authorities.

Although Section 19(1) does not explicitly provide a seat on SARC for Indigenous governments and Indigenous organizations without final land, resources and self-government agreements, under Section 19(1) (c) the Minister may appoint other members if there is agreement. ENR already appoints members to SARC on advice of Indigenous governments and Indigenous organizations without final land, resources and self-government agreements. Currently this includes members appointed by ENR on advice of the Northwest Territory Métis Nation. Previous membership included members appointed on the advice of the Dehcho First Nations (DFN). ENR has also sought advice in the past on appointments from North Slave Métis Alliance and the Akaitcho Dene First Nations. In October 2020 ENR issued another invitation to DFN to nominate someone to SARC.

As per the [SARC Rules of Conduct](#), any person who wishes to attend a SARC meeting as an observer must submit a written request. Observers do not participate in SARC decisions. Guests and observers are asked to sign a declaration form indicating they will abide by principles of impartiality and confidentiality. All final assessment decisions will be made by the Committee in camera.

The GNWT agrees in principle to this recommendation, which can be addressed without statutory amendments.

Recommendation 3

The Standing Committee on Economic Development and Environment recommends the Government of the Northwest Territories establish an expedited legal process for Indigenous hunters to regain access to hunting equipment when there is a risk of losing the hunting season without it.

GNWT Response

When an officer appointed under the *Wildlife Act* becomes aware of a potential offence under the *Wildlife Act*, the Officer will initiate an investigation. If they believe an offence has occurred, they may seize evidence, including in some cases hunting equipment, in accordance with the provisions set out in the *Wildlife Act*. Following the seizure of evidence, the *Wildlife Act* requires an officer, as soon as is practicable, to bring the thing seized before a justice or report to a justice that he or she has seized the thing and is detaining it, or is causing it to be detained, to be dealt with by the justice in accordance with the *Wildlife Act*. A justice is then required to return the thing that has been seized (and that has not been otherwise forfeited, abandoned or sold in accordance with the *Wildlife Act*) to the owner or other person lawfully entitled to possession of the thing, if the person is known, unless the prosecutor, or the officer or other person having custody of the thing, satisfies the justice that its detention is required for the purposes of any investigation, trial or other proceeding.

When a justice is satisfied that the detention of any seized things is required for the purposes of an investigation, trial or other proceeding, he or she shall order that it be detained until the conclusion of any investigation or until it is required to be produced for the purposes of a trial or other proceeding.

While there are statutory limits on the length of time a seized thing may be detained, if it is necessary in the circumstances, additional applications may be made pursuant to the *Wildlife Act* to seek additional periods of detention.

If, after an investigation where things are seized as evidence, proceedings are instituted in which the thing detained may be required, such as a charge being initiated under the *Wildlife Act*, the seized things may be detained until the prosecution is completed. At that time, depending on the specific circumstances of the case at issue, it may be that the court decides to make an order that any things seized in the connection with the offence be forfeited to the Government of the Northwest Territories, as part of the punishment. A court that does not order forfeiture may order the things seized to be returned to its owner or the person lawfully entitled to its possession.

In addition, if a fine is imposed on a person convicted of an offence, a thing seized, or any proceeds of its disposition (as the case may be in certain circumstances), may be retained until the fine is paid or the thing may, not less than one year after the day the fine is imposed,

be sold in satisfaction of the fine with the proceeds applied, in whole or in part, in payment of the fine.

A person claiming to be the owner or other person lawfully entitled to the possession of a thing that has been seized under the *Wildlife Act* has the option, pursuant to section 133 of the *Wildlife Act*, to apply to a justice for an order returning or releasing the thing to that person. Upon application, a justice may order a thing to be returned or released to the person lawfully entitled to its possess if the continued detention of the thing is not reasonably required for the purposes of an investigation, trial or other proceeding, and the thing has not been previously forfeited, abandoned, sold or disposed of under the *Wildlife Act*.

Officers appointed to enforce the *Wildlife Act* will take into account whether or not it is necessary, in the circumstances of the particular investigation, to seize specific pieces of hunting equipment and will make their decisions based on the specific factors in the matter they are investigating.

It may be necessary in the course of an investigation or prosecution for seized hunting equipment to detained, and possibly forfeited depending on the decision of the court, for evidentiary or other purposes. Where it is not necessary to detain seized hunting equipment for the purpose of an investigation, trial or other proceeding, hunting equipment may not be seized and, if it is, it may be that it can be returned to the person from whom it was seized or the person lawfully entitled to possess it, depending on the exact nature of the investigation, trial or other proceeding.

For these reasons, the GNWT does not accept this recommendation.

Recommendation 4

The Standing Committee on Economic Development and Environment recommends the Government of the Northwest Territories increase funding support for the Community Harvester Assistance Program (and related programs that develop hunting, trapping, and harvesting skills).

GNWT Response

ENR recently completed an evaluation of the Community Harvesters' Assistance Program (CHAP) to determine how the program is working and where changes are needed to make the program better for those who use it or administer it. This included broad public engagement in both 2019 as part of the development of the Sustainable Livelihoods Action Plan, and during specific targeted engagement on CHAP in 2021. ENR completed a What We Heard Report that was shared broadly and is reviewing and beginning to implement recommendations from the CHAP review. This will ensure that any changes to the program and funding levels are effective, targeted, and go where there is the most need.

ENR is also committed to address concerns we heard about equity of fund distribution within communities and the need for clearer funding guidelines. Additional funding, may also be required for other needs identified in the review related to harvester support, on the land activities and the traditional economy outside of the current scope of CHAP.

The GNWT agrees in principle to this recommendation, which can be addressed without statutory amendments.

Recommendation 5

The Standing Committee on Economic Development and Environment recommends the Government of the Northwest Territories make hunter education a requirement of the kindergarten to grade 12 NWT education curriculum.

GNWT Response

The GNWT is supportive of identifying links to hunter education including the new curricular competencies and outcomes for lower grades.

The GNWT announced the launch of a Hunter Education course for high school students as a pilot in 9 schools across the Northwest Territories (NWT) in the spring 2021-2022 school year. The Hunter Education program will be available to all schools across the NWT in 2022-2023 as an optional three-credit course for Grade 10 students.

The high school Hunter Education course was developed by the Department of ECE in collaboration with ENR, and is based on an existing Hunter Education Program developed in response to a call from Elders at a 2007 caribou Summit. The course provides new hunters with the fundamental knowledge and basic skills to help them to become respectful and safe hunters.

Teachers are encouraged to work with local Elders, Renewable Resource Officers and other ENR staff, experienced hunters, and other knowledge holders in their community. Students will be encouraged to increase their knowledge and skills by speaking with local hunters and elders in the area where they will be hunting.

ECE is currently embarking on curriculum renewal, which will see the adoption and adaptation of British Columbia's curriculum. Through that process, the curriculum will be reviewed closely to explore where adaptations will make the most sense for NWT students and to reflect the Indigenous cultures and languages of the NWT.

As part of curriculum renewal efforts, ECE can work with its partners to make purposeful curriculum connections to various aspects of hunter education, such as sustainable harvesting, wildlife management and outdoor safety, without developing new courses. Teachers also have the autonomy to teach curricular competencies and outcomes through

whatever means they deem appropriate and to make links throughout subjects and grades. To support this, the GNWT will consider collaborative development of age-appropriate resources to support such competencies and outcomes for the lower grade levels.

For these reasons, the GNWT does not accept this recommendation.

Recommendation 6

The Standing Committee on Economic Development and Environment recommends the Government of the Northwest Territories expand section 98 of the *Wildlife Act*, to require consideration of community conservation plans when determining allocation of harvests for wildlife and that written reasons be required for all decisions on harvest allocations.

GNWT Response

Section 98 was added to formalize processes for harvest allocation in a manner that prioritizes Aboriginal and/or Treaty rights to harvest first in cases where harvest is limited for conservation purposes, by allocating for subsistence use before commercial use.

Wildlife management decisions must be consistent with constitutionally protected harvesting rights, and ENR will continue to respect these rights and follow procedures laid out in land claims and/or self-government agreements.

Section 10 of the *Wildlife Act* acknowledges the role of local harvesting committees established under land claim agreements and their role and responsibility in the conservation and management of wildlife.

The GNWT ensures that all decisions relating to harvest allocations are communicated in writing, including the rationale behind the decision, to co-management partners, Indigenous governments, Indigenous organizations, and other parties, as required.

Community conservation plans will continue to be encouraged and supported as a part of overall coordinated approaches to management of wildlife populations, and they will be implemented and enforced to the extent possible through the *Wildlife Act* and associated regulations.

As set out in court decisions, any allocation of harvest among Indigenous governments or Indigenous organizations with Aboriginal and/or Treaty rights of any wildlife when a total allowable harvest is required for conservation must be based upon their relative traditional reliance on that wildlife. A community conservation plan could inform this process if it contains information on the extent of that Indigenous government's or Indigenous organization's traditional reliance on that wildlife. ENR and other co-management partners will consider this information to help inform harvest allocation.

For these reasons, the GNWT does not accept this recommendation.

Recommendation 7

The Standing Committee on Economic Development and Environment recommends the Government of the Northwest Territories work with Indigenous governments and Renewable Resource Boards to identify appropriate, culturally grounded, processes for enforcement using alternative measures which include restorative justice models.

GNWT Response

The GNWT can work with communities interested in considering alternative ways of dealing with wildlife management and conservation related compliance issues through alternate measures such as restorative justice models. These approaches can provide a forum to prevent and/or respond to infractions in a way that promotes a greater understanding of victim, offender and community needs.

Some offences may be diverted away from the traditional court system and be referred to community justice committees. The committee will set restorative measures that are appropriate, and in the best interest of the victim, the community, and the offender.

Alternative measures may only be used to deal with a person who is charged with an alleged offence under the *Act*. Even when a person is facing a charge under the *Wildlife Act*, there are still conditions that must be satisfied for alternative measures to be used. In summary these are as follows:

- the measures must be part of a program of alternative measures authorized by the Minister of Justice;
- the person considering use of alternative measures must be satisfied that their use would be appropriate, having regard to the needs of the alleged offender and the interests of society;
- the alleged offender must be fully informed of the alternative measures and fully and freely consent to their use;
- prior to consenting to use of alternative measures, the alleged offender must be advised of the right to counsel and be given a reasonable opportunity to consult counsel; and
- in the opinion of the Attorney General of the Northwest Territories, there must be sufficient evidence to proceed with prosecution of the alleged offence.

The Act prohibits the use of alternative measures for an offence under the Act if the alleged offender denies participation or involvement in committing the offence or expresses a desire to have a charge dealt with by a court.

The GNWT agrees in principle to this recommendation, which can be achieved without statutory amendments.

Recommendation 8

The Standing Committee on Economic Development and Environment recommends the Government of the Northwest Territories establish a role for Indigenous guardians in legislation.

GNWT Response

ENR acknowledges and supports the important role that Guardians or guardian-type programs play in monitoring the land, water and wildlife providing education and outreach that promotes respectful practices and conservation, encouraging the sharing and use of traditional knowledge and values, and helping support and create economic opportunities related to the land and traditional activities. ENR's position is that such programs are best championed and led by Indigenous communities, and that ENR can provide support in a variety of value-added ways.

Guardians do not have any enforcement powers under the *Wildlife Act, and Species at Risk Act (NWT)*. ENR will continue to work together with Indigenous Guardians and community-based monitoring programs to promote education, outreach and monitoring.

The Minister can appoint non-GNWT employees as ex-officio officers under the *Wildlife Act* and the *Species at Risk (NWT) Act*. The term ex-officio specifically means "who is part of it by virtue of holding another office", and ex-officio appointments are used to appoint officers from other GNWT departments, neighbouring jurisdictions (e.g. Yukon) and federal agencies (e.g. Fisheries and Oceans Canada) who may be involved in enforcing the *Wildlife Act* in functions seen as ancillary to their primary role. Ex-officio officers have specialized training and experience with investigative procedures and other law enforcement activities.

For these reasons, the GNWT does not accept this recommendation.

Recommendation 9

The Standing Committee on Economic Development and Environment recommends the Government of the Northwest Territories create a funding program to establish and maintain Indigenous guardian programs in communities, and that multi-year funding be available to employ people in small communities.

GNWT Response

The GNWT is committed to continue supporting community-led guardian and guardian-type programs, which provide a wide range of environmental, social, cultural, and economic benefits throughout the NWT.

ENR currently has a number of strategies, plans and programs with actions that directly or indirectly fiscally support the development and implementation of guardian and community-based monitoring programs. These include the Sustainable Livelihoods Action Plan, 2030 NWT Climate Change Strategic Framework and 2019-2023 Action Plan, Water Stewardship Strategy and Action Plan 2016-2020, Healthy Lands Healthy People 2016-2021, and a wide range of community-led programs focussed on land, wildlife, water, and environmental stewardship. ENR supports a wide range of guardian, guardian-like and community-based monitoring programs across the Northwest Territories.

Several examples of guardian programs supported by ENR include:

- Two territorial protected areas under the Protected Area Act, including Ts'udé Nilīné Tuyeta and Thaidene Nēné;
- Łutselk'e Dene First Nations Ni Hat'ni Dene guardian program that includes ecological monitoring, cultural site preservation, visitor interaction, and participation in NWT-wide Community-based Water Quality Monitoring Program;
- The Caribou Guardian Coalition, a coordinated network of community monitoring programs on the Bathurst caribou range, the Tłı̄chǝ Government's Boots on the Ground caribou monitoring program, and the Yellowknives Dene First Nation's community-based caribou monitoring program; and
- Kát'odeeche First Nation Nahendeh Kehotsendi Watching the Land program tracking environmental health and changes over time.

ENR support for guardian programs includes direct funding contributions, support for guardian wages, planning and proposal development, training, equipment, planning and proposal development, and in-kind support, depending on specific needs and requests from each community partner and guardian program. One example of ENR support for hiring guardians in small communities includes partly funding the salaries of two full-time guardians in Fort Good Hope to support Ts'udé Nilīné Tuyeta, as well as funding for 18 seasonal/casual guardians on an as-needed basis to support field work.

The GNWT will continue to build research and funding partnerships with Indigenous governments and Indigenous organizations, communities, and other partners to support NWT Guardian programs.

The GNWT agrees in principle to this recommendation, which can be achieved without statutory amendments by using existing approaches that support guardian programs.

Recommendation 10

The Standing Committee on Economic Development and Environment recommends the Government of the Northwest Territories remove any regulatory barriers that prevent communities from sharing wild meat to improve food security.

GNWT Response

Country foods are a very important part of the social, cultural and overall well-being of NWT residents. Increasing food security through locally produced, harvested and affordable food is a GNWT mandate priority. ENR supports this mandate through its Sustainable Livelihoods Action Plan and a number of targeted harvesting, on-the-land and country foods initiatives.

When the *Wildlife Act* was developed, Indigenous governments, Indigenous organizations, and other wildlife co-management partners wanted to include measures to help protect against over-hunting of wildlife and support the conservation of natural resources in the NWT for the benefit of future generations. Under the *Wildlife Act*, game harvested in the NWT cannot be sold for profit unless the seller has a general wildlife permit, which can be obtained for free at local/regional ENR offices, or a licence to deal in the meat of wildlife, as applicable. Residents can share their harvest with others. Some land claim agreements allow for some non-commercial traditional trading and/or bartering of game meat, however, these rules are complex, and residents are encouraged to check with their local Indigenous government or Indigenous organization or local ENR office before bartering or making a trade, to see if it's legal.

The Food Establishment Safety Regulations (Public Health Act) help to ensure safe handling of food for public consumption in permitted establishments. These Regulations apply to any premise that is producing food for a commercial purpose, including home-based producers, farmer's market vendors, and farms. The Food Establishment Safety Regulations were carefully developed to ensure they did not create any regulatory barriers that would prevent communities from legally sharing food, including wild meat. For example, they do not apply to community members sharing food with each other, traditional community feasts, or for functions/gatherings for members and their invited guests at which food is prepared and served by volunteers of that organization or group.

If wild meat is being served in a food establishment that is subject to the Regulations, it is exempt from government inspection as long as it is legally harvested in the NWT and is legally obtained by the operator of a food establishment. This exemption was included in the Regulations to encourage the availability of traditional foods in food establishment facilities.

The GNWT continues to work closely with its food security partner departments (ITI, ENR, HSS, and EIA), which also have responsibility for aspects of food security. This work is also informed by the Department of Health and Social Services (HSS) Anti-Poverty Strategy and ITI's Agriculture Strategy and Strategy for Revitalizing the Great Slave Lake Commercial Fishery, all of which deal with different aspects of food security. The Assistant Deputy Minister Food Security committee is reviewing these strategies to identify and address any gaps.

The GNWT agrees in principle to this recommendation, which can be achieved without statutory amendments by using existing approaches to implementation in collaboration with wildlife co-management partners.

Recommendation 11

The Standing Committee on Economic Development and Environment recommends the Government of the Northwest Territories expand Part 6, Conservation and Management Measures of the *Wildlife Act* to include provisions for nomination of conservation areas by Indigenous governments and others, consistent to the *Protected Areas Act*.

GNWT Response

While there is no formal process similar to the *Protected Areas Act*, ENR already regularly encourages Indigenous governments and Indigenous organizations to work with ENR in identifying important wildlife habitat that could be considered for protection when there is a wildlife conservation need. When developing a conservation area as set out in section 89 of the *Wildlife Act*, all relevant wildlife co-management partners need to be involved. An important distinction is that protected areas established under the *Protected Areas Act* are intended to be permanent, whereas conservation areas established under the *Wildlife Act* are intended to be temporary.

The GNWT regularly works with Indigenous governments and Indigenous organizations in the area of habitat conservation. In particular, under Bathurst Caribou Range Plan implementation, GNWT has held six prioritization workshops with Indigenous governments and Indigenous organizations over the past year and a half on identifying and prioritizing important caribou habitat for conservation with the ultimate goal of putting forward areas for conservation under either the *Wildlife Act* or *Species at Risk (NWT) Act*. In 2021, a wildlife conservation area was created under the *Wildlife Act* as a component of Thaidene Nënë (TDN) Territorial Protected Area. The GNWT worked extensively with Indigenous governments on the development of the wildlife conservation area, through the TDN negotiation process.

The GNWT agrees in principle to this recommendation, which can be achieved without statutory amendments using existing approaches to implementation.

Recommendation 12

The Standing Committee on Economic Development and Environment recommends the Government of the Northwest Territories make the results of discussions at meetings under Section 15 of the *Wildlife Act*, publicly available.

GNWT Response

The intent of the annual meeting under Section 15 is to bring together bodies and organizations with wildlife management responsibilities in the Northwest Territories to consider, discuss and promote cooperation and collaboration on wildlife management at a local, regional, and territorial level.

There have been six meetings held since the new *Wildlife Act* came into force, providing a valuable forum to discuss a range of topics including harvest reporting, hunter education, the use of drones while hunting, moose management, sustainable harvest levels for boreal caribou, and release of the 2021 barren-ground caribou survey results for 5 herds.

If ENR and all participating organizations agree, given that sensitive subjects are sometimes discussed, then a public release of a meeting summary can be made.

The GNWT agrees in principle to this recommendation, which can be achieved without statutory amendments.

Recommendation 13

The Standing Committee on Economic Development and Environment recommends that the Minister extend the Statutory Review period under section 171 of the *Wildlife Act* to match the review period established under section 147 of the *Species at Risk (NWT) Act*, and that both of these Statutory Review periods be required every other Assembly.

GNWT Response

The statutory review of the *Species at Risk (NWT) Act* required under section 147 is a one-time requirement to be conducted within 10 years of that section of the Act coming into force, and this requirement has been fulfilled by the current review.

Section 171 of the *Wildlife Act* requires a review by the Legislative Assembly within 5 years after that section of the Act came into force, and this requirement has been fulfilled by the current review. Future reviews are to occur no later than 7 years after the previous review.

For these reasons, the GNWT does not accept this recommendation.