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November 28, 2017

Mackenzie Valley Environmental Impact Review Board  
200 Scotia Centre  
Box 938, 5102-50<sup>th</sup> Ave  
Yellowknife, NT  
X1A 2N7

**Re: Board Comments at the Tłıchǫ All-Season Road Public Hearing (#)**

Dear Board Members,

During the public hearing of the Tłıchǫ All-Season Road (TASR) in Whati, comments were made with respect to the Yellowknives Dene First Nation's representation and stated position. We found these comments concerning, and felt it necessary to address them formally to ensure that there are no misunderstandings going forward.

On Day two of the hearing Board member Bertha Norwegian stated that,

"I'm still -- still not really clear. I don't know if those are the words that would be spoken to us by the Chief of the Yellowknives. I don't know if you have other representation here, but I find it very hard to believe that an Aboriginal group would disallow hunters. They might disallow numerous hunters, but, I mean, for example, if a young woman in the community met up with a fellow she fell in love with, and he moved here, you know, the community would allow him to come hunting with them. You know, we live in a -- that we're supposed to be living in a culture of peace and friendship, so I don't know that that you can ask as to even consider a point like that. Thank you."

During the same question period Board member James Wah-Shee stated that,

"I understand where you're coming from, not necessarily that I would agree, but thank you for your presentation."

First, we would like to assure Ms. Norwegian that Mr. Power's statements at the TASR public hearing reflect the views and directives of the YKDFN Chiefs. In the future we respectfully request that Board members not question the integrity of our staff.

Likewise, we trust that Mr. Wah-Shee's comments do not reflect any bias. We are confident that his statement of opinion does not reflect an unwillingness to hear and deliberate on evidence and

arguments put forward by intervenors. However, we do not feel that this was a constructive comment on the part of Mr. Wah-Shee.

The Yellowknives will always prioritize the rights of our members over the recreational activities of non-rightsholders. The Yellowknives see recreational hunters as having the same standing as water-skiers and snowshoers. We appreciate that people enjoy these activities, but they in no way approach the significance of the rights of our members. Protections for aboriginal harvesters to exercise their rights and engage in traditional practices are enshrined in both the *Constitution Act*, 1982 and the historic numbered Treaties. Conversely, recreational hunting is just that. Recreation.

Further, aboriginal groups and governments do not grant recreational hunting privileges to recreational hunters. The ability for recreational hunters to harvest is governed by regulations under the Government of the Northwest Territories' Wildlife Act. There is nothing unusual about restricting the privilege of recreational hunters. In fact, this is the rule, not the exception. Recreational hunters are not allowed to harvest any animals in the Northwest Territories unless explicitly licensed to do so. Currently, there are a range of harvesting restrictions in place for recreational hunters, including those for caribou.

As we are sure the Board is aware, the Northwest Territories has gone so far as to impose hunting restrictions aboriginal rights holders. Most notably for the Yellowknives, the GNWT has imposed a harvesting ban on Bathurst Caribou within the mobile no-hunting zone. This is the most important caribou herd for the Yellowknives and the no hunting zones' footprint currently lies primarily within the Yellowknives traditional territory (Chief Drygeese Territory). Prior to the imposition of these restrictions, the GNWT had imposed a hunting ban for recreational hunters as their harvesting privileges are subordinate to the rights of aboriginal peoples with respect to harvesting.

We have long supported restrictions on recreational hunters, when necessary. YKDFN called for a ban on recreational hunting of the Bathurst Herd long before the GNWT imposed its own restrictions. We were no more able to enforce this restriction than we would be able to grant exceptions to non-rightsholding loved ones.

The YKDFN is concerned that history is repeating itself with the boreal caribou. We see the boreal caribou in a similar state as the Bathurst caribou was before the current hunting ban. The herd is in decline, and everyone sees it coming. There is an obvious and simple way to save many caribou and protect the population. This is why we proposed that the harvest of the boreal caribou by recreational hunters be stopped. We will take no pleasure in being right on this issue.

As the Board can see, the Yellowknives' position on this matter is well reasoned and does not run contrary to principles of "peace and friendship". However, the true issue of concern for the Yellowknives is that the Board understand our position and take it as seriously as those of other intervenors. It is not the role of Board members to inject potential doubt as to the integrity of intervenors or the legitimacy of their concerns.

The Yellowknives appreciate the role that the Board plays in ensuring a fair and balance approach to project approval in the Mackenzie Valley. For the Board's processes to retain their legitimacy it is essential for participants to have faith in the process. We don't believe that there is a risk of bias and we feel that this letter addresses any lingering doubts about the YKDFN's position or representation at the TASR hearing. We trust that in the future, Board Members will continue to carefully consider their words and lines of questioning. This goes to preserving the confidence in the EA process and YKDFN's participation.

Mahsi Cho,



Chief Edward Sangris, Dettah  
Yellowknives Dene First Nation



Chief Ernest Betsina, Ndilo  
Yellowknives Dene First Nation

- C. Johanne Black, Director, Land and Environment, Yellowknives Dene First Nation
- C. Alex Power, Regulatory and Research, Land and Environment, Yellowknives Dene First Nation