



GRRB Consultation Rules and Procedures

Approved February 18, 2010

Comments or questions regarding this document should be directed to:

Gwich'in Renewable Resources Board
Executive Director

P.O. Box 2240
2nd Floor, Alex Moses Greenland Building
105 Veterans' Way (formerly Distributor Street)
Inuvik, Northwest Territories, Canada X0E 0T0
Ph: (867) 777-6600
Fx: (867) 777-6601
Email: office@grrb.nt.ca
Website: www.grrb.nt.ca

TABLE OF CONTENTS

1. DEFINITIONS	3
2. INTRODUCTION.....	4
2.1 Why does the GRRB need to have a Consultation Policy?	4
2.2 Consultation: What does it mean?.....	4
2.3 Relevant Roles of the Board	6
2.4 Good Practices & Gwich'in/Public Expectations	7
3. RESEARCH.....	8
3.1 Rules for Consultation on Research	8
3.2 Procedures for Consultation on Research	9
4. WILDLIFE MANAGEMENT	10
4.1 Rules for Consultation on Wildlife Management	12
4.2 Procedures for Consultation on Wildlife Management.....	13
5. LIMITING THE HARVEST	16
5.1 Rules for Consultation on Limiting the Harvest	18
5.2 Procedures for Consultation on Limiting the Harvest.....	18
6. TRADITIONAL SHARING.....	20
6.1 Rules for Consultation on Traditional Sharing	21
6.2 Procedures for Consultation on Traditional Sharing.....	21
7. ADVICE TO GOVERNMENT	22
7.1 Rules for Consultation on Advice to Government.....	22
7.2 Procedures for Consultation on Advice to Government	23
 APPENDIX	
Research Consultation Summary.....	A1
Wildlife Management Consultation Summaries.....	A2
Limiting the Harvest Consultation Summaries.....	A5
Defining Traditional Sharing Consultation Summary.....	A6
Advice to Government Consultation Summary.....	A6

DISCLAIMER

The GRRB Consultation Rules and Procedures is a living document. If there is any inconsistency or conflict between these Rules and Procedures and the Gwich'in Comprehensive Land Claim Agreement (GCLCA), the Agreement prevails. Without departing from the requirements of the GCLCA, and provided that reasons are given, the Board may waive any requirements of these Rules and Procedures at any time, either before or after the matter arises.

Furthermore, urgent circumstances and/or government discretion may result in truncation of or changes to timelines and responsibilities reported in these Rules and Procedures, as outlined in the GCLCA (see for example, sections 12.8.33-12.8.35 and relevant portions of section 12.8 among other applicable sections of the GCLCA).

1. DEFINITIONS

Board - Gwich'in Renewable Resources Board

Consultation Round – includes all of the consultation sessions pertaining to a particular topic before a decision is made; multiple consultation rounds may be required before a final decision can be made. Summaries of a consultation round are often provided to all parties within 30 days of the end of the last consultation session.

Consultation Session – an effort by the Board to engage other organizations, groups or individuals in an informed discussion of potential outcomes before options for decision-making are taken for a particular topic; often in the form of a meeting or conference call.

Gwich'in Minimum Needs Level – the lowest limit of the Gwich'in Needs Level. It is calculated for species or populations of wildlife based on data collected by the Gwich'in Harvest Study. The Gwich'in Minimum Needs Level for populations of migratory birds incorporates data additional to that of the Gwich'in Harvest Study.

Gwich'in Needs Level – the portion of the Total Allowable Harvest that is allocated for use by participants. This portion is determined through consultations with Renewable Resources Councils and must consider all relevant factors, in particular those included in section 12.5.5 of the *GCLCA*.

Public Registry – maintains documents for public review and where noted, public commentary. Its contents are accessible at the Board's office in Inuvik or electronically at www.grrb.nt.ca/Public_Registry.htm. Written material can be made available to those without physical or internet access to the Public Registry.

Renewable Resources Council – Gwich'in Renewable Resources Councils were established in each Gwich'in community through their respective designated Gwich'in organization to encourage and promote local involvement in conservation, harvesting studies, research and wildlife management in the local community.

Total Allowable Harvest – once established, is the maximum number of individuals of a wildlife species or population that can be harvested by all people, including Gwich'in participants. The harvest of wildlife by participants cannot be limited by the GRRB until a Total Allowable Harvest is set, pursuant to section 12.5.2 of the *GCLCA*.

2. INTRODUCTION

2.1 Why does the GRRB need to have a Consultation Policy?

The *GCLCA* provides a wide range of powers to the Gwich'in Renewable Resources Board, hereafter referred to as the Board, including the establishment of Gwich'in Minimum Need Levels and Gwich'in Need Levels for any species of animal, bird, fish or plant within the Gwich'in Settlement Area (GSA). The Board also holds the power to set total allowable harvest levels for any species, and for any user, and therefore the Board holds the responsibility to determine minimum conservation requirements for any species or population within the GSA.

The Board is a public institution exercising co-management authorities under the *GCLCA*. As a public body, the Board exercises powers that are constitutionally mandated: the Board is the main instrument of wildlife management within the Gwich'in Settlement Area. While government (federal and territorial) retain the ultimate jurisdiction over wildlife and habitat management, they have agreed, through a modern Treaty protected by the Constitution, to coordinate all relevant decisions on renewable resources through the Board.

The Board is also provided a wide range of advisory and approval powers in relation to proposals for development in the GSA that might affect renewable resources, including management plans, endangered species, land and water use impacting on renewable resources, and conservation areas, territorial and national parks.

To match these wide-ranging powers, the *GCLCA* sets out the authority of the Board to:

12.8.23(g): establish rules and procedures for the carrying out of any consultation required by these provisions.

The Board requires, in this context, a clear set of rules and procedures for how it intends to conduct consultations. The Board recognizes that setting consultation procedures needs to be done with input from and dialogue with those likely to be affected – including the Gwich'in, governments, third parties and the broader public.

Accordingly, the Board has developed these Consultation Rules and Procedures for response and commentary by those most directly involved: Gwich'in institutions and government. The Board also invites comment and suggestions for improvement from other stakeholders: including co-management institutions within the Gwich'in Settlement Area, Aboriginal peoples with interests within the Gwich'in Settlement Area, long-term residents of the N.W.T. as well as the general public.

2.2 Consultation: What does it mean?

There are differing views about what proper consultation really means. This can lead to misunderstandings. It is important to share a common understanding of what

consultation means in a practical sense, and what steps must be taken – not only by the Board itself, but also by the other parties involved. This includes the Gwich'in generally, the Renewable Resources Councils and other Gwich'in institutions, the federal and territorial governments, and the public generally, including groups provided special interests in the *GCLCA*'s framework for renewable resources management (e.g., non-Gwich'in Aboriginal groups with traditional interests in the GSA, and long-time residents of the NWT).

Consultation refers to making policy decisions on the basis of the informed involvement of those affected by the decisions. Those who are consulted must not only be informed, but must be “heard” meaningfully. Consideration must be given to the concerns raised and, where possible, concerns or alternatives preferred by those consulted should be accommodated.

Consultation is defined in section 2.1.1 of the *GCLCA* as:

- (a) The provision, to the party to be consulted, of notice of a matter to be decided in sufficient form and detail to allow that party to prepare its views on the matter;
- (b) The provision of a reasonable period of time in which the party to be consulted may prepare its views on the matter, and provision of an opportunity to present such views to the party obliged to consult; and
- (c) Full and fair consideration by the party obliged to consult of any views presented;”

The Board’s commitment is that all its policy decisions will abide by this meaning of consultation. Similarly, where the *GCLCA* requires governments to consult with the Board, the consultation rules and procedures set out in this policy shall be adhered to by the Board with respect to consultations with government.

The Board is a co-management body that exists and has powers on the basis of agreement between the Gwich'in and the Crown. The Board is not part of the government of Canada, nor of the N.W.T., and is not a Crown agency. As a result, the Board has consultation duties that are not tied to Crown obligations. These consultation duties are uniquely tied to the Board’s main goal of protecting the wildlife and wildlife habitat within the Gwich'in Settlement Area, and to the specific terms of the *GCLCA*.

However, by agreement between the Gwich'in and government, the Board does have powers of decision-making in relation to wildlife and wildlife habitat management. The Board has the powers of a federal Commission of Inquiry, and can order witnesses to attend its proceedings and give evidence or testimony in order to inform its decisions. In some (though limited) cases, the Board is also the final decision-maker on certain matters, including on appeal from Renewable Resources Council decisions on fur-bearer harvesting and in the regulation of the Gwich'in right to trade for personal consumption to ensure that it is not “commercial”.

2.3 Relevant Roles of the Board

The Board as an Advisory Body

The Board acts in an advisory capacity to federal and territorial Ministers under s. 12.8.32 of the *GCLCA*. In these matters, the Board proposes solutions or approves or comments on the plans and actions of government, but it does not ultimately decide on what solutions will in fact be brought into force as a matter of law.

The Board as Decision Maker

The Board holds many decision-making powers in relation to wildlife management (s. 12.8.23). The Board makes decisions that directly alter the potential access to renewable resources of the Gwich'in, other Aboriginal peoples with interests in the GSA, long-term residents of the NWT or Canadians and other users generally. In these cases, and particularly in relation to decisions affecting the Gwich'in, the Board needs to have procedures that meet or beat the standards set by legislation or by the courts in relation to how consultations must be carried out.

For example, the Board is empowered to determine what is “commercial” and therefore not to be considered “trade” in relation to Gwich'in rights to trade among themselves and other Aboriginal peoples for personal consumption, under s.12.4.16 (d) of the *GCLCA*. This power is quite wide, since it is not subject to review by government other than for conservation, public safety or health concerns.

In these cases – where the Board is effectively acting as the final decision maker – the consultation rules and procedures have to accommodate the fact that Gwich'in and potentially other Aboriginal rights are being limited or constrained by decisions. Consultation procedures must therefore ensure that the standards set by the Supreme Court and by good public policy are respected and followed. In some cases, the *GCLCA* provides guidance as to what level of consultation is required of the Board. For example, in establishing policies and proposing regulations for the changing or removal of special harvesting areas and any conditions attached to them (as set out in section 12.4.4), the Board may make decisions only with the consent of the affected Renewable Resources Councils.

The Board as an Appeal Body

In many cases, the Board is also the final arbiter or decision-maker on decisions by Renewable Resources Councils in relation to access by non-Gwich'in to fur-bearer harvesting outside of Gwich'in lands. In this case, the Board acts as a quasi-judicial body – like a court of appeal, or a grievance board. In this case, the Board is not held to the normal standards of consultation as discussed above. Quasi-judicial agencies, like the courts, are generally not bound to the obligation on the Crown or Crown agencies to consult before making decisions. In this narrow case, the Board is instead required to follow reasonable standards of procedure to ensure that all of its decisions respect the rights of those implicated to have a say, appear before the Board to make their case, and be informed of the standards of evidence and rules of procedure involved. This is not, however, part of the consultation continuum. Accordingly, a

separate policy on the Board's quasi-judicial or grievance procedures will be developed, in accordance with the Strategic Plan.

2.4 Good Practices & Gwich'in/Public Expectations

A wide variety of models exist for consultative practices on Aboriginal issues, though few address the challenges facing a co-management Board flowing from a modern Treaty or comprehensive land claims settlement.

Even without clear examples of comparative relevance, there are lessons to be learned from the experience of other public agencies with decision-making powers similar to those of the Board:

- The need to engage Gwich'in and, where implicated, other Aboriginal interests and institutions, very early in the formulation of decisions, preferably once the key information on the topic for consultation is available, but before defined options for management or harvest limitations have been developed;
- The need to provide community members with clear information on issues and potential solutions, and on the status of decision-making time-frames, well in advance of any meetings, and in a format that is readily understood;
- Where desired or sought, entry into a basic consultation protocol or agreement so that community members have a clear understanding of notification procedures, who to contact with questions or comments, and how to keep up to date on the Board's decision-making process on any particular topic;
- Where the Board is participating in a broader management or harvest planning exercise (e.g., for migratory populations such as Bluenose Caribou), there is a need for a clear assignment of consultation responsibilities amongst the parties involved early on in the planning process;
- Ensure that written material is available at the Board office and can be made available to those without physical or Internet access to the Public Registry; and
- Assignment of clear reporting duties within the Board, whether to staff, management or Board members themselves; facilitated by a common reporting template or form.

Gwich'in expectations for consultation are high, and rightly so. A challenge that the Board must meet is to ensure that consultations with Gwich'in (particularly through the Renewable Resources Councils and the Gwich'in Tribal Council) are communicated broadly enough that the Board's commitment to good consultation practices is understood, embraced and reinforced. As set out in the Board's Strategic Plan for 2008-2013 (Goal 1; Objective 1), this requires the Board to work with the Renewable Resources Councils to assist with their abilities to represent their communities and achieve their mandate of promoting involvement in conservation, harvesting studies, research and wildlife management.

3. RESEARCH

Context

The Board makes decisions at least annually on appropriate research activities, based on a number of considerations. These include management and harvest study research priorities determined in discussions with Gwich'in institutions (particularly the Renewable Resources Councils), directions for further research set by existing or earlier research, the need to complete and maintain the Gwich'in Harvest Study, and available resources.

The Gwich'in Harvest Study is a requirement of section 12.5.6 of the *GCLCA* and is the basis for decisions about Gwich'in Minimum Needs Levels for any particular species (wildlife, fish, or forestry based), which is determined by a set formula. The Gwich'in Harvest Study has now been completed and is available in the Board's Public Registry, although species-specific data from the Harvest Study may be only available by special request.

Under section 12.8 of the *GCLCA*, the Board is also provided a mandate to conduct or participate in wildlife research in the Settlement Area. The Board is fortunate in that it has a Wildlife Studies Fund sustained by a trust investment. This is not nearly enough to afford all the research that the Board, or its partners, would wish. However, it does provide an essential bench-mark capacity to decide, independently on behalf of the parties to the *GCLCA* (Gwich'in, Federal and Territorial governments), what research is most important in the coming years to inform wildlife management and harvest planning activities and obligations.

In addition, much of the Board's research agenda is sustained by collaborative or match-funded contributions from other agencies, including Gwich'in, federal, territorial and academic, non-profit and even, on occasion, business contributions. Needless to say, such research decisions by the Board are driven by consultations with those directly involved in contributing to the end-results.

Guiding Principle

The primary consideration in assessing research priorities for support or participation of the Board and/or the Wildlife Studies Fund will be its value or contribution to wildlife management and harvesting priorities as established annually by the Board, in consultation with the Gwich'in and government parties to the GCLCA.

3.1 Rules for Consultation on Research

Note: See Appendix for a summary of the research consultation rules and procedures.

- 3.1.1 The Board is empowered to determine its own research priorities, consistent with the terms of the *GCLCA* and emerging research priorities. Such research will be carried out in accordance with the principle of respect for Gwich'in traditions of harmony with the natural world.

- 3.1.2 As a matter of good practice, the Board will consult with Gwich'in communities in the determination of research priorities through public meetings with interested community members in Aklavik, Inuvik, Fort McPherson and Tsiigehtchic. These meetings will normally be held together with consultation sessions held with Renewable Resources Councils, as well as through the update to the Gwich'in Tribal Council Annual Assembly. Designated Gwich'in Organizations, Band Councils, Elders and Youth Councils are to be informed of such meetings and invited to participate. Where relevant to proposed research, other Aboriginal stakeholders are to be consulted (e.g., Vuntut Gwitchin, Sahtu, Inuvialuit, etc.).
- 3.1.3 As required by sections 12.8.40 and 12.9.5 of the *GCLCA*, the Board will hold formal consultation meetings at least twice annually with Renewable Resources Councils to determine community research priorities, to assist in setting the Board's research agenda, and to identify how to involve the Renewable Resources Councils in wildlife research or harvest studies.
- 3.1.4 In addition, the Board will liaise throughout each year on a regular basis with the Gwich'in Tribal Council (GTC) and the Gwich'in Social and Cultural Institute (GSCI) to better inform the Board's research agenda and coordinate its actions with those of Gwich'in institutions.
- 3.1.5 The Board will also be in regular liaison with federal and territorial government departments and agencies involved in wildlife or harvest management and related research of species within the GSA, and will seek formal protocols or Memoranda of Understanding to provide clarity for the ongoing liaison process.
- 3.1.6 The Board will liaise as required with other co-management Boards and agencies whose research activities may have an effect on management or harvest plans within the GSA, including the Sahtu Renewable Resources Board, the Inuvialuit Game Council, Fisheries and Oceans Canada, the Department of Environment and Natural Resources, etc.
- 3.1.7 As a matter of good practice, the Board will liaise with academic and non-profit organizations involved in research activities affecting or within the GSA.
- 3.1.8 The Board will, further to and subject to section 12.8.39 of the *GCLCA*, maintain a public file for reports, research papers and data received by the Board, in such manner as the Board may find convenient. Any materials provided to the Board on a confidential basis will not be made public without the consent of the originator. Research findings, reports or data produced by the Board for harvest or management planning purposes may be held as confidential where, in the Board's opinion, publication or release of the information could imperil the status or health of a sensitive, threatened or endangered species or population.

3.2 Procedures for Consultation on Research

- 3.2.1 The Chair and/or Executive Director shall be responsible for leading the Board's bi-annual research consultation rounds with the Renewable Resources Councils and will supervise the Board's regular liaisons with Gwich'in communities, GTC and GSCI, relating to GSA research activity.
- 3.2.2 Information material shall be circulated to those Gwich'in communities and institutions with which consultations are planned and posted on the Board's website no less than 21 days prior to the scheduled consultation session.
- 3.2.3 As a guideline, the main comments and decisions made from each consultation session will be reviewed by session participants before the end of each session. A summary of plans discussed during all consultation sessions regarding a particular topic, including the outcomes, will be available for review on the Board's Public Registry within 30 days of the final consultation session in a consultation round, excluding any information of a confidential nature. Comments from the public will be accepted in person, by phone, mail, email, or on the Board's website.
- 3.2.4 The Board's staff members with research responsibilities will be present to discuss research priorities and objectives to Renewable Resources Council/community meetings and, if required or requested, at the annual GTC Assembly and the annual Regional Renewable Resources Council meeting.
- 3.2.5 A Research Consultation Committee, comprised of the Executive Director, appointed staff and members of the Board, will supervise liaison responsibilities by the Board or on its behalf with Gwich'in, government agencies or departments and with other stakeholders. A liaison and consultation log will be developed by the Research Consultation Committee and will include information on meetings, teleconferences and decisions related to Board research plans. New entries will be presented at each of the bi-annual Renewable Resources Council research consultation sessions. The Research Consultation Committee may establish and recommend deadlines for research proposal applications, Board consideration and response time.

4. WILDLIFE MANAGEMENT

Context

The objectives of wildlife harvesting and management planning are established in section 12.1 of the *GCLCA*:

- (a) Protect for the future the right of the Gwich'in to gather, hunt, trap and fish throughout the settlement area at all seasons of the year;
- (b) Conserve and protect wildlife and wildlife habitat and to apply conservation principles and practices through planning and management;
- (c) Provide the Gwich'in with certain exclusive, preferential and other harvesting rights and economic opportunities related to wildlife;

- (d) Respect the harvesting and wildlife management customs and practices of the Gwich'in and provide for their on-going needs for wildlife;
- (e) Involve the Gwich'in in a direct and meaningful manner in the planning and management of wildlife and wildlife habitat;
- (f) Integrate planning and management of wildlife and wildlife habitat with the planning and management of all types of land and water use in order to protect wildlife and wildlife habitat;
- (g) Ensure that traditional harvesting by other aboriginal peoples who have harvested in the settlement area can be accommodated in this agreement; and
- (h) Deal fairly and equitably with persons who hunt, trap, fish or conduct commercial wildlife activities in the settlement area and who are not participants.

Further direction is drawn from objectives in sections 1.1.6 – 1.1.8 of the *GCLCA*:

- Provide the Gwich'in with wildlife harvesting rights and the right to participate in decision making concerning wildlife harvesting and management;
- Provide the Gwich'in the right to participate in decision making concerning the use, management and conservation of land, water and resources; and
- Protect and conserve the wildlife and environment of the settlement area for present and future generations.

The federal and territorial governments retain the ultimate jurisdiction for the management of wildlife and wildlife habitat, to initiate programs and to enact legislation subject to following the co-management provisions of the *GCLCA*.

Unless otherwise directed by Ministers, government regulatory decisions recommended by the Board will remain confidential until completion of the Ministerial consideration of the Board's decision, as set out in section 12.8.25 of the *GCLCA*.

Under the *GCLCA*, the Board is established to work in the public interest as the main instrument of wildlife management within the Gwich'in Settlement area (s. 12.8.1). In carrying out this role, the Board also has the jurisdiction to conserve and protect particular wildlife habitats (s. 12.8.23(c); 12.8.32).

Wildlife Management: What it means

Management planning is defined as the making and implementation of policies, decisions or plans, or the approval of plans, involving wildlife and wildlife habitat. Consultation on wildlife and wildlife habitat management will follow the rules and procedures as described in this document. This includes any and all policies or proposed regulations of the Board where the goal of which is, without formally limiting harvest entitlements or practices, to conserve and protect wildlife and wildlife habitat within the Gwich'in Settlement Area. Consultation on individual management planning actions that explicitly require public hearings, such as by proposing specific harvest allocations or changing harvest allocations already in place, will follow the rules of public hearings.

Included in this definition of management planning is the management by the Board, or its approval of plans or proposed regulations relating to commercial harvesting of wildlife, propagation, cultivation and husbandry of furbearers, commercial processing, marketing and sale of wildlife products, guiding and outfitting services, and hunting, fishing and naturalist camps and lodges. Consultation rules on these matters, as described in this document, may call for public hearings to be held, in which case consultation will then also follow the rules and procedures for public hearings.

Wildlife management can occur on either a geographic basis (involving multiple species) or on a species-specific basis. Based on both harvesting and other research conducted by the Board or by third parties, management plans are developed to improve conservation of wildlife and to mitigate potential disruptions to wildlife habitat or population health. In this respect, whether for species and populations not wholly within the settlement area, or where new land or water use applications are being considered within the GSA, the Board's authorities and activities must be integrated with, or accommodate, the rules and procedures of other co-management agencies, of government and of the Gwich'in.

Guiding Principles

To conserve and protect wildlife and wildlife habitat in the GSA, and to protect for the future the right of the Gwich'in to gather, hunt, trap and fish at all seasons of the year.

To respect the harvesting and wildlife management knowledge, customs and practices of the Gwich'in and provide for their ongoing needs for wildlife.

To involve the Gwich'in in a direct and meaningful manner in the planning and management of wildlife and wildlife habitat.

To integrate planning and management of wildlife and wildlife habitat with the planning and management of all types of land and water use in order to protect wildlife and wildlife habitat.

4.1 Rules for Consultation on Wildlife Management

Note: See Appendix for a summary of the wildlife management consultation rules and procedures.

- 4.1.1 Wildlife and habitat management plans within the Gwich'in Settlement Area (GSA) are to be established and verified with the Renewable Resources Councils (RRCs) according to the procedures set out in this policy.
- 4.1.2 Gwich'in communities will be consulted primarily through the RRCs. All other Gwich'in organizations will be invited to participate in public meetings related to wildlife and habitat management.
- 4.1.3 The Board will liaise and consult with the federal and NWT governments in the management of wildlife and wildlife habitat.

- 4.1.4 The Board will liaise and consult with other co-management boards within the GSA, and with other co-management boards involving migratory species or species or populations not wholly within the settlement area, in order to better integrate management planning. Consultation procedures with Renewable Resources Councils are to be clarified through protocols or Memoranda of Understanding with these other co-management boards.
- 4.1.5 Application for commercial opportunities in relation to wildlife, other than fish, is permitted by section 12.7 of the *GCLCA*. The GTC shall have the right of first refusal for any such opportunity, in accordance with the provisions of section 12.7.5 of the *GCLCA*. Where there has been no previous commercial harvesting for the particular species or population concerned during the previous three years, the Board shall require an applicant to obtain the consent of any affected Renewable Resources Councils, subject to a review of a refusal of consent on grounds of reasonableness. The Board shall consult with the Renewable Resources Councils, the GTC and the GSCI with respect to appropriate terms and conditions for any licence or permit. The consultations may consider, as terms and conditions of a general license, employment, training and business opportunities for the Gwich'in, non-interference with harvesting by the Gwich'in and like matters, as stipulated in section 12.7.1 of the *GCLCA*.

4.2 Procedures for Consultation on Wildlife Management

- 4.2.1 With respect to wildlife management planning¹, the Board will in general follow the procedures set out below:
- (a) Consultation sessions in the form of meetings with RRCs open to Gwich'in organizations and the public will be held, if possible, in each GSA community to discuss elements for inclusion in the initial draft of a management plan. The Board will also seek input and advice from government wildlife manager(s) during this initial consultation round. A consultation round summary will be available in the Board's Public Registry for review within 30 days of the last consultation session in the consultation round.
 - (b) Draft management plans will be available for public commentary through the Board's Public Registry and circulated to GTC, providing at least 60 days to comment. Draft management plans will be sent to RRCs with at least 30 days to review in advance of any consultation session to be held with RRCs. Where possible, Board staff will provide pre-consultation briefings on draft management plans to RRC members. RRCs will have up to 30 days following their respective consultation session to submit comments.
 - (c) Amended Draft Management Plans, based on input from RRCs and comments from GTC and the general public, will be provided for the input and advice of

¹ The Board acknowledges the Regional RRC motion (January 2009), that all wildlife management plans be living documents to which each party to the plan has the right to initiate the plan amendment process.

government wildlife manager(s) at least 90 days prior to the Board's consideration of a management plan. A summary of this consultation round will be available through the Board's Public Registry for review within 30 days of receiving government input.

- (d) Board decisions on management plans shall remain confidential and be sent to the relevant Minister for approval, pursuant to s. 12.8.25 of the *GCLCA*. The Minister may, within 90 days, accept, vary or set aside and replace the decision. Any proposed variation or replacement shall be sent back to the Board with written reasons. The Board shall make a final decision within 30 days and forward it to the Minister with written reasons.
- (e) Where the Board participates in management planning for migratory species, or species or populations not wholly within the settlement area, with other co-management boards and/or government agencies, a protocol shall be developed with those boards or agencies to identify roles and responsibilities for consultation with Gwich'in, and in particular with affected Renewable Resources Councils. The Board shall liaise with the affected Gwich'in institutions (including, where relevant, the GTC, GSCI and Designated Gwich'in Organizations) prior to completing a protocol on consultation roles and responsibilities.
- (f) As a general rule, brief summaries will be provided at the end of each consultation session on Wildlife Management, then circulated to Renewable Resources Councils and made available in the Board's Public Registry within 30 days of the end of each consultation round. Comments by the public on consultation round summaries will be accepted at the Board's office or on-line for at least 30 days. Notes shall be made where information of a confidential nature has been withheld.

4.2.2 Where the Board is asked to respond to a licence request made to the Gwich'in Land and Water Board or the Gwich'in Land Use Planning Board, the Board will respond within 14 days with a preliminary determination of the adequacy of the applicant's information in relation to the Board's duty to assess any effects on wildlife or habitat. Where the information is inadequate for that purpose, or where an impact on wildlife harvesting or habitat is considered to be potentially adverse, the Board will request additional time to consult with the Gwich'in, the Renewable Resources Councils and with government on the detailed impacts.

4.2.3 Affected Renewable Resources Councils shall be contacted – whether by telephone, e-mail or otherwise – by the Board with its draft response to requests for comment on applications to the Gwich'in Land Use Planning Board, Gwich'in Land and Water Board, or Gwich'in Land Administration. The Board will respond to applications made to the respective boards as it is best able, in light of the respective application response time-frames of those boards and on the basis

of the information provided to the Board on the applicant's plans affecting wildlife or wildlife habitat.

- 4.2.4 With respect to applications for commercial wildlife opportunities, including: harvesting; naturalist activities; guiding and outfitting; and the propagation, cultivation and husbandry of wildlife, the Board will in general follow the procedures set out below:
- (a) All applications to the Board regarding commercial wildlife opportunities shall be made available within 30 days of reception and for at least 30 days of public review through the Board's Public Registry. A summary of the entire consultation process shall be provided to RRCs and made available through the Public Registry within 30 days of making a final decision.
 - (b) The Board shall determine whether an application for commercial wildlife activities, including harvesting, naturalist activities, or guiding or outfitting for hunting and sport fishing, is to be permitted in a particular area for a particular species or population and may prescribe terms and conditions for such commercial activities. Where such a commercial activity has not occurred in the previous three years, the Board shall require the consent of the affected Renewable Resources Council(s), pursuant to s. 12.7.1(b) of the *GCLCA*. The Board shall stipulate what the Board considers to be a reasonable time for the Renewable Resources Council(s) to review the application, consider it and respond to it. The Board will work closely with the affected Renewable Resources Council(s) to provide support in understanding any implications for wildlife harvesting by Gwich'in of the applicant's proposed commercial activity.
 - (c) Where a Renewable Resources Council refuses consent to an applicant for such a commercial wildlife activity, the Board may, upon application or on its own motion, review the decision of the Renewable Resources Council for reasonableness. If the Board feels the application is reasonable under all circumstances, it will provide the Renewable Resources Council concerned with 90 days advance notice of the Board's position before approving any request with such terms and conditions as the Board sees fit to apply, pursuant to s. 12.7.1(a) of the *GCLCA*.
 - (d) In setting terms and conditions for such a commercial wildlife activity, whether there is a requirement of consent or not, the Board will consult with the affected Renewable Resources Councils, the Gwich'in Tribal Council and the Gwich'in Social and Cultural Institute, and provide at least 90 days for commentary and feedback on possible terms and conditions before giving them final consideration.
 - (e) In considering a proposed commercial activity for the propagation, cultivation or husbandry of wildlife, whether indigenous to the settlement area or not, the

Board will assess whether or not, in its view, the activity might adversely affect the indigenous wildlife population and harvesting by the Gwich'in, and shall inform all Renewable Resources Councils of its preliminary view in writing, providing at least 90 days to review the Board's assessment before holding a consultation session with the Renewable Resources Councils. Where the Board remains of the view that the proposed activity could adversely affect indigenous wildlife or Gwich'in harvesting in the area concerned, or otherwise, the Board shall require the applicant to seek the consent of the Renewable Resources Councils.

- (f) Where a Renewable Resources Council refuses consent to an applicant for a licence to operate a commercial activity for the propagation, cultivation or husbandry of wildlife, the Board may, upon application or on its own motion, review the decision of the Renewable Resources Council for reasonableness. If the Board decides that the proposed activity is reasonable under all circumstances, it will provide the Renewable Resources Council concerned with 90 days advance notice of the Board's position and invite the Renewable Resources Council to comment on the matter before making any final decision and informing the appropriate licencing authority of that decision.

5. LIMITING THE HARVEST

Context

The Board is empowered under the *GCLCA* to allocate harvesting of wildlife so as to achieve the objectives of the *GCLCA* as set out in Chapter 12, section 12.1.1. Unless and until the Board implements its powers to set harvesting allocations, government legislation or policies in effect from time to time shall continue to apply.

Section 12.5 of the *GCLCA* provides detailed guidance on the manner in which the Board is to set harvest plans for any species or population that requires harvest limitations:

- Establishment, modification or removal of Total Allowable Harvest levels for any species or population;
- Establishing a Gwich'in Minimum Needs Level;
- Setting a Gwich'in Needs Level if in excess of corresponding Gwich'in Minimum Needs Level; and
- Allocation of the Total Allowable Harvest in excess of a Gwich'in Needs Level, including for other Aboriginal peoples, long-time NWT residents reliant on country foods, for sport hunting and fishing, and for commercial operators.

The goal is to set conservation needs for a particular species or population. With respect to a Gwich'in Minimum Needs Level, the *GCLCA* establishes a clear procedure and formula that is based on the Board's Settlement Area Harvest Study. There are two formulae provided in the *GCLCA* (one for wildlife generally, and one for migratory game birds). In essence, Gwich'in Minimum Needs Levels (for all wildlife, including fish and

migratory game birds) are determined by the harvest levels of the first five years of the Harvest Study.

The determination of a Total Allowable Harvest for any species or population will necessarily require a public hearing, subject to the rules set out in the Board's *Rules for Public Hearings*. However, as a matter of good practice, the Board has adopted the rules and procedures for consultations in advance of holding formal hearings on harvest allocations. In addition, it is important to note that the Board is required to consult with Renewable Resources Councils on location, methods, quantities, seasons and like matters in advance of allocating a portion of any Total Allowable Harvest in excess of a Gwich'in Needs Level to non-participants, pursuant to section 12.5.15 of the *GCLCA*. This is a general requirement, but is specifically required in relation to allocations of Dall's sheep in the Mackenzie Mountains, muskox, moose and Barren ground caribou. For some species and activities (commercial muskox harvesting and related guiding services generally, and for all commercial allocations on Gwich'in lands), non-participants may not be allocated any portion of the harvests involved without the consent of the Gwich'in.

The establishment or amendment of a Gwich'in Minimum Needs Level does not require formal consultations over and above the rules and procedures in relation to the Board's research activities and completion of the Settlement Area Wildlife Harvest Study. However, the policy set out in detail pertaining to Limiting the Harvest does require that the Renewable Resources Councils and government be provided with the data and assumptions used by the Board to set the Gwich'in Minimum Needs Level for a species or population, allowing time to comment.

The Board has the discretion to set a Gwich'in Needs Level above or at, but not below, a Gwich'in Minimum Needs Level. This requires substantive consultations with Gwich'in as to their actual needs in the harvesting allocation period being contemplated – whether that need is greater than or equal to the formal Gwich'in Minimum Needs Level. The consultation rules and procedures reflect the right of the Gwich'in (through the Gwich'in Tribal Council or the relevant Renewable Resources Council) to release to the Board for allocation to non-participants any portion of the Gwich'in Needs Level over the Gwich'in Minimum Needs Level that will not be required by the Gwich'in.

The Board may choose to establish harvest allocations on its own, or it may be requested to do so by government, in which case the Board must comply with a government request within a reasonable time as set by the Minister concerned.

As with management plans, harvest allocations may be informal (voluntary) or formal (set out in government regulations). Where formal allocations are made, the regulations become enforceable in law. Because of this, setting formal allocations and limits requires that the various rules and conditions must be followed as set out in the *GCLCA* regarding consultation and/or public hearings.

Guiding Principles

The Gwich'in, government, and other co-management agencies with powers in relation to any migratory species or species and populations that are not wholly within the settlement area concerned, shall be consulted prior to the determination, whether or not public hearings are required, of any total allowable harvest for a species or population, utilizing the best available conservation research and the results of the Gwich'in Harvest Study as amended and updated from time to time.

Gwich'in institutions will be fully consulted in advance of any Board decision that sets a Gwich'in Needs Level. At a minimum, consultation shall include the Renewable Resources Councils and the Gwich'in Tribal Council.

Prior to the allocation of the harvest in excess of the Gwich'in Minimum Needs Level, the Board shall hold a public hearing where required under the GCLCA, in accordance with the Board's Rules for Public Hearings.

5.1 Rules for Consultation on Limiting the Harvest

Note: See Appendix for a summary of the Limiting the Harvest consultation rules and procedures.

- 5.1.1 The Board will consult with Gwich'in communities and community institutions, principally through the Renewable Resources Councils, in determining the Conservation Level and the Gwich'in Needs Level for a species or population for which a Total Allowable Harvest is being contemplated. In relation to a Gwich'in Needs Level, the Board shall consider all relevant factors set out in section 12.5.5 of the *GCLCA*.
- 5.1.2 The Board will liaise and consult with the parties to the *GCLCA* in the development of any proposed Conservation Level and Gwich'in Needs Level, taking into account the relevant factors set out in section 12.5.5 of the *GCLCA*.
- 5.1.3 The Board will hold public hearings on the establishment of a Total Allowable Harvest and for a Gwich'in Needs Level with respect to a species or population of wildlife, which has not been subject to a Total Allowable Harvest within the previous two years. The public hearings will be held in accordance with the Board's *Rules for Public Hearings*.
- 5.1.4 The Board will liaise with other co-management boards involving migratory and trans-boundary species to integrate harvest management planning. Integrated harvest plans will be based on Gwich'in Needs Levels in general, as established through consultations.

5.2 Procedures for Consultation on Limiting the Harvest

- 5.2.1 The Gwich'in Minimum Needs Level for a species or population is to be developed in accordance with the *GCLCA*. The data and assumptions used in setting the Gwich'in Minimum Needs Level will be provided to the Renewable Resources Councils and to relevant government departments with a minimum of 30 days for comment. After this period, the Board shall set the Gwich'in Minimum Needs Level in accordance with the formula set out in s.12.5.8 of the *GCLCA*.
- 5.2.2 In advance of any public hearing on a Total Allowable Harvest and associated conservation requirements and allocation plans, or on a Gwich'in Needs Level, the Board will directly consult with the Renewable Resources Councils and with the GTC on a proposed Gwich'in Needs Level to determine whether the Gwich'in Needs Level exceeds that established in the Gwich'in Minimum Needs Level referred to above. The Board shall provide written reasons for its proposed Gwich'in Needs Level allocation and provide a minimum of 90 days for comment to Renewable Resources Councils and the GTC, unless circumstances require a shorter time frame.
- 5.2.3 Where no Total Allowable Harvest has been in place within the previous two years, the Board shall consult with the communities, the Renewable Resources Councils, other Gwich'in institutions, government and the public in general through a public hearing conducted in accordance with the Board's *Rules for Public Hearings*, pursuant to s. 12.8.21(b) of the *GCLCA*.
- 5.2.4 Based on consultations and/or public hearings on any new or amended Total Allowable Harvest and any new or amended Gwich'in Needs Level, the Board will provide the proposed harvesting plan on its Public Registry to provide third parties and the public with at least 60 days final notice prior to formal consideration for adoption by the Board. The public will be notified via appropriate media, such as radio, newspaper, television, or posters, as to how and where they can make their comments.
- 5.2.5 Brief summaries will be provided at the end of any consultation session related to limiting the harvest (other than public hearings), then circulated to all institutions involved and made available through the Board's Public Registry within 45 days of the end of a consultation round. Comments by the public on any consultation round summary will be accepted at the Board's office or on-line for at least 30 days. Note shall be made where information of a confidential nature has been withheld.
- 5.2.6 Where requested by a party to the *GCLCA*, or on its own motion, the Board may choose to proceed with the urgent establishment of a Total Allowable Harvest and establish an associated Gwich'in Needs Level and any related allocation beyond the Gwich'in Needs Level. Based on the situation at hand and the level of threat involved, the Board will liaise with all parties to the *GCLCA* and with the Renewable Resources Councils and set, at its discretion, a time frame and

procedures for an appropriate response. Where the Board is unable in the circumstances to discharge any obligation to hold a public hearing on the matter given the urgency of the situation, the Board may request the issuance of an interim decision by the Minister responsible, pursuant to section 12.8.35 of the *GCLCA*.

6. TRADITIONAL SHARING

Context

Section 12.4.16 of the *GCLCA* provides that Gwich'in have the right to "trade among themselves and with other aboriginal peoples, for personal consumption, edible products of wildlife harvested by them." This is the definition provided by the *GCLCA* for "traditional sharing". The *GCLCA* also defines "aboriginal peoples" to mean those aboriginal people who reside in and are eligible by law to harvest wildlife in the Northwest Territories, or who are members of a Yukon First Nation and reside in the Yukon.

The Board is provided the power to ensure that traditional sharing among individuals and communities, and the Gwich'in right to trade, is not done in a manner that the Board considers "commercial". The Board is provided considerable discretion in this power, since the relevant Minister may not review a Board proposed regulation in this matter, other than for purposes of conservation, public safety, or public health.

The Board may also require those involved in trade activities that are not commercial to prove their right of enrolment in the *GCLCA*, or require participants to obtain permits or licences for the purpose of regulating harvesting (without fee or tax).

The Board will not propose a formal regulation for the purposes of s.12.4.16 (d) unless it receives an application to do so, such as an application from a Renewable Resources Council, from the GTC, or from an individual. The Board acknowledges the need to achieve a broad-based consensus on the definition of "commercial", including the need for youth and elder engagement and for the input of recipients of Gwich'in traditional sharing, including other Aboriginal peoples within the NWT and the Yukon.

As with Wildlife Management Planning and Limiting the Harvest, the main vehicle for community consultations are the Renewable Resources Councils, in liaison with Designated Gwich'in Organizations, Band Councils and Hamlet/Town Councils.

The Board notes that, based on the requests of any of the parties, it may also need to address traditional sharing and the definition of "commercial" in the case of trans-boundary or migratory species. When called upon, the Board will pursue the matter through the appropriate joint management structures, such as the Porcupine Caribou Management Board.

Guiding Principles

The Board will consult with the Gwich'in Tribal Council, the Gwich'in Social and Cultural Institute, the Renewable Resources Councils and with government prior to the determination of what the Board considers "commercial" and therefore beyond valid trade conducted in accordance with section 12.4.16 of the GCLCA.

The Board will establish, after discussion with the Gwich'in Tribal Council and the Renewable Resources Councils, an outreach consultation mechanism with Aboriginal peoples referred to in section 12.4.16(b) of the GCLCA to obtain their informed views on any proposed regulation concerning what is considered "commercial" and therefore excluded from the Gwich'in right of trade.

6.1 Rules for Consultation on Traditional Sharing

Note: See Appendix for a summary of the traditional sharing consultation rules and procedures.

- 6.1.1 The Board will consult with the Renewable Resources Councils, the Gwich'in Tribal Council (GTC), the Gwich'in Social and Cultural Institute (GSCI) and government on any proposed determination of what the Board considers "commercial" in relation to s.12.4.16 (a) rights.
- 6.1.2 Based on input from the public, Gwich'in and government, a proposed regulation shall be posted on the Board's website for public comment and provided in writing to each Renewable Resources Council, the GTC, the GSCI and to government before the Board convenes to adopt or vary the proposed regulation.

6.2 Procedures for Consultation on Traditional Sharing

- 6.2.1 A proposed regulation addressing the distinction between commercial activities and traditional sharing shall be developed in consultation with the Renewable Resources Councils. The proposed regulation shall then be posted on the Board's Public Registry and circulated for comment to Gwich'in participants through the Renewable Resources Councils, the GTC and the GSCI, and to the relevant government agencies, providing at least 120 days for comment. All comments received will be made available through the Board's Public Registry within 30 days of the end of the comment period. If the Board finds it necessary, a public hearing may be held on the distinction between commercial activities and traditional sharing in accordance with the Board's *Rules for Public Hearings*.
- 6.2.2 An amended regulation on traditional sharing will be drafted following input from the public, Gwich'in participants and government. The amended regulation will be posted for public comment on the Board's website and circulated to the Renewable Resources Councils, the GTC and the GSCI, allowing at least 60 days for comments. The Board's determination of a proposed regulation will then be transmitted to the responsible Minister for adoption and enforcement in accordance with the normal regulatory process.

7. ADVICE TO GOVERNMENT

Context

The *GCLCA* sets out a wide range of conditions for the engagement of the Board in discussions and consultations with, or to provide advice to, the federal and territorial governments. In some cases, the relevant text of the *GCLCA* refers to the relationship involved as one of consultation. In other cases the requirement is on government to “work with” the Board, particularly in relation to management planning and for migratory species and of species or populations not wholly within the settlement area (i.e. see section 12.6.2 of the *GCLCA*). In other cases, the Board has the power to approve government proposals on wildlife or habitat management – whether through legislation, national or territorial parks, inter-provincial or international agreements; public education; research policies or the evaluation of research; cooperative management of migratory species, and plans for training Gwich’in in management of wildlife and related economic opportunities.

The Board is required to provide timely advice and government is entitled, under urgent circumstances, to act without Board input through interim decisions.

The Board is also empowered to advise government of any matter that the Board considers important, and to request the parties to the *GCLCA* to review any of its provisions.

“Advice to Government” is specifically intended to include the formal transmission of written advice to either a Federal or Territorial Minister on habitat or wildlife management, harvest limitation, or any other matter included in Chapter 12 of the *GCLCA* where the Board makes a formal decision to give such advice. This would not include normal or every-day transactions or liaison between the Board, Executive or Staff and governmental officials. These rules and procedures are meant to cover only formal requests by a Minister to the Board for advice, or formal advice provided by the Board at its own initiative to a Minister.

Guiding Principle

The Gwich’in Renewable Resources Board will, in relation to advice sought by or provided to government, consult with government departments and agencies on the basis of agreed-to procedures for information sharing, disclosure and decision-making. Such procedures are to be established through formal Memoranda of Understanding between the Board and the government departments/agencies concerned. Where appropriate, the Board will also consult with the Renewable Resources Councils and the Gwich’in Tribal Council.

7.1 Rules for Consultation on Advice to Government

Note: See Appendix for a summary of the Advice to Government consultation rules and procedures.

- 7.1.1 The Board will draft protocols (e.g., written agreements or Memoranda of Understanding), to clarify the roles, responsibilities and undertakings for i) consultations with government; and ii) Board approval procedures of government plans, with the relevant departments and agencies (e.g., Fisheries and Oceans Canada, Environment Canada and the Department of Environment and Natural Resources of the Northwest Territories). Wherever possible, such protocols will be developed and implemented at the local level with the involvement of Renewable Resources Councils.
- 7.1.2 Consultation with government shall provide sufficient time to permit the Board to carry out its consultation obligations with Gwich'in or, where relevant, non-participants who may be affected with respect to existing management or harvest plans within the GSA.
- 7.1.3 Subject to confidentiality requirements described in s. 12.8.24(b) of the *GCLCA*, consultation with government will be subject to public documentation through the Board's Public Registry. The results of formal consultations, advice from the Board or responses to requests for advice to the Board will be documented and made public through the Board's Public Registry once the process outlined in s. 12.8.25 of the *GCLCA* is complete.

7.2 Procedures for Consultation on Advice to Government

- 7.2.1 Unless otherwise required and subject to available resources, the Board will respond to government requests for advice and/or the exercise of the Board's approval powers within 120 days of such request, to ensure that time is available for internal assessment and consultation and/or liaison with affected Gwich'in institutions and other affected stakeholders.
- 7.2.2 Notice to the public will be given through the Public Registry within 30 days of government requests for advice or approvals to the Board.
- 7.2.3 Depending upon the topic involved, consultations with Renewable Resources Councils and/or other Gwich'in institutions will follow the rules and procedures relevant to that topic, as specified elsewhere in this Policy.
- 7.2.4 Where the Board exercises its authority to offer advice to government or to any of the parties to the *GCLCA* without being requested, consultation by the Board with Gwich'in institutions and government, or as relevant with other stakeholders, will follow the most appropriate procedures as set out in this Policy.
- 7.2.5 Where, pursuant to section 12.8.35 of the *GCLCA*, the Board is requested to respond to an urgent government request for a decision on wildlife management under its powers set out in section 12.8.23, or to advise the government on matters listed under section 12.8.32, the Board shall respond within 30 days or, if the Minister indicates a more pressing requirement, within an earlier timeframe as is required.

APPENDIX

The Appendix summarizes the steps the Board must take to meaningfully consult with its co-management partners and the public on the five topics discussed in the *GRRB Consultation Rules and Procedures*. The summaries are meant as a guide only, and are not meant to replace the *GRRB Consultation Rules and Procedures* policy.

Research Consultation Summary

Topic: Research	Source
<p>Note. The Board will liaise throughout the year with GTC and the Gwich'in Social and Cultural Institute to better inform the Board's research agenda and coordinate its actions with those of Gwich'in institutions.</p>	s. 3.1.4
<p>Consultation Round #1 Step 1. GRRB prepares for the first of the bi-annual research consultation rounds with RRCs by providing each RRC with information material at least 21 days before their respective consultation session.</p>	s. 3.2.2
<p>Step 2. GRRB leads a research consultation session in each Gwich'in community to update and discuss important research topics, including research priorities, tendering research and updates on research activities and the Board's research liaison activities with other Gwich'in institutions. At its conclusion, participants will review the main topics and outcomes of their session.</p>	s. 3.1.2 s. 3.1.3 s. 3.2.3
<p>Step 3. Within 30 days of the last consultation session in the consultation round, the GRRB provides summaries of the research consultation round to RRCs and makes them available for review through the GRRB's Public Registry.</p>	s. 3.2.3
<p>Consultation Round #2 Step 4. GRRB prepares for the second of the bi-annual research consultation rounds with RRCs by providing each RRC with information material at least 21 days before their respective consultation session.</p>	s. 3.2.2
<p>Step 5. GRRB leads a research consultation session with RRCs in each community to update and discuss important research topics, including research priorities, tendering research and updates on research activities and the Board's research liaison activities with other Gwich'in institutions. At its conclusion, participants will review the main topics and outcomes of their session.</p>	s. 3.1.2 s. 3.1.3 s. 3.2.3
<p>Step 6. Within 30 days of the last consultation session in the consultation round, the GRRB provides summaries of the research consultation round to RRCs and makes them available for review through the GRRB's Public Registry.</p>	s. 3.2.3

Wildlife Management Consultation Summaries

Topic: Wildlife Management Plan	Source
<p>Consultation Round #1 Step 1. GRRB hosts community consultation sessions with RRCs, Gwich'in organisations and the public to discuss potential management plan, providing at least 30 days notice before each session. Request made to relevant government wildlife manager(s) for input and advice on potential management plan.</p>	s. 4.2.1(a)
<p>Step 2. Summary of Consultation Round #1 provided to RRCs and made available for review through the GRRB's Public Registry within 30 days of the last consultation session in Round #1.</p>	s. 4.2.1(a)
<p>Consultation Round #2 Step 3. Draft management plan posted on the Public Registry and circulated to RRCs and GTC. GTC and public have at least 60 days to review and provide comments, while RRCs have at least 30 days to review before the second round of community consultation sessions are held (see Step 4).</p>	s. 4.2.1(b)
<p>Step 4. GRRB holds community consultation sessions with RRCs to review the DRAFT management plan. Comments are due within 30 days after each session.</p>	s. 4.2.1(b)
<p>Step 5. Amended DRAFT management plan, based on RRC input and comments from Gwich'in and the general public, is sent to government wildlife managers providing 90 days for their review.</p>	s. 4.2.1(c)
<p>Step 6. Summary of Consultation Round #2 provided to RRCs and made available for review through the GRRB's Public Registry within 30 days of receiving Government input.</p>	s. 4.2.1(c)
<p>Step 7. DRAFT management plan sent for Board decision.</p>	s. 4.2.1(d)
<p>Step 8. GRRB submits recommended management plan to the relevant Minister for approval.</p>	s. 4.2.1(d)
<p>Step 9. Minister has up to 90 days to accept, vary or set aside and replace the Board's decision.</p>	s. 4.2.1(d)

Wildlife Management Consultation Summaries (continued)

Topic: Application for Commercial Harvest, Naturalist, Guiding or Outfitting Activity	Source
Step 1. Application for commercial activity submitted to GRRB	
<p>Step 2. GRRB determines if application is to be permitted in a particular area for a particular species or population of wildlife.</p> <ul style="list-style-type: none"> • <i>If GRRB permits application, and such commercial activity has NOT occurred in previous 3 years, proceed to Step 3.</i> • <i>If GRRB permits application, and such commercial activity has occurred in previous 3 years, proceed to Step 5.</i> • <i>If GRRB does not permit application, application is denied.</i> 	s. 4.2.4(b)
<p>Step 3. Affected RRC(s) review application. GRRB provides support to RRC(s) in understanding any implications the application might have for wildlife harvesting by Gwich'in.</p> <ul style="list-style-type: none"> • <i>If RRC(s) refuse their consent, proceed to Step 4.</i> • <i>If RRC(s) give their consent, proceed to Step 5.</i> 	s. 4.2.4(b)
<p>Step 4. The application will be denied unless, upon application by an interested party or on its own motion, the GRRB reviews the RRC(s) decision and finds the application to be “reasonable in all the circumstances”.</p> <ul style="list-style-type: none"> • <i>If GRRB finds application to be “reasonable in all the circumstances”, proceed to Step 5.</i> • <i>If application is denied, proceed to Step 7.</i> 	s. 4.2.4(c)
<p>Step 5. GRRB consults with RRC(s), GTC and GSCI on the terms and conditions for the proposed commercial activity.</p>	s. 4.2.4(d)
<p>Step 6. GRRB posts possible terms and conditions on its registry and sends copies to RRC(s), GTC and GSCI, providing at least 90 days of commentary and feedback before GRRB gives the terms and conditions final consideration.</p>	s. 4.2.4(d)
<p>Step 7. GRRB posts a summary of the consultation process on its Public Registry and provides a copy to RRCs within 30 days of making its decision.</p>	s. 4.2.4(a)

Wildlife Management Consultation Summaries (continued)

Topic: Application for Commercial Propagation, Cultivation or Husbandry of Wildlife	Source
Step 1. GRRB provides affected RRC(s) with its preliminary assessment of the application.	s. 4.2.4(e)
Step 2. GRRB allows affected RRC(s) at least 90 days to review the assessment.	s. 4.2.4(e)
Step 3. GRRB holds consultation session(s) to review the assessment, answer questions and receive comments from affected RRC(s).	s. 4.2.4(e)
Step 4. GRRB determines whether the proposed activity could adversely affect Gwich'in harvesting in the area concerned. <ul style="list-style-type: none"> • <i>If YES, proceed to Step 5.</i> • <i>If NO, proceed to Step 8.</i> 	s. 4.2.4(e)
Step 5. GRRB requires the applicant to seek RRC(s) consent for the area. <ul style="list-style-type: none"> • <i>If the RRC(s) refuse their consent, proceed to Step 6.</i> • <i>If the RRC(s) give their consent, proceed to Step 8.</i> 	s. 4.2.4(e)
Step 6. The application will be denied unless the GRRB reviews the RRC(s) decision (upon application by an interested party or on its own motion), and finds the application to be “reasonable in all the circumstances”. <ul style="list-style-type: none"> • <i>If the application is found to be reasonable in all the circumstances, proceed to Step 7.</i> • <i>If the application is denied, proceed to Step 8.</i> 	s. 4.2.4(f)
Step 7. GRRB provides the RRC(s) concerned with 90 days advance notice of the Board's position and invites the RRC(s) to comment on the matter before making any final decision.	s. 4.2.4(f)
Step 8. GRRB posts a summary of the consultation process on its Public Registry and provides a copy to RRCs within 30 days of making its final decision.	s. 4.2.4(a)

Limiting the Harvest Consultation Summaries

Topic: Gwich'in Minimum Needs Level	Source
Step 1. GRRB calculates the Gwich'in Minimum Needs Level according to formula in s.12.5.8 of <i>GCLCA</i> , and provides the calculations and all assumptions used to RRCs and to relevant government departments with a minimum of 30 days for comment to ensure that the appropriate information has been used.	s. 5.2.1
Step 2. After commentary period, the GRRB shall set the Gwich'in Minimum Needs Level.	s. 5.2.1
Step 3. GRRB will post a summary of the consultation process on its Public Registry and provide a copy to all institutions involved within 45 days of setting the Gwich'in Minimum Needs Level.	s. 5.2.5

Topic: Setting a Total Allowable Harvest and Gwich'in Needs Level	Source
Step 1. The GRRB prepares for a public hearing by first consulting with RRCs and GTC about the proposed Gwich'in Needs Level.	s. 5.2.2
Step 3. GRRB sends the proposed Gwich'in Needs Level to RRCs, GTC and government to comment within 90 days on the proposed harvest allocation, unless circumstances require a shorter time.	s. 5.2.2
Step 4. GRRB consults with all stakeholders by holding a Public Hearing (see <i>GRRB Rules for Public Hearings</i>), on conservation requirements, the Gwich'in Needs Level and the Total Allowable Harvest.	s. 5.2.3
Step 5. GRRB provides the proposed harvest plan through its Public Registry, providing third parties and the public with at least 60 days' final notice prior to formal consideration for adoption by the Board.	s. 5.2.4

Topic: Adjusting a Total Allowable Harvest and Gwich'in Needs Level i.e. the Total Allowable Harvest has been set within the previous two years	Source
Step 1. GRRB sends the proposed Total Allowable Harvest and/or Gwich'in Needs Level adjustment to RRCs, GTC and government to comment within 90 days on the proposed harvest allocation, unless circumstances require a shorter time.	s. 5.2.2
Step 2. The proposed harvest plan is made available through the GRRB Public Registry, providing third parties and the public with at least 60 days final notice prior to formal consideration for adoption by the Board.	s. 5.2.4
Step 3. GRRB will post a summary of the consultation process on its Public Registry and provide a copy to all institutions involved within 45 days of setting the Gwich'in Minimum Needs Level.	s. 5.2.5

Defining Traditional Sharing Consultation Summary

Topic: Defining Traditional Sharing	Source
Step 1. GRRB has consultation meetings with RRCs to create proposed regulation defining traditional sharing.	s. 6.2.1
Step 2. GRRB circulates proposed regulation to Gwich'in through the RRCs, GTC and GSCI and also to the relevant government agencies, providing at least 120 days for commentary.	s. 6.2.1
Step 3. GRRB posts all comments received on its Public Registry within 30 days of the end of the commentary period. If the Board finds it necessary, a public hearing may be held on the distinction between commercial activities and traditional sharing in accordance with the Board's <i>Rules for Public Hearings</i> .	s. 6.2.1
Step 4. An amended regulation on traditional sharing based on input from Gwich'in, public and government will be available through the GRRB Public Registry for public commentary and circulated to the RRCs, GTC and GSCI at least 60 days before the GRRB makes a final decision on the proposed regulation and sends it to the responsible Minister for adoption.	s. 6.2.2

Advice to Government Consultation Summary

Topic: Providing Advice to Government e.g. Government requests advice on plans affecting wildlife or wildlife habitat	Source
Step 1. GRRB will provide advice to government within 120 days of it being requested.	s. 7.2.1
Step 2. Notice of the request for advice will be posted on the GRRB's Public Registry within 30 days.	s. 7.2.2
Step 3. Consultation will follow the rules and procedures outlined in this document for the given topic.	s. 7.2.3
Step 4. If request for advice is urgent, GRRB will provide advice to government within 30 days or less as required.	s. 7.2.5