



Níh boghodi: We are the stewards of our land

An ACFN stewardship strategy for thunzea, et'thén and dechen yághe ejere (woodland caribou, barren-ground caribou and wood bison)

April 26, 2012



Athabasca Chipewyan First Nation

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Ratified by ACFN Chief and Council on April 26, 2012

by Pat Marcel and the Athabasca Chipewyan First Nation
with the Firelight Group Research Cooperative

Acknowledgements

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Disclaimer

Information provided herein is based on the understandings of the authors, and is not intended as a complete depiction of the dynamic and living system of use and knowledge maintained by the elders and members of ACFN. Absence of data does not mean absence of use or value. Additional studies are necessary to fill information gaps regarding ACFN knowledge and the resources, criteria, thresholds and indicators necessary to sustain meaningful practice of ACFN rights into the future. Nothing in this submission should be construed as to waive, reduce, or otherwise constrain the rights of the ACFN, or of other First Nations or aboriginal peoples. This strategy is a living document and no part of it should be reproduced without written permission of ACFN. Information in this report is based on current understandings of existing development pressures. The industrial landscape is constantly changing and the rate of change is rapid. The information and recommendations in this report may be updated as new information becomes available.



Níh boghodi

We are the stewards of our land

We, the **Dené sų́íné** people of the Athabasca Chipewyan First Nation (ACFN), have relied on our traditional lands since time immemorial. Our traditions go on and we have the right to continue our traditional way of life. We agreed only to share our lands and we still consider these lands ours. **Thunzea**¹ (woodland caribou, *Rangifer tarandus caribou*), **et'thén** (barren ground caribou, *Rangifer tarandus groenlandicus*) and **dechen yághe ejere**² (wood bison, *Bison bison athabascae*) have always had a central role in ACFN's distinctive Dené culture, and are now rare or hard for our people to find within our territories. We rely on these species for our continued existence. These animals and their habitat require immediate protection: since mid-2010, ACFN has repeatedly requested that the Environment Minister recommend an Emergency Order for woodland caribou, pursuant to section 80 of the *Species at Risk Act*, 2002.

Our elders signed Treaty No. 8 with Canada in 1899 as a Peace and Sharing Agreement with the Crown. This agreement guaranteed our ability, and the ability of our children and grandchildren, to maintain our distinct way of life into the future, and to support the fair, honourable, and peaceful sharing of lands and resources between the Canadian Crown and our Nation.

Our rights as established in the Treaty are not being protected and populations of important cultural species are in decline because of poor management practices, industrial development pressures and loss of habitat.

“We are the stewards of our land and caribou are integral to our culture and our connection with the land. We have to protect our lands in order to preserve our culture and support our constitutionally protected rights to hunt caribou and other culturally significant species in our traditional territory.”

— Chief Allan Adam

1 Also sometimes spelled as **etendzı́e**.

2 Also sometimes spelled as **thachin ya n'jere**.

The primary goal of this strategy is to provide a concrete vision and tool for sustaining the way of life of our Nation, particularly in relation to ACFN Homelands, and in the face of anticipated or proposed development. This includes pro-active protection and restoration³ of habitat for all local populations of **thunzea**, **et'thén** and **dechen yághe ejere** within their historical range in ACFN Homelands and in Stewardship and Protection zones.

In support of this primary goal, we, the **Dené sų́łíné** people of the Athabasca Chipewyan First Nation (ACFN):

AFFIRM that, for our way of life to be sustained, each of our families, and all of our Nation's members, must be able to return to and use those places that are special to them;

AFFIRM that, consistent with our Nation's ancestral oral laws, the principle of **níh boghodi**, the ACFN Elders' Declaration on Rights to Land Use,⁴ Treaty No. 8, and the United Nations Declaration on the Rights of Indigenous Peoples,⁵ our Nation has a sacred, pre-existing, and sovereign right and responsibility to protect, care for, and manage our air, land, and water so that our children and their children, into the farthest future, may be able to practice their rights and way of life freely. We the **Dené sų́łíné** have our own land use rules⁶ that ensure mutual respect and survival of all;

AFFIRM that each member of our Nation, present and future, is entitled to the peaceful enjoyment of a way of life consistent with the practice of our elders, that this includes rights to hunting, trapping, fishing, gathering, incidental rights and related practices, that these rights modernize over time, and that they require each member being able to use, access, and reside in, freely and with confidence, the cultural places and resources, specific and general, tangible and intangible, that give our rights modern meaning and substance (including access to sufficient quantity and quality of land, water, air, wildlife, plants, and other resources according to preferred means, and at preferred locations, within our territory); and

COMMIT to implementing the management guidelines below to defend our Nation's rights, and the rights of each of our members, in perpetuity, to access and peacefully enjoy the particular lands and resources that are integral to our culture, our stories, our knowledge, and our language, including **thunzea** (woodland caribou, *Rangifer tarandus caribou*), **et'thén** (barren ground caribou, *Rangifer tarandus groenlandicus*) and **dechen yághe ejere** (wood bison, *Bison bison athabascaae*).



Chief Allan Adam,
Athabasca Chipewyan
First Nation

3 Recovery of caribou and bison is defined as achieving viable connected populations across the species natural range and this includes the restoration of historical range and protection of all existing local populations.

4 ACFN Elders' Declaration on Rights to Land Use, Declared by the Athabasca Chipewyan First Nation Elders Council, July 8, 2010, Fort Chipewyan, Alberta (unpublished); see Appendix 1.

5 United Nations Declaration on the Rights of Indigenous Peoples, www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf.

6 ACFN members historically followed a, "cooperative system of mutual respect... based on communal rules that ensured the survival of all and of the fur resources." Athabasca Chipewyan First Nation, *Footprints on the Land: Tracing the Path of the Athabasca Chipewyan First Nation* (Fort Chipewyan, Alberta: ACFN, 2003), page 68.

ACFN thunzea, dechen yághe ejere and et'thén protection zone

From the Firebag River corridor north to the provincial border, including the Birch Mountains and Lake Athabasca

Soon after the signing of Treaty No. 8, ACFN's Chief Alexander Laviolette raised concerns regarding non-Native mismanagement of fur and game and pushed for further protection of ACFN rights. There was a huge influx of settlers into the Fort Chipewyan area in the early 1900s. In 1926, the boundaries of Wood Buffalo Park were extended and we, the ACFN, were excluded. Non-native hunters and trappers pushed out of the park moved into the Jackfish Lake and Athabasca Delta areas. Non-native hunting and trapping pressure on the practice of ACFN treaty rights was intense. After Alexander Laviolette passed away, his brother Jonas took over as chief and continued to petition the government for land.⁷ In 1935, the Crown formally set aside a tract of land east of Wood Buffalo Park:

*Beginning at a point where the Inter-Provincial boundary between Alberta and Saskatchewan joins the south boundary of the North-West Territories, thence southward along the Inter-Provincial boundary to the 27 Base Line, thence west along the said 27 Base Line to the Athabasca River, thence north along the eastern boundary of the Wood Buffalo Park, to a point where it joins the southern boundary of the North-West Territories, thence east along the southern boundary of the North-West Territories to the point of intersection of the Inter-Provincial boundary.*⁸

This was an early effort by the Crown to recognize the integral nature of these lands to the livelihood of ACFN members. The government soon forgot this recognition of ACFN livelihood rights. Since this time, industrial development and wildlife management practices have eroded habitat for species of cultural concern to a point where ACFN livelihood rights are being rendered useless. As per the Elder's Declaration (Appendix 1) "The lands from Firebag north, including Birch Mountain on the west side of river, must be protected. Richardson Backcountry is not to be given away — not to any government." In interviews conducted in 2010, ACFN knowledge holders stated that all of the **thunzea, dechen yághe ejere** and **et'thén** habitat north of the Firebag needs to be protected.⁹ Populations in the Kearl Lake, Birch Mountains, Ronald Lake and Firebag areas are high priority for restoration



"Nih boghodi means we are the stewards of our land. Everything that falls under our land, all of this, every animal that lives there must survive into the next millennia for the ACFN people to survive."

— Pat Marcel, ACFN Elder

PHOTO COURTESY
MIKE JONES/FLICHR

7 Jonas Laviolette, Chief of Fort Chipewyan Indians, to Chief of the Indian Department, Ottawa, February 20, 1927, NA, RG 10, Vol. 6732, file 420-2B.

8 Province of Alberta, Index to the Alberta Gazette for the Year 1935, O.C. 298-35 (Edmonton: A. Shnitka, King's Printer, 1936).

9 Interview completed as part of the study, in Craig Candler, Rachel Olson, Steven DeRoy and the Firelight Group Research Cooperative with the Athabasca Chipewyan First Nation (ACFN) and the Mikisew Cree First Nation (MCFN), *As Long as the Rivers Flow: Athabasca River Knowledge, Use and Change* (co-published with Parkland Institute, University of Alberta, Edmonton, Alberta, 2010).

and protection, as they are under most immediate threat from disturbance by oil sands and other industrial activities. Harvestable populations of all culturally important species must be present and of adequate quantity and quality to sustain the rights for all ACFN members into the future.

The area north of the Firebag River to the northern border of Alberta includes the heart of the Richardson Backcountry, and is central to ACFN cultural protection areas and homelands identified through ACFN's Advice to the Government of Alberta regarding the Lower Athabasca Regional Plan (LARP).¹⁰ As part of ACFN Advice regarding the LARP, areas were identified for ACFN practice of rights near Fort Chipewyan, Fort McKay and Fort McMurray (proximate zones) as well as three homeland areas. These homelands are incorporated into the protection zone:

- **dzÔ tuwßze nene** (Jackfish Lake Homeland);
- **t'ßnu nene** (Old Fort Point Homeland); and
- **k'es hochela nene** (Poplar Point Homeland)

According to the ACFN Advice regarding the LARP, "The Firebag River is a critical use corridor, and demarcates what many ACFN members see as the boundary between where they are still able to practice their rights safely, and where industrial contamination and disturbance now make it unsafe to subsist on the land" (page 15).

Management guidelines for the thunzea, dechen yághe ejere and et'thén protection zone

The ACFN **thunzea**, **dechen yághe ejere** and **et'thén** Protection Zone provides the highest level of protection for current **thunzea** populations and **et'thén** historical range. It is clear that current levels of habitat destruction have exceeded a level sustainable for the protection of caribou and for the protection of ACFN rights and interests. Immediate action is necessary and as such, mandatory objectives for the protection zone from the Firebag river north to the provincial boundary include:

- No new industrial developments;¹¹
- No licenses, leases, authorizations or permits on the land, including hunting or guiding (unless with ACFN guides) without ACFN's written consent; and
- Provincial and federal governments should fund and work with ACFN to implement a program of habitat reclamation where habitat has already been degraded.

¹⁰ ACFN, "Advice to the Government of Alberta Regarding the Lower Athabasca Regional Plan" (unpublished, November 2010).

¹¹ The ACFN maintains the right to pursue economic or social development projects on their reserve lands and traditional territories that are of benefit to the Nation.



It is clear that current levels of habitat destruction have exceeded a level sustainable for the protection of caribou and for the protection of ACFN rights and interests. Immediate action is necessary.

ACFN thunzea and dechen yághe ejere stewardship zone

From the Firebag River corridor to the southern boundary of the ACFN consultation zone

Maintaining a close and respectful relationship of interdependence between humans and both caribou and bison throughout their historical range, including sustainable harvesting, is integral to our way of life and culture. The **thunzea** and **dechen yághe ejere** stewardship zone is intended to ensure that this relationship of interdependence can continue into the future. It begins at the Firebag River and includes all of the southern portion of the ACFN territory in Alberta (Firebag River to the southern boundary of the consultation area) and proximal areas not included in the protection zone.

Management guidelines for ACFN thunzea and dechen yághe ejere stewardship zone

The stewardship zone is an area of heightened environmental management and monitoring. Objectives within the stewardship zone are designed to provide a transitional area between the protection zone and other areas. Stewardship includes co-management or joint decision-making. Mandatory objectives for the **thunzea** and **dechen yághe ejere** stewardship zone within ACFN territory include:

- Co-manage leases, permits, authorizations and/or guide-outfitting licenses;
- Support of all management objectives within the adjacent protection zone;
- Total disturbance area within stewardship zone not to exceed 20 per cent;
- No industrial footprints within ACFN Homeland areas south of the Firebag River to exceed one hectare (10,000 square meters, or 100m x 100m) per square kilometre in any given square kilometre;
- No disposal of industrial solid or liquid waste or waste water, and no industrial water withdrawals from lakes, streams, wetlands, or muskeg within ACFN proximal areas south of the Firebag River corridor; and
- Avoid disturbance of **thunzea** and **dechen yághe ejere** habitat through a maximum linear disturbance (e.g., roads, pipelines, transmission lines, seismic lines) threshold¹² of 1.5km/km² or less in any given square kilometre depending on the ecological

¹² This threshold is intended to be a reasonable protective measure to maintain viability of **thunzea** (woodland caribou) habitat. The science regarding this threshold is evolving and ecological context may require more conservative thresholds in particular places, or at particular times, especially where lichen density is low.



The **thunzea** and **dechen yághe ejere** stewardship zone is intended to ensure that this relationship of interdependence can continue into the future.

context, and <0.4 km/km² within the stewardship zone as a whole.¹³ Areas with linear disturbance in excess of this threshold should be considered disturbed and contribute to the 20 per cent maximum noted above;

- Where the above thresholds are already exceeded, a goal of any future development will be restoration/reclamation of areas of historic caribou and bison range at a rate of at least three units of reclamation, confirmed by ACFN to be successful at a level that supports the exercise of Treaty Rights, to every one unit of new development permitted in the future, until acceptable threshold levels are achieved; and
- Regardless of new development, provincial and federal governments should fund and work with ACFN to implement a program of habitat restoration/reclamation where **thunzea** and **dechen yághe ejere** habitat has already been degraded.



A complete ban on non-First Nations hunting of **dechen yághe ejere** and **thunzea** should be immediately implemented and remain in place until the wood bison and boreal caribou populations can be confirmed to be at, or exceeding, levels that will sustain harvesting rights.

Implementation and monitoring

Key indicators for monitoring protection of habitat, and success of **thunzea** and **dechen yághe ejere** populations, include linear disturbance and cow/calf ratios.¹⁴ The following community-based implementation and monitoring goals should be implemented within the stewardship and protection zones.¹⁵

- A complete ban on non-First Nations hunting of **dechen yághe ejere** and **thunzea** should be immediately implemented and remain in place until the wood bison and boreal caribou populations within ACFN Homelands, and outside Wood Buffalo National Park, can be confirmed to be at, or exceeding, levels that will sustain harvesting rights of the ACFN and other First Nations and Métis communities into the future;
- Implementation of management guidelines and thresholds noted above as minimum standards in decision making and permitting of new development within the stewardship and protection areas; and
- A community and science-based First Nations monitoring and enforcement program, specific to the recovery of **thunzea**, **et'thén** and **dechen yághe ejere**, should be established and adequately funded by the Crown through a reliable and politically independent funding mechanism.

¹³ Terry Antoniuk et al., *Sahtu Target Implementation Project* (ALCES Group for the Sahtu Land Use Planning Board, March 2009). Note: assuming 5 per cent burned area; based on an equation developed for boreal caribou in Alberta by Troy Sorensen et al., "Determining Sustainable Levels of Cumulative Effects for Boreal Caribou," *Journal of Wildlife Management* 72(4), 2008: 900-905), which was updated by S. Boutin and C. Arienti, *BCC Equation Reanalysis*, 2008 (unpublished report prepared for the Alberta Caribou Committee Research and Monitoring Subcommittee).

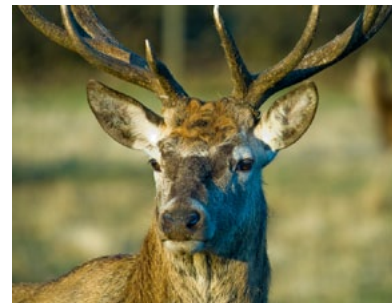
¹⁴ Carolyn Whittaker and Craig Candler, *Athabasca Chipewyan First Nation Draft Etendzie and Thachin ya j'jere Community-based Monitoring Study Report* (2011).

¹⁵ These are initial steps, and ACFN maintains the right to adjust or amend them.

Tasks should include establishing and maintaining:

- An annual count, including cow/calf ratios, of **thunzea** and **dechen yághe ejere** outside Wood Buffalo National Park, including ACFN and independent scientists, using fly-overs or other appropriate methods;
- A baseline geospatial inventory of existing industrial footprints and linear developments north of the Firebag, to be used in decision making and monitoring success (including a gap analysis of existing work and an assessment of the interaction with fire);
- A record of all **dechen yághe ejere** harvested outside Wood Buffalo National Park by ACFN members or other aboriginal rights holders;
- Research involving collaboration between ACFN knowledge holders and scientists to document **thunzea**, **et'thén**¹⁶ and **dechen yághe ejere** use of range, including radio collaring, or other methods as appropriate;
- Year round monitoring stations at or near the Firebag Bridge and at Poplar Point, staffed to monitor road and river traffic north from the Firebag confluence, as well as bison and caribou habitat west of the Athabasca River, and camping, harvesting (hunting or fishing), or industrial disturbance north of the Firebag;
- Signage appropriate to the **thunzea**, **et'thén** and **dechen yághe ejere** stewardship area at main points on the winter road and near the Firebag Bridge, at the boundary of the protection area at the Firebag River, and at access points to the backcountry (e.g., no access unless permission granted by ACFN in writing) and an appropriate education program regarding signage;
- A program to establish trails and access corridors to reduce impacts from ATVs and quads, and minimize linear disturbance in the backcountry of the stewardship and protection areas;
- An annual traditional knowledge camp to support transmission of ACFN knowledge and way of life to youth, especially in relation to **thunzea**, **et'thén** and **dechen yághe ejere** within the stewardship and protection areas;
- A program to prevent damage or vandalism of traplines and rehabilitate cabins, and to encourage more active ACFN presence in the stewardship and protection areas; and
- Where a trapline becomes available, it will revert to ACFN ownership (ACFN will take it over).

The implementation timeline will be established with the Crown, and/or other stakeholders. The ACFN intends to introduce this strategy for comment, refinement, and support by other First Nations, researchers, government agencies, industry, and NGOs. The ACFN may choose to implement the strategy within its own offices at a time of its choosing.



The ACFN intends to introduce this strategy for comment, refinement, and support by other First Nations, researchers, government agencies, industry, and NGOs.

¹⁶ As there are no remaining animals within the stewardship and protection areas, the focus for this species is on restoration and collaboration with neighbouring regions for research regarding re-establishing populations.

Map 1: Nih boghodi stewardship strategy for caribou and bison

Map 1: nih boghodi - we are the stewards of our land

This map shows the protection and stewardship zones for thunzea (woodland caribou), et'then (barren ground caribou), and dechen yághe ejere (wood bison) in the ACFN consultation area.



Athabasca Chipewyan First Nation

1:3,000,000



Legend

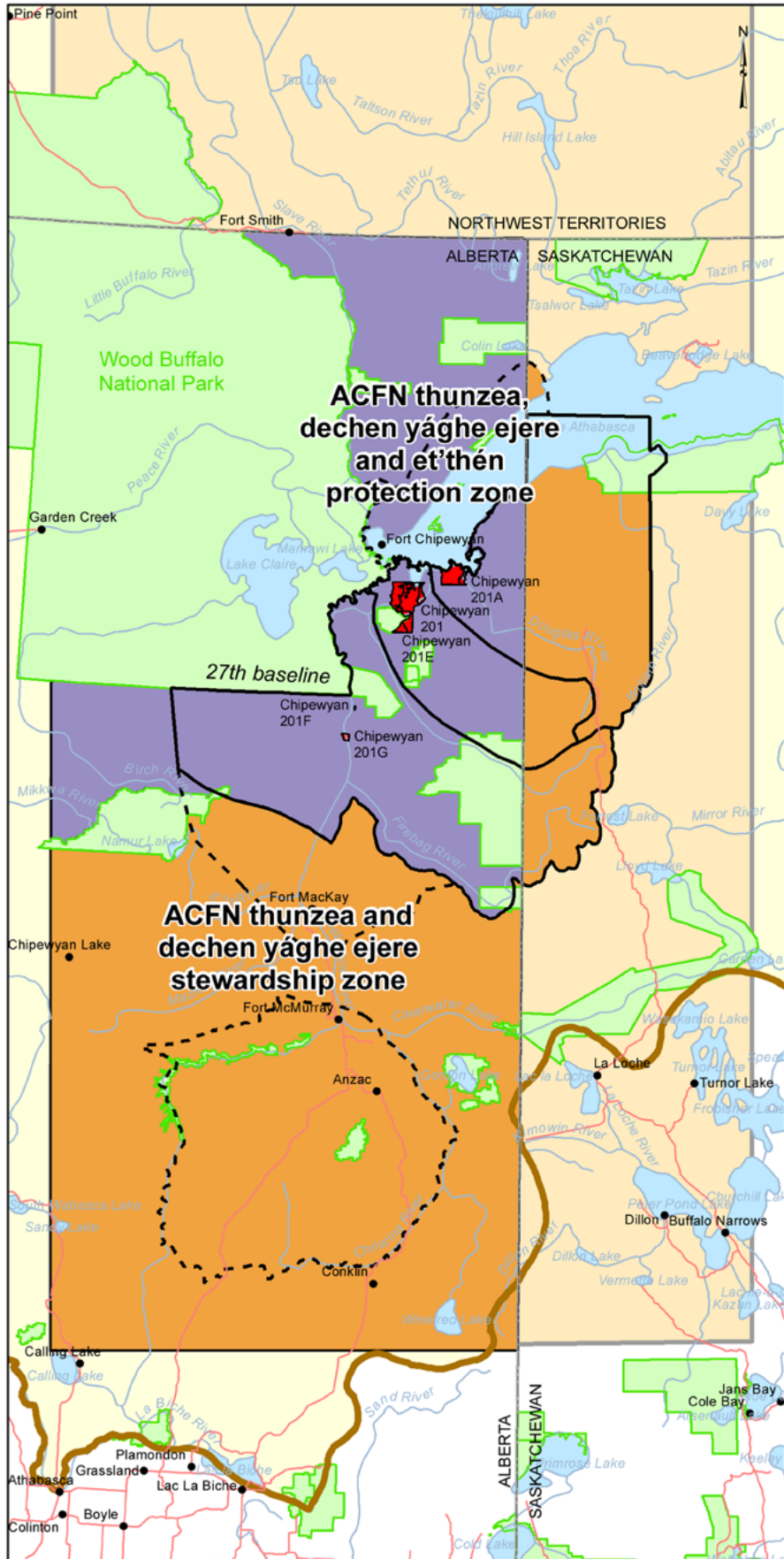
- ACFN thunzea, dechen yághe ejere and et'then protection zone
- ACFN thunzea and dechen yághe ejere stewardship zone
- ACFN consultation area
- ACFN homelands
- ACFN proximate zones
- ACFN reserves
- Treaty 8 boundary
- Parks and protected areas
- Major waterbodies
- Major rivers
- Major roads

This map does not capture the complexity of ACFN's relationship to their traditional lands or the extent of the practice of treaty and aboriginal rights. All boundaries are DRAFT and subject to change as new information becomes available.

Map produced by Steven DeRoy of the Firelight Group on May 2, 2012. Base map data originates from the National Topographic System and Natural Resources Canada.



This map is preliminary, based on available information and constraints of time, budget and scope. This map is a living document and is intended to be amended and refined over time. It is not an expression of the extent of Athabasca Chipewyan First Nation's Aboriginal or treaty rights and interests. The data used to produce this map originate from multiple sources and are presented without prejudice. This map is property of the Athabasca Chipewyan First Nation and may only be reproduced with written permission.



APPENDIX 1

ACFN Elders' Declaration on Rights to Land Use

This is our Dené suine territory, our Traditional Lands. We have occupied these lands for the last 10,000 years and maybe longer. Our traditions go on and we have the right to continue our traditional way of life. We agreed only to share our lands and we still consider these lands ours. Clearly we have been here longer than anybody. The Government must recognize that we still have the right to use these lands.

Our Rights to use the lands and water on Traditional Lands have never been extinguished. The Traditional Lands, and our rights to use of the lands, are central to our Dené culture, identity and well-being. They are essential to the well-being of our future generations and their ability to sustain our culture in a changing world.

The meaningful practice of our treaty rights depends on having sufficient lands and resources to exercise those rights. Sufficient refers to not only quantity but quality, including what is required to fulfill our cultural and spiritual needs.

Our parents and grandparents have told us that Treaty 8, signed by our Chief Lavolette in 1899, is an intergovernmental agreement that, in return for sharing our Traditional Lands, upholds our inherent Dené rights to land use and livelihood. In our experience, Alberta is not upholding their end of the Treaty and is sacrificing our rights to industrial development. We have never been properly consulted and the Federal and Provincial Governments have never accommodated our rights or compensated us for infringements.

ACFN has had enough with having our land destroyed, no one is dealing with it; neither the Federal nor the Provincial Crown. Yet you come to us for approval of new projects. It is time for the Government to stop cheating us of our rights to land use and livelihood, culture and identity without proper consultation, mitigation and compensation.

As the Elders of our community, we demand that our ability to practice our constitutionally protected treaty rights and traditional uses is sustained within our Traditional Lands for future generations. We demand that our rights are protected in the LARP and any other initiatives proposed by the governments.

The lands from Firebag north, including Birch Mountain on the west side of river, must be protected. Richardson Backcountry is not to be given away – not to any government.

Everything we do here, we do to protect our rights to land use, livelihood and culture.

— Declared by the Athabasca Chipewyan First Nation Elders Council,
July 8, 2010, Fort Chipewyan, Alberta



The meaningful practice of our treaty rights depends on having sufficient lands and resources to exercise those rights.

BRYAN EASTHAM PHOTO



PHOTO COURTESY MARK ELLIOTT

“As long as the sun is rising here, the river flowing, the lake is here and the grass is growing, nothing will change. That’s the kind of Treaty they made.”

— ACFN elder Rene Bruno
(interview transcript February 1, 2010)



Athabasca
Chipewyan
First Nation

Athabasca Chipewyan First Nation is a **Denésułine** nation. The Athabasca Chipewyan signed Treaty No. 8 in 1899 at Fort Chipewyan on Lake Athabasca. Today, ACFN members reside in Fort Chipewyan as well as Fort McMurray, Edmonton, Fort Smith, NWT and elsewhere.