

**Dene National Office
Assembly of First Nations Regional Office (NWT)**

5125- 50th Street
P.O. Box 2338
Yellowknife, NT, X1A 2P7

Phone: (867) 873-4081/920-2632
Fax: (867) 920-2254/920-2636
Website: www.deneration.com



FACSIMILE TRANSMITTAL SHEET

To: Honourable Chuck Strahl
Minister of Indian and Northern
Affairs Canada
Ottawa ON

From: Dene National Chief Bill Erasmus

Fax: 613-944-9376 **Pages:** 3 (with cover page)

Phone: 613-992-2940 **Date:** February 5, 2010

- Cc:** Dene Leadership
Government of Northwest Territories
Cabinet
Government of Northwest Territories
MLAs
Governor General Madame Michaëlle
Jean
Assembly of First Nation National Chief
Shawn Atleo
Commissioner of the Northwest
Territories, Anthony W. J. Whitford
MP Western Arctic, Dennis Bevington
Marshall and Company

RE: Order-In-Council 1960

Urgent: **For Review:** **Please Comment:** **Please Reply:**

NOTES/COMMENTS:

See attached letter to Minister Chuck Strahl from Dene National Chief Bill Erasmus.



Dene National / Assembly of First Nations
(NWT) Regional Office

5125- 50th Street
P.O. Box 2338
Yellowknife, NT, X1A 2P7

Phone: (867) 673-4081
Fax: (867) 920-2254
Toll Free: 1-866-511-4081
Website: www.deneration.com



February 5, 2010

Honourable Chuck Strahl
Minister of Indian and Northern Affairs Canada
House of Commons
Ottawa ON K1A 0A6

Dear Minister Strahl:

Re: Order-in-Council 1960

In correspondence to the Honourable Minister Miltenberger of the Government of the Northwest Territories (GNWT), we raised the question as to the propriety of his department using a 50 year old federal Order-in-Council as authority to issue a Commission-in-Council ordinance banning harvesting of barren ground caribou by anyone including the Dene based on conservation.

As required by the *Northwest Territories Act (NWT Act)*, your cabinet should have received the ordinance which you have a responsibility to approve, subsequently lay before both houses of parliament, in order for it to become enforceable.

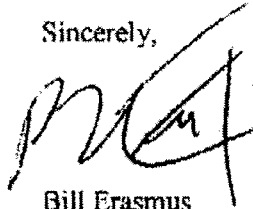
As we understand s.18(3) of the *NWT Act*, before any federal Order-in-Council can declare the barren ground caribou as a species to be in danger of becoming extinct, there must be evidence placed before you which would show that the barren ground caribou, as a species, is in fact in danger of becoming extinct. The federal Order-in-Council would then provide the GNWT with the legal authority to limit the Dene right to hunt barren ground caribou for food. The evidence used by the GNWT to issue their ordinance was not provided to us.

However, we were told by the GNWT officials that a herd of barren ground caribou was in serious decline. The GNWT has put into practice of identifying barren ground caribou by various herd names. A decline in the population of a herd does not mean that the barren ground caribou, as a species, is in danger of becoming extinct. Climate change, development in the habitat area, the wolf population, and the other aspects of the ecosystem could have contributed to the decline of the herd causing migration from the wildlife preserve created by the ordinance. These are issues that should have been discussed by the parties at length prior to the Minister taking the action he did.

Time is of the essence for our Dene hunters regarding the matter of the GNWT action, we are asking you to provide us with an explanation as to why we should accept, as legitimate, the action of passing an ordinance on the strength of a federal Order-in-Council which was issued on information available in 1960 regarding the state of the barren ground caribou population during that period. In our view, we believe your department has a legal obligation to ensure that all official requirements have been met prior to approving an existing Order-in-Council or issuing a new Order-in-Council which affect their constitutionally protected rights.

We require your immediately attention to this urgent and important matter and await your positive response to assist in dealing with resolving this issue.

Sincerely,



Bill Erasmus
Dene National Chief
AFN Regional Chief, NWT

Cc. Dene Leadership
Government of Northwest Territories Cabinet
Government of Northwest Territories MLAs
Governor General Madame Michaëlle Jean
Assembly of First Nation National Chief Shawn Atleo
Commissioner of the Northwest Territories,
Anthony W. J. Whitford,
MP Western Arctic, Dennis Bevington
Marshall and Company