

DEHCHO PROCESS MAIN TABLE
Negotiation Session Follow Up from
December 13-14, 2011 VIDEO CONFERENCE

SUBJECT MATTER	ISSUE / DESCRIPTION	RESPONSIBLE PARTY	STATUS
<p>1) DCRMA Outstanding item since June 3-4, 2009 session in YK</p>	<p>The DFN provided a paper on the DCRMA and tabled the document during the June 3-4, 2009 session in YK. The DFN have requested that Canada respond with a similar document, outlining the federal view of the DCRMA.</p>	<p>Canada</p>	<p>Canada has committed to providing a paper on the DCRMA although when Canada will be in a position to respond remains unclear.</p> <p>May 18, 2010 – Canada indicates that they are without instructions on the DCRMA but will take it back to see where it fits between the Main Table and John Pollard’s mandates.</p> <p>February 8, 2011 – Canada indicated that Mr. Pollard has met with all the groups and is formulating an approach to his report</p>
<p>2) Dehcho Paper on Jurisdiction on and off Dehcho Ndehe Outstanding item since Sept 1-3, 2009 session in Trout Lake</p>	<p>The DFN tabled a paper on Dehcho Jurisdiction on and off Dehcho Ndehe.</p> <p>In June of 2010 the parties had a discussion on the non-land and resource sections of the paper.</p>	<p>Canada</p>	<p>Canada has committed to responding to the land and resource sections of the Dehcho’s paper although when Canada will be in a position to respond remains unclear.</p>

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<p>3) DFN Treaty 11 rights in the Yukon Outstanding item since Jan 14. 10 video conference</p> <p>DFN Treaty 8 rights in Alberta. Outstanding item since the May 18.10 session in Ottawa.</p>	<p>The DFN asked what Canada's position was with respect to DFN Treaty 11 rights in the Yukon</p> <p>The DFN asked what Canada's position was with respect to DFN Treaty 8 rights in Alberta.</p>	<p>Canada</p>	<p>Canada committed to seeking instruction, which may require Cabinet approval.</p> <p>Same as above.</p>
<p>4) Harvesters Compensation Outstanding item since Jan 14. 10 video conference</p>	<p>DFN would like Canada to respond to whether it will support the creation of a Traditional Activities Advocate and contribute to the cost of the position.</p> <p>Canada provided response during May 31-June 2.11 session, explained that this creating the position by virtue of the Agreement was not a possibility but that nothing would prevent the Dehcho Govt from creating the position post Effective Date.</p> <p>Item was discussed again during Oct 12-14.11 video conference and GNWT proposed alternative language that the advocate 'may make representation'</p>	<p>All Parties</p>	<p>DFN to make edits to proposed redraft of TAA language and Canada and GNWT to consider.</p>

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	<p>GNWT tabled new language during Nov 15-17.11 video conference.</p> <p>DFN provided revised TAA language Dec 13-14.11. Parties discussed and agreed that edits were still required to the language.</p>		
<p>5) Harvesters Compensation Outstanding item since January 14, 2010 video conference</p>	<p>Canada explained that the chapter, in its current draft, is still problematic because compensation still includes the Dehcho being compensated for a loss of harvesting of plants. The issue is that the absolute liability model is to apply only to wildlife harvesting. Canada requested the section that includes plants be removed and the DFN agreed to take this back to give it some further thought.</p>	<p>DFN</p>	<p>After hearing back from Canada, DFN committed to seeking instruction on this proposed revision to the chapter.</p> <p>February 8, 2011 – DFN indicated their willingness to make a deal if there can be a compromise.</p>
<p>6) Eligibility and Enrolment March 2011 Session in Fort Simpson</p>	<p>Canada examining the Eligibility Criteria and the necessity of including being registered on a Dehcho Band List as part of the criteria (i.e. spouses with acquired rights issue)</p> <p>Item was discussed during Nov 29-30.11 video conference and DFN committed to consider item further.</p>	<p>Canada</p>	<p>Canada to respond & DFN to consider further</p>

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7) Forest Management May 31-June 2.11 session in YK & June 22-23.1 Video Conference	Parties reviewed GNWT paper on Forest Management from 2008. DFN requested that the paper be transformed into a chapter GNWT informed parties during June 22-23.11 video conference that the chapter will not be provided until the parties discuss DCRMA	GNWT	GNWT to provide chapter when DCRMA is discussed.
8) Treaties 8 & 11 May 31-June 2.11 session in YK	Parties discussed how the ongoing relationship between Canada and the DFN in relation to Treaties 8 & 11 would continue in a Final Agreement	DFN	DFN to draft language
9) Culture, Heritage and Language - Dividing the chapters June 22-23.11 Video Conference	GNWT proposed the option of splitting the Culture, Heritage and Language chapter into 2 separate chapters, one on Culture & Language and the other on Heritage Resources. DFN committed to considering this	DFN	DFN agreed and committed to working on splitting the chapters for a future session.
10) Certainty & Self Determination Oct 6-7.11 Video Conference	DFN propose to include self determination as an inherent right (RC 1.5). Canada requires more information on what this means.	DFN	DFN to provide information
11) Expropriation -	Canada had raised concern that about double	Canada	Canada to follow up

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2.12 b) Oct 6-7.11 Video Conference	<p>compensation. The market value of the land will include the market value of the improvements, with depreciation.</p> <p>DFN pointed out that it market value doesn't always include replacement value, and that was why they chose to have b) in the section.</p> <p>Canada to discuss internally</p>		
12) Administration of Justice and establishment of a court Oct 6-7.11 Video Conference	<p>DFN had previously requested information from government if this was a possible option</p> <p>GNWT confirmed that it has the mandate to negotiate</p> <p>Canada to confirm but has made it clear already that it would not be in a position to fund a court system</p>	Canada	<p>Canada to confirm</p> <p>GNWT committed to bringing documents in January.</p>
13) Wildlife Harvesting Footnotes Oct 12-14.11 Video Conference	<p>The parties reviewed the footnotes in the Wildlife Harvesting chapter and, in an attempt to clean up the chapter, identified which footnotes could be deleted.</p> <p>Canada to verify if footnote #4 could be deleted</p>	Canada	Canada to follow up

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<p>14) Financial Payments</p> <p>Oct 12-14.11 Video Conference</p>	<p>1) DFN asked for examples of negotiation loan payment schedules.</p> <p>2) DFN also asked for additional information on FDDIPI</p> <p>3) DFN asked if the negotiation loans get readjusted should negotiations stop and then restart 10-20 years later</p> <p>4) DFN requested information regarding how much they own from the Dene/Métis loans and how much of what is owing is in interest</p> <p>5) DFN questioned why the reference to the Norman Wells Proven Area (Nov 29-30.11 video conference)</p>	<p>Canada</p>	<p>1) Answer provided: see Tliche Agreement, page 198.</p> <p>For 2)-5), Canada to provide information</p>
<p>15) Inclusion of Begae Shuhagont'ine ('Mountain Dene')</p> <p>Oct 12-14.11 Video Conference</p>	<p>Parties need to consider how those Mountain Dene who choose to sign onto the Dehcho Agreement would be addressed the agreement. For example, the DFN question if the Mountain Dene would be able to select open Crown Lands in the Sahtu Settlement Area.</p> <p>Canada requires more information on this</p>	<p>DFN</p>	<p>DFN to follow up</p>

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	group of people, ex: how many, etc.		
16) Dehcho Government - DG 1.2 Oct 12-14.11 Video Conference	Canada raised concern with the language " <i>In addition to anything else necessary in relation to the Dehcho Government, the Dehcho Constitution shall provide for ...</i> " DFN proposed to modify the provision to add "consistent with the Dehcho Agreement".	Canada	Canada to consider. Item to be discussed when General Provisions is on the agenda.
17) Contaminated Sites Oct 12-14.11 Video Conference	DFN proposed the option of creating a chapter on Contaminated Sites in which all contaminated site issues would be discussed. Parties to consider	All	All parties to consider
18) Implementation Oct 12-14.11 Video Conference and Nov 15-14.11 Video Conference	1) I.5.2 says that Canada will be responsible for publishing the annual report. DFN asked if Canada would pay for publishing the report in Dene Zhatie as well. 2) Parties discussed Canada's contracting policies and Canada committed to providing the data roll up for the contracting	Canada	Canada to follow up

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<p>19) Certainty</p> <p>Oct 6-7 and 12-14 Video Conferences</p> <p>(taken from RoC as an outstanding item)</p>	<p><u>RC 1.3 b)</u>: Agreement this should read “Dehcho Government”, so remove reference to “Regional”</p>	DFN	DFN to make modifications to chapter
<p>20) Culture, Heritage and Language</p> <p>Oct 6-7 and 12-14 Video Conferences</p> <p>(taken from RoC as an outstanding item)</p>	<ul style="list-style-type: none"> • <u>CLH 1.1</u>: Canada would like a footnote that the provisions references “Dehcho Dene language” and to be consistent it should be “Dene Zhatie” • <u>CLH 1.2</u>: Canada would like a footnote that it has some concern with the transfer of programs • <u>CLH 2.1 and 2.2</u>: Canada would like a footnote that it cannot agree to exclusive jurisdiction • <u>CLH 2.4</u>: Canada pointed out that the section is missing Heritage and Burial Sites. Right now, the definition of Heritage Resource does not include those two, unlike other agreements. Would like a footnote. • <u>CLH 2.6 and 2.7</u>: would like a footnote that clarification is required on what these “authorizations” are. • <u>CLH 2.9</u>.: Canada would like a footnote that it has no authority with respect to 	DFN	DFN to make modifications to chapter

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	<p>collections beyond federal authority. Canada can look at language to help facilitating access but that would only be in Canada, not foreign.</p> <ul style="list-style-type: none"> • <u>CLH 2.10 and 2.11</u>: Canada would like a footnote that this is linked to DCRMA and will likely only be able to provide feedback when DCRMA is discussed. • <u>CLH 3.1</u>: Canada would like a footnote to clarify that the recognition of and commitment to Dene Zhatie neither implies nor creates any additional funding obligations for Canada. • <u>CLH 3.2</u>: Canada would like a footnote that the scope of jurisdiction will only be on Dehcho Community Lands and Dehcho Ndehe • <u>CLH 4.0 and CLH 5.0</u>: Canada would like a footnote that there will likely be issues with the funding commitments in these two sections 		
21) Certainty - "Building and clarifying Treaties 8 & 11"	<p>The parties discussed the DFN's interest having this language in the Certainty chapter (RC 1.1).</p> <p>The parties also discussed the possibility of</p>	All parties	All parties to consider

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November 15-17.11 Video Conference	whether the language would be more appropriate for the Preamble.		
22) Community Governments – Jurisdiction in relation to taxation November 15-17.11 Video Conference	DFN asked what jurisdiction the Community Government would have in relation to taxation. For example, would the Community Government be able to decide that an Elder is exempt on property taxation?	GNWT	GNWT to follow up
23) Contaminated Sites November 15-17.11 Video Conference	In reviewing the Community Lands chapter, the parties discussed in detail contaminated sites. Canada suggested it may be more appropriate to bring in experts at a future date for this discussion	All parties	Parties to consider when they would like this discussion to take place and Canada to confirm if federal officials are available & when.
24) Appendix B in the Plant Harvesting Chapter November 15-17.11 Video Conference	Parties discussed 18.1.2 and the reference to Appendix B and perhaps the necessity of instead saying what we mean (i.e. lands inside the Dehcho Settlement Area, apart from Dehcho Ndehe). This will need to be reflected in the other harvesting chapters well	All parties	Parties to consider
25) Co-Management	The DFN requested more information regarding what the GNWT is offering in	GNWT	GNWT to bring forward

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in the Harvesting Chapters November 15-17.11 Video Conference	relation to co-management of renewable resources.		
26) Harvesting for the purpose of Handicrafts November 15-17.11 Video Conference	The parties discussed whether there the right to harvest for the purpose of handicrafts or sale of handicrafts would be limited because of restrictions set out in the agreement with respect to commercial sale of those handicrafts. Parties agreed that the definition of Subsistence and Personal Use would need to be examined more closely to see if it includes small scale commercial activities	All Parties	Parties to discuss
27) Economic Measures November 15-17.11 Video Conference	DFN questioned what the GNWT's approach was to the EC Measures chapter.	GNWT	GNWT committed to bringing an official from their implementation office to discuss during January session.
28) Definition of Camps November 29-30.11 Video Conference	Canada presented its proposed definition of Camps. DFN asked what would happen to camps if a developer received a permit in the area where the camp is located (off Dehcho Ndehe but within the Dehcho Settlement Area)	Canada	Canada to follow up

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29) Implementation - Establishment of Working Group December 13-14.11 Video Conference	DFN asked if the Implementation Working Group could be established now	Canada and GNWT	Canada and GNWT to follow up
30) Relationship of Laws December 13-14.11 Video Conference	Parties reviewed new language proposed by Canada and discussed where it should be placed (ie. in GP or in a separate chapter) Parties agreed to 1.14a)	LTC	LTC to review at next meeting. DFN and GNWT considering the language proposed by Canada.
31) Relationship of Laws - 1.13 December 13-14.11 Video Conference	GNWT to verify if they wished to be added to the following provision: <i>In the event of a conflict between Federal Law setting out obligations with respect to the collection of statistics and reporting on natural resources in Canada and Dehcho Law or Dehcho Community Law, the Federal Law or Territorial Law shall prevail to the extent of the conflict.</i>	GNWT	GNWT to follow up
32) Harmonization of Harvesting Chapters December 13-14.11 Video Conference	GNWT presented a 'harmonized' wildlife harvesting chapter.	DFN and Canada	DFN and Canada to review with other harvesting chapters and provide feedback.

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33) Governance Workshop December 13-14.11 Video Conference	Parties agreed to have a governance workshop in April 2012 and also agreed, in preparation for the workshop, to have questions prepared in advance	All Parties	All parties to bring forward questions for February
34) Definition of Dehcho Child December 13-14.11 Video Conference	Parties discussed the terms “Dehcho Child” and “Child of a Dehcho Citizen”. GNWT committed to review the AIP chapters and to see if the term “Dehcho Child” can apply to all the chapters.	GNWT	GNWT to follow up
35) Definition of Harvesting December 13-14.11 Video Conference	Canada expressed concerns with the detailed definition of “Harvesting” and committed to review and provide a revised definition for the parties to consider	Canada	Canada to follow up
36) Collective vs Individual Right December 13-14.11 Video Conference	Canada pointed out that in the harvesting chapters the right should be given to the collective (ie. the Dehcho First Nations) instead of the Dehcho Citizens. DFN agreed.	GNWT	GNWT to consider
Scheduled Sessions (for 2011-2012 and tentative dates/locations for 2012-2013).			
<ul style="list-style-type: none"> • January 17-19, 2012 by videoconference 			

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	<ul style="list-style-type: none"> • February 14-16, 2012 by videoconference • March 20-22, 2012 by videoconference • <i>Tentative</i> – April 17-19, 2012 in Ottawa • <i>Tentative</i> – May 15-17, 2012 in Hay River • <i>Tentative</i> – June 12-14, 2012 by videoconference 		