



**DEHCHO FIRST NATIONS**  
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**Negotiation Session – Bellanca Building, 9<sup>th</sup> floor**  
**May 31, 2011**  
**Yellowknife, NT**

Georges Erasmus  
Leona Louie  
Kathy Paul-Drover  
Eric Poirer

Patrick Scott  
Chris Reid  
John Breese

Richard Lafferty  
Berna Norwegian  
Steve Iveson

Violet Jumbo  
Elder Rita Cli  
Bruce Littlejohn

On line:  
Amber Tremblay

Opening Prayer – Patrick Scott

Georges indicated we are not ready for Treaty Benefits. What we can do is have a discussion, shoot for September for this to happen. Georges asked Amber to create new folder for DCRMA.

**Follow up Document** - #6 will be discussed at the next session. #9 in regards to mediation, we could drop this one, Amber will remove as per Georges. #13, Steve will provide by August as the latest for this.

Elder Rita Cli joined the session. GNWT/Feds introduced members in session.

DCLUP – IMA sets out the budget which hasn't changed in the last five years.

**RoC** – Ensure all clauses and footnotes are inserted.

**LUP – No updates from Michael Nadli**

Georges indicated that we will have a meeting with Bobby O at 3 pm today. Parties agreed.

**ADK** – No new updates. Can be dropped.

**Update on Leadership Think Tank – Georges**

Dealt with items that were key positions and have been around for a long time. Governance chapter – if people were still okay with public government. Wanted to check if we were still on for land selection process. It is no secret people were not happy when we went down that road. Three day intense meeting. Received renewed mandate. Wanted to get a mandate within 6 months. They would like a follow up. Land quantum will be dealt with.

When Tim was negotiator, this would be revisited further down the road. People on our side want to see progress sooner rather than later. Maybe an effort to meet with Minister and Minister in Ottawa. Preparation for the annual assembly will be coming up at the end of June. Broke into groups and allowed everyone participation.

### **Land Withdrawals – Postponed until after lunch.**

### **Ongoing Chapters**

**E & E** – May 10<sup>th</sup> draft. Spouse definition was added, deleted e.2.6. Chris read out changes on 5.3. Chris would like to hear from feds/GNWT.

Bruce – looking at extinction and looking at those who had rights under the Indian Act and not Dehcho descent. Why can't people who marry into a Dehcho Dene descent?

Broaden this area to include people who are not aboriginal people's of Canada. Expand that to include more people. Research that is done to date, suggests we will still have an uphill climb in respect to removing rights under the Indian act. We have a couple of examples. Bruce explained the procedure of a Reserve going to Comprehensive Claims.

Third one is to ensure there is a community acceptance which is 1.1. (d). the last part of this puzzle becomes more complicated from feds point of view. Not enough thought. In agreements where we took this approach, there has been beneficiaries, then you have First Nation citizens which is a larger group of people including those who have rights and those to acquire rights wouldn't meet that requirement. This would be put past the charter problems. We could go through the avenue just explained if this doesn't work. We don't have a mandate on this. Eric will need dept. of justice backing on it. We need to see other agreements that have done this.

Broadening section 35 brings more problems with it.

Georges – not the actual number of women who acquired status, if we do it for them, we have to seek for the spouses of other people. Since bill C-31, we have the question of the Métis and their spouses.

Bruce – Don't appear to have too much issues on this side. I will have to check with colleagues.

Georges wasn't aware that Nisga'a did this. If you were not a descendant, you were not accepted.

Bruce - Community acceptance; could include anybody.

Georges – we need that for all the Dene. Inter-marriage and so forth in the region.

Bruce – being upfront about those acquired rights.

Georges – the last time we talked to the leadership, on E & E, we were told Dehcho and their descendants including Métis. It took a while because Canada didn't say that this was an issue. We started doing modifications to allow for a non-status or non-aboriginal woman who acquired status through marriage. No equity among members. Bill C-31 since it came into effect. That is how we came up with that complicated attempt. Some of these arrangements don't last.

Bruce – could speak to approaches put forth. Explained that a woman married a non-status and kept the status, the children wouldn't fall under this if they had children. This is provisions put in the agreements.

Georges indicated there are two precedents for us, Nisga'a and ?? (didn't hear)

Georges – we went down that road and we were saying we have to deal with some people getting married and some not then we looked at the definition of spouse. We settled with three years. We got a bit of humour out of it. It gets complicated.

It looked like we could go back to a cleaner version and we said we didn't need all the things included about the Métis and their status and we could go back to the Dehcho descendants and that was so much easier. That was the preference with the community acceptance. As long as you are a descendant of a Dehcho Dene, you are in.

Bruce – the ones with acquired rights is what the issue is. Bruce will have further discussion on community acceptance item.

Georges – the way we were going to do it is put it in the constitution of the Dehcho government. If we were going down this route, make sure the content of the constitution meets your minimum requirements.

Bruce – you may want to have a provision there when an individual has no descent of a Dehcho Dene. Under Lawson, chapter 21.

Not sure if you could remove someone that is eligible.

Georges added that was one of the biggest concerns and have no control over it.

Bruce – this is designed with addressing concerns that arose and where it included in the criteria with rights. If we were to redesign this, I would have to go back and get a mandate to expand this. As long as we are talking about someone with no aboriginal ancestry.

Berna indicated that there are people on the list who are not status.

Georges – first child would be recognized but the second child with another person who is not Dehcho Dene will not be recognized.

### **E & E Chart by Amber Tremblay**

On 2.1 – what is the purpose of publicize...

Georges – one of the first duties is publicize enrolment is open. Individuals start enrolling. Amber added enrollment wouldn't occur 6 months, as per E.2.9...

Georges – at the AiP stage, initial enrolment. First duties of enrolment committee would be two months after the AiP, they are open for enrolment. Prior to final agreement, what do we do? 6 months prior to, could be done sooner. The enrolment committee would publish the enrolment list then people who were not enrolled would be able to be involved. The list will only be used as a guide. There is a session somewhere, certainty and GP, a Dehcho Dene that is not part of

the agreement and what rights they have. It is interesting process. If we automatically put people on, they could remove themselves from the list.

Amber understands the concept. Enrolment period that is referenced to (2.9) after the enrolment committee is established.

Georges – we could wait until the final agreement to do the enrolment. From the start, our people were saying they would like to know who is eligible and enrol early. This was coming from non-status and Métis and people interested in this.

Begin an early enrolment and you will be on the initial list. Work continues after the final agreement and what we do prior to the final agreement is we give out the preliminary list. For adults, when the publicized list, they could come forth and get involved in the ratification and they take over.

Amber – the problem right now is it is not mapped out to make it clear.

2.5 – Georges indicated that the lists are used for supporting documents. Not transferring names. Question on 18 months came around because we were talking about how long it would take to create the list. The once there is no work for the committee, they will be dormant. In the first 18 months, they are developing the preliminary list.

Steve – committee will create those lists based on an application process. Chris replied that there was no agreement on the preliminary list. Canada remained of the view that we not have an enrolment committee.

Part of the issue was going door to door which Berna discussed with us and the other issue was finances.

Georges - Some activity at the community level, get community governments involved and get people to enrol. If you are not caught in the early enrol, you could get enrolled later on. There is a section in e & e, people who don't want to enrol.

Steve – Ticho was the first one that had that included in their agreement. Other agreements didn't allow that.

Berna – we had preliminary enrolment list which was done by going door to door and travelling to get all members involved. Had a tentative public list for the main table. Went on for about five months, each time we met, we had a detailed list of the people and their address. It was national and international work that was done. The list can be done more than once. In the end, when we were at the final agreement, we had an accurate list.

Georges – we could do drafts and have a final list as a preliminary. It would not be an attempt to be exhaustive. Letting people to enrol and setting up opportunities to enrol. Not concerned about getting everyone on the preliminary list. Have a list to begin with. Then it needs to be well publicized 6 months before the agreement so that those people that were not captured the first time can get involved.

Amber – There will be two lists? Or are we talking about the same list? We are talking about the same list.

Bruce – starting point to move forward. Everyone who is eligible enrolls.

Georges – we are not using band and Métis list. We are using them as a guide and starting with an empty sheet then people enrol and you are building on the list. We don't want what happen to the Gwich'in; Leona indicated that they were not given that choice.

People have choices. I have a choice to be on the Tlicho or not. Was on the Rae Band list and our people having been here for a long time, could also go to the Métis list.

Bruce – if they are on a list, they have to be only on one list.

Georges – see above for discussion. Giving background on this issue. They could take their name off the list.

Richard indicated it is one regional list? Yes, it will be Dehcho Dene.

Steve- after ratification vote, the list started over. In the Tlicho, can people take their name off the list before or after?

Georges – once ratification is done, the person could be removed from the list and could go to another land claim.

We are not talking about starting over. We are talking about the enrolment list, Tlicho started over the list again. There was a lot of publicity to vote. The initial list of adults and children, then the voters list, adults, would be the start of the list for the final list. We were criticized we were going to do a double list and that is not the case.

Rita Cli – some people can leave their list they are one and join ours. Georges – there is benefit packages included there too.

Richard – one lady in res joined Ft. Rae band and her marriage ended and wants to move home with their children and the Tlicho won't take her off the list unless she pays back the money that was given to her and her family.

Georges asked Amber to change the chart that indicates the the EC creates a preliminary enrolment list based on existing Dehcho band list and Métis membership list. Amber indicated that the chapter needs to be modified in certain areas in regards to this to make chapter clearer that this is the intent here. Doesn't clarify what the Dehcho want to do. Then the chart can be changed.

Georges would like to separate the issue on 2.3 (a) and (b), put in point form for each one. No one understood that there is a development of the list and process of the list. One is to do develop the application form and being filled out.

Amber –preliminary list has to be handed over to the Ratification list.

Bruce – if we looked at time lines and then at time frames that would be reasonable. Keeping in mind, some things are associated with the AiP and some with the Final Agreement. Georges added that in between AiP and Final Agreement, there is a process. That list will grow and be doing what Bernadette talked about, updating the table. One of the updates might be how the enrolment process is going. We guesstimated it will take 18 months.

Bruce – This is the list that will be ongoing. Before the final agreement, people should be able to say who is on the list and should be available before ratification of the agreement or final agreement.

Georges – within two months, may give us enough time. The committee will be in charge of the final vote. They are not satisfied until they have a complete list.

#### **Afternoon session**

Georges Erasmus	Patrick Scott	Richard Lafferty	Violet Jumbo
Leona Louie	Chris Reid	Berna Norwegian	Elder Rita Cli
Kathy Paul-Drover		Steve Iveson	Bruce Littlejohn
Eric Poirer	John Breese		

#### **E & E Discussion continued.**

Amber – there are minor comments in relation to clarification of making changes.

Steve – 2.6 talks about initial enrolment and the first one could be this then preliminary list from the enrolment list. Simple way to connect the dots. (*Suggestion*).

Bruce asked if there is going to be a list published again before the final. Georges indicated we would need a voter's list. Steve added there is a process to add people to the list.

#### **Land Withdrawal Update**

Follow up from Ottawa. Two things, haven't heard anything back from the Dehcho as a whole on the concerns proposed. We were looking for a response by last Friday.

We did a review internally and what they have decided was they would like to see the NNPR out of there, it has been established. Has no impact, it would be appropriate to take the withdrawals off. It does change for us, new maps to be looked at. Maps indicate the change and there is a letter attached to this also. Letter will go to all the chiefs and pass the letter out now.

*\*\*Georges received letter on OiC, copy given to negotiations team and Leona took the letter for the Grand Chief to bring back to the office\*\**

Maps are here to be signed off by the Dehcho, need this as a priority. Chris indicated there were comments made in Ottawa on the withdrawals. Janet indicated there was a review sent out on what the order would look like.

Chris – one of the issues you raised is you would no longer say it was in relation to a First Nation group because Dehcho land withdrawals are a big concern. When you said that you haven't heard anything from the Dehcho, you could take that as a comment from the Dehcho. They are not like any other land withdrawals.

*Janet would like that in writing. Georges indicated that Petr Cizek and Grand Chief need to look at it. Georges and Chris will like copies of this map at the DFN Office.*

Maps can be scanned and sent out via email.

Georges – This map is to be initialled? Janet indicated the other two parties are also a signature is.

Rita Cli brought up issue of Peter Shaw getting land from federal government transferring land. Staff there, have never made a point to go and see the former chief or current chief right now. Asked chief if he was contacted and no one made any contact with him. This happened and we found out about it. To me, it is wrong. We wanted to know what could be done about this. If the government want to work with us and do things behind our back, it is not very honest. At the local level, people are very concerned. If they are saying it was contaminated, they should have left it alone. That was our traditional land.

Janet indicated that they consulted DFN, we acquire Crown land, if there is contaminated land, it will cost more. Rita asked why was the land given to Peter Shaw. Janet couldn't answer the question.

Under the claims process, we weren't able to take it. We were involved in the point to look at it and it you take it as part of your claim.

Richard – no land is transferred without a rehabilitation taking place. How a private person could gain access to land that is contaminated? We tried to do that in Ft. Providence and weren't able to. Rita indicated that it shouldn't be happening without consulting affecting FN.

Discussion around contaminated lands. How can surface building being used by the new owner? Janet doesn't know the requirements. Could get in touch with Public Works to say this isn't working. They may be under the impression they are in support of it. Rita indicated there are a couple of more houses.

I let the table know that we had this documentation in DFN Office, in Resource Management office.

Richard added that it doesn't look good because he was a federal employee and looks like they were doing this all along.

RE: Consultation. When you send anything to the DFN office, all communities should be aware of the documents. Sometimes things are left at the DFN office and nothing is done with it. Janet indicated that the community chief is also cc'd on correspondence sent to DFN office. Chris asked for a copy of the two letters she sent out. Chris would like copy of what is in letter. Patrick asked if there is a policy for right of refusal to FN. Steve – commissioner's land – IMA, undeveloped. It would be good to know this.

### **Dispute Resolution**

There is a hand out on the insertion and also from the RoC; there are three bullets to look for.

Agreed that footnotes removed. Face to face mediation?

Richard – majority of mediation and arbitration are a costly thing. Bruce indicated we are proposing a video conferencing. John will add this and have a look at it.

Eric – refer to dates more clearly, 30 days, 30 business days, 1 month etc. Richard – the previous two clauses show this. John indicated we could use business days or 20 business

days. This may be the first chapter without any footnotes. Bruce added it will clarify the days which we talked about.

Binding conclusion – another one is crown purgative to expropriate to arbitration. We would put these things out in advance for parties to look at. John will leave the footnote and put in another area. There are others also along this line with policy behind it.

### **Social Housing – GNWT**

Georges indicated it is a little bit limiting, can get rid of the footnote. Don't want Dehcho to create things for housing and that there is a need. If we could expand from those in need, then we would be okay. Social housing term is too narrow; we could use social and public housing. Steve will take back and see where we could give an example. Georges doesn't have a problem with the GNWT having social housing as long as it is not narrowing. When I mentioned housing earlier, it is referring to public housing to include GNWT housing programs. Patrick asked if it would be easier to say subsidized housing.

Richard – GNWT was given \$200 million for Housing, in a budget? What was the money used for? Steve doesn't know anything on this.

Georges – change footnote to encompass latest presentation. We are suggesting social housing become social public housing.

In regards to landlord and tenants relation – John thought it was alright to leave this for one month. One of my colleagues is doing a review on this down the valley somewhere. I will look at that research and could be used for discussion for next time.

The rest of the chapter is track changes.

Closing Prayer

## June 1, 2011 - Morning Session

Georges Erasmus	Patrick Scott	Violet Jumbo	Leona Louie
Chris Reid	Berna Norwegian	Elder Rita Cli	
Kathy Paul-Drover	Steve Iveson	Bruce Littlejohn	Eric Poirer
John Breese			

late: Richard Lafferty

Opening Prayer – Elder Rita Cli

*Continued from previous day.*

**Income Assistance** – Chapter done

**Dispute Resolution – Dated June 1<sup>st</sup>**

John finished, will be available on collaboration once changes are done from this session. Second footnote deleted. No changes to page two, page three changes. Days are changed to business days. All throughout from 4.1-4.3.

4.4 is a new, NT is the default, location is irrelevant. 5.1 changed to 45 business days from 60 days. Ready to be posted to collaboration. Chapter almost complete.

**Post-secondary education- March 2011**

Steve read out chapter. Big change from government approach on this chapter.

**Income Assistance** – Georges would like to go back to this one and see if there was something taken out of social housing and not taken out of here. 3.2 will be dropped, agreed with on social housing and being consistent.

**Adoption** – Steve reading out revised chapter.

3.2 – very exhaustive in that area. Canadian residents in the area, they might have been temporarily out of the area and somehow their children were taken into custody and it would be your responsibility to contact the Dehcho government.

Steve – emphasizing children of Dehcho citizens.

Cathy making note of Georges' concern.

There is a note at the bottom of the chapter, should be in GP, doesn't affect this chapter.

1.2 (c) – Unusual for someone to opt out of the law. Not aware of a precedent. It is not in the Tliche Agreement, was it from Deline? Steve indicated it was. Chris has concerns on this chapter. Type of approach used in other chapters as well. Dehcho citizens to opt out of the law? No.

Chris – leadership would like options to go beyond the NT.

Steve – look at standards, those could be extremely detailed and lengthy. We are not attempting to, in other agreements, you have standards you have to follow. We found a way that could contemplate a base across. Look at Core Principles and chapters.

Steve – compatible is there opposed to subsistence. It allows more flexibility. Will try and balance that notion without being too restrictive with the government. Based on the Tlicho agreement, GNWT is bound by these core principles as any other self government will be. Chris would like a footnote on this. (1.2(C))

Georges – this is across the board? Yes that is what it means. It might be an aboriginal family staying in a different community and putting the child up for adoption.

Steve giving examples of what could happen in relation to this.

Chris – if it were written that way, to be clear to deal with those types of situations, it would apply to a Dehcho Dene living in Ft. Simpson.

Georges – have the first law and if you are Dehcho located somewhere else. The law should apply to them, it is their law.

Chris – is there some jurisdiction that represents the child? In adoption cases? Someone speaking for the child, which laws applies? Cases may fall through the cracks.

Georges – Lets try and get the law apply equally. If they are out of the jurisdiction then the GNWT would apply. Steve agreed that would make sense. Overview of the CPO approach.

### **Child & Family Services**

#### **Dated May-June 2011**

Sensitive area of jurisdiction. Longer chapter. Steve reading out chapter. Protection and support for the child in (a) and (b)

Georges indicated there was a paper saying that in the regional governance chapter say the regional powers can be delegated. Steve indicated they will highlight this one.

1.4 –specific requirement, will give a chance of exchange of discussion of relationship and laws that might make this.

Steve indicated it is not limited to the settlement area. GNWT cannot have jurisdiction outside of its territory. Georges added that we are of the view it is a Dehcho child being talked about. The focus is on the child.

Chris reading out from Tlicho Agreement, why it is listed as a distinct part of the definition.

### **Core principles & objectives**

The definition is key to what that jurisdiction is and Georges agrees with this. Would suggest to have this in the CPO. Georges suggested taking the definition from Tlicho Agreement and we could take another look at the draft.

Protected Areas – Laura reading out chapter. Haven't talked about this chapter in over a year. DCRMA will have the capacity for consultations.

Under the MVRMA, there are consultations with territorial boards. 2.2 is different than Tlicho model and this is for other protected areas that could arise and that could be the Dehcho government and a government body jointly doing a management plan and what they would

address. This is a consistent model with the Park. As the Parks chapter goes on, we could look at this chapter again.

Georges indicated we want the subsurface included and other things being done under the strategy at the moment.

Chris – this chapter was drafted before Canada’s...there is overlap with harvesting chapters.

Richard – hard to believe that GNWT hasn’t contemplated the PAS in the Dehcho with the experience with the Tlicho, caribou issue and Edehzhie. This is a popular place and they are listening to what is happening in the media.

Erin – will come back with comments later on along with Environment Canada can work with us. What is PA 5.1 linked to? Georges replied law making on Dehcho Ndehe will be clear, we want to create a Park and the rest. When you get beyond that, in the shared areas, you bring in other government departments. That is why we see the role for DCRMA which would be created the way want; it will be empowered by the Dehcho and the government. The area is being protected by the DCRMA.

### **General Provisions**

Bruce – Certainty will go in another chapter. Some things are there, status of agreement and access to programs and services.

Georges – two chapters on general provisions. Certainty and GP.

Non –certainty one is the purpose and scope of the agreement, is that what we are talking about?

Treaty stuff might be for certainty one until we figure out how to deal with it.

Chris – makes sense to do one chapter. A lot of these things were left out of our draft because we were doing an AiP and none of this will be inserted.

Bruce – will keep in mind when we get to the Final Agreement. These are standardized provisions for drafting. If we could put them in now and if certain issues arise, it is not a problem.

Georges asked when we could get a draft. Bruce indicated by September. Steve indicated there is draft language on the process clarification.

### **CERTAINTY**

Georges had concerns on this one. If the DCP goes ahead, we have an AiP, ratification and there are people not satisfied about land selection. People are not on side, they are forced into the ratification such as the Gwich’in. Will they have their original rights to hunt fish and trap? If you don’t have the answer, come back with it.

Steve – people were done for special reasons and may not apply anywhere else.

Patrick – people perceive that they have individual rights.

John – if you are an individual and have a problem with your union, you gave your right to a larger group.

Patrick – a right you retain after birth is different and individually exercised.

Chris – apart from harvesting rights, individual saying they are not part of an agreement. Not sure how those are exercised by an individual other than a collective agreement.

Patrick – one of the rights to continue would be the right to come under the Indian Act. It is one of the issues that would prevail.

### **Afternoon Session**

Georges Erasmus	Patrick Scott	Richard Lafferty	Violet Jumbo
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### **General Discussion**

**Treaty Benefits** – Georges asked leadership for their views on what their thoughts were from the Crown and Canada. Interesting discussions from Trout Lake meeting. Consistency throughout. Housing and education was two issues.

In certainty we have 1.1(b), health, there was a series of other promises. One under treaty supplies, nets and shells were passed out. In Treaty 8, it only touches part of northern BC and into the NT, farming is in there also. The approach is when we go back to the FA; we talk about clarifying the treaties and building on the Treaties. Obviously in relation to land, that is where the negotiations on land quantum are proceeding. We hope to resume those discussions at some point.

Other issue is jurisdiction – again, crown has the view, Canada and Dehcho have their own view. We are negotiating governance, hoping that will take care of that. One important area for First Nation people across Canada is their harvesting rights. No one is questioning the right to hunt, fish and harvest. One big thing that is left is the promises left to assist in housing, education, economic development and other promises made. Canada said they will wait until we provide the document.

What Georges pointed out at the time is we are well aware it is opening up pendant box somewhere. Akaitcho are still at the table, many discussions across Canada on treaties. We are well aware it could get out of hand if it looks like we are trying to negotiate for the whole country. No where in the country has there been any agreement that satisfies the Crown and Dehcho First Nations on the number treaties arrived at. Knowing all the pitfalls, we are still in some ways, on the other hand, very central to the Dehcho. The most enthusiastic discussion was what was in the Treaties. Everyone remembered who was at the treaties, etc.

We don't want to bring up something that will take twenty years to negotiate and not succeed. We are duty bound to bring it forth. We will spend the summer trying to clarify this and have something to present for the fall. Matter of how to quantify. Reality is if there is going to be funding for housing, it is getting more and more expensive.

Intention was to somehow assist with housing. People described housing programs in the past that were quite effective. There was another program done by the feds where they delivered supplies to the communities for the houses. Some houses were built out of logs. In Ndilo, there were three homes built and I don't know what happened to the other two houses but an uncle lived in one of the houses and burned down.

Original DCP in 1994 and in 1998 talked about block funding from Canada to the Dehcho once an agreement was arrived at and reached. If we agree to do this, the main issue would be the amount and how it refers to Canada's overall offer and how much detail how the Dehcho would invest or spend the money in relation to housing, etc. We are trying to build on the treaties and that is the approach. We will continue to work closely with the leadership and elders to see where we are going with this.

Richard – it is in the 21 Common Ground Principles on housing. Patrick – Tlicho Agreement terminology on this.

Eric – potential difficulties for Canada is what is known to them and the federal system. That is the basic place we start.

Chris – brace yourself.

Eric – that is what we are facing right now. Once we have something in detail, we will be able to go from there.

Bruce – looking forward to it. See how you see the relationship and expectations. We understand what we are negotiating now in terms of the DC Agreement.

### **Community Government**

Georges – the only thing different we started doing differently was adding Dehcho community governments. We heard a number of comments internally. They don't want to use community governance; they would like reference of Dehcho Dene in there.

Steve indicated Tlicho does that, in relation to the communities. Georges added we will get that posted eventually.

Chris – new footnote on 1.1. Reading through the chapter. Footnote added 2.1, need clarification from leadership on this. 2.3- we can deal with this at the final. 2.3 (b) – different from what is in Tlicho. We are aware of that. Footnote 8 is in relation to HRR not being in the settlement area. 2.5 are new subject to 2.6. Deleted what was there before and broke into two. This is clearer. After revisions, tracking is removed, can't remember why we did that.

Bruce – it will go in GP with subject matters.

Steve – Two list approaches is what I was referring to. Georges indicated he understands the jurisdiction there. In the main list is thirteen items. Suggesting that the core matter of the nature is broad lawmaking authority. There are others along with it.

Georges would like to organize chapter in a way that we could have a discussion on it. GNWT will take the lead on that. Take out the first footnote to make it federal government.

Bruce – issues around rights exercisable by beneficiary agreements.

Chris – there are overlaps in the Dehcho government and the community government. 9.1, the second sentence can be deleted. 9.3 was referring to community not being a community any longer and may want to join another community. This was supposed to recognize a community government. We need to be consistent.

Steve – suggest to go with community government or Dehcho government so that it falls under that.

Georges – question comes up if you want a lot of communities created in the Dehcho and are not Dehcho governments, with the development of resources and so forth.

Steve – such as Pine Point, the movement is away from that.

Break

### **Dehcho Government – dated May 13<sup>th</sup>.**

On Wills and Estates: Bruce indicated that had an internal discussion on this. Raised the Indian act provisions and someone raised the fact that as far as the IA goes, if that is the case, there is no case for wills and estates.

Crown is the administrator for the wills, someone will have to take over as the administrator and we have to make sure we don't have problems with people suing.

Georges – if a FN person had a will, that Indian Affairs will let the will be carried out the way other wills are carried out.

Bruce – there may be a will but for whatever reason, there is no executor or administrator for the will, they fall under the federal status. It is the ones where the Crown has become the administrator of the wills. We could see provisions that say those that are already under Crown remain under there and anything else falls under the First Nation.

Steve- jurisdiction of wills and estates can be negotiated. If you are interested in pursuing that. Georges added that there is something in subject matters. Steve indicated that is one of their mandates.

Chris – Question – articulate why status provisions of the Indian act will apply to the Dehcho Dene? What is the reason for it?

Eric – there are clauses that say nothing affects the programs and services offered to status people. That is in a nutshell.

Chris – we were instructed once to eliminate those kinds of distinctions in a final agreement. There should be no distinction of status and non-status. We did table an AiP at one time that had that wording. Everyone would have access to those programs and services they didn't have access to before.

### *Discussion around Treaty and Métis status.*

Bruce - How do you see these things functioning? We haven't looked at a model like this.

Steve replied what is proposed with the Dehcho is close to the Tlicho model. Half of the seats

must be Dehcho Dene. Everyone in the community may be able to vote for chief and council. Basic idea is something similar to what the Tlicho have.

Go to Dehcho government, Dehcho citizens will vote for GC. Because of eight communities, there will be one person from each for the regional government. The critical thing is Tlicho agreement; there is bad ambiguity about elections. Defined more as an aboriginal government. Social jurisdiction would apply to everyone.

Does this model meet the test of having a public access?

Tlicho had an election process that looks similar to what Dehcho is proposing. The model we are looking at is a public government, laws apply to everyone. Tlicho agreement has those clauses in there.

Patrick – where do you see the problem with ours? All residents could vote in our version.

Steve – I don't have an answer. We have to do internal work. We need to get a discussion going.

Georges – always thought we had the aspect of the government covering everybody. The thing that was in the air was in relation to things just for the Dehcho Dene, benefits, rights and so forth, how to deal with that.

In the initial proposal, what the intention there was, Dehcho Dene elected into government would have their own meetings to deal with those items and internal issues. I thought we had the issue of having a representative of government with the model we have now with the Grand Chief and chief. We are looking at this to make sure that is (1.3).

Chris – Dehcho government is a public model. One chief and one rep.

Georges – the other thing we didn't think about is having an assembly similar to the Tlicho. Dehcho have an assembly now and that is much larger. Having a government with ministers and cabinet ministers etc. Canada could barely afford the three hundred plus we have in Ottawa. That is the other thing that hasn't been developed. I wouldn't be surprised if they wanted that. The last time we had this discussion, do we meet the test of a regional government and do we meet the test of an aboriginal government. Those are both interesting questions. I believe we could move ahead with this. As long as it is collective and has the authority of the lives and the lives of the people. If the only way to do this is simply have ethnic based governments, how would people have any model that creates the government? Incorporate individual and families over time.

Denendeh model was adopted from the 1980's.

Richard indicated that people down the valley asked why we won't sign an agreement and we weren't changing anything.

Georges – one thing that is not carried forward from that model is the use of referendums. We contemplated that traditionally Dehcho leaders did separate themselves when they had meetings. If it took three or four weeks to come up with a decision, you have to come up with consensus. The only role people have is putting an "x" on a paper. That is the original model and we are going to make sure people are onside.

Steve – people, who live in Ft. Simpson, how would this fit with the relationship with others? Georges responded the chief, Jim Antoine, did have a number of meetings with different people. He had meetings with the mayor and council and gave updates on negotiations. At the end of the process, we wouldn't have these three entities any longer. He would like more meetings with them and he asked us to attend one of those meetings with him. Providence has been aware for a long time. Richard keeps telling us it was the tri-council that was there many years ago.

Richard giving update on what happened with Ft. Providence as discussed in other minutes regarding Métis people not wanting to become status Indian. A lot of people in Ft. Providence are Métis and do not want to be considered status even though they have that choice.

Georges – a concern was losing identity. The concept of their identity of a people is there anything happening there. Bruce – there is more risk on the Dehcho than on the territorial or federal government.

Richard – we thought we would share the land with them not put them on the spot. Think of the Dehcho region, when you move, you are moving into a jurisdiction with different cultures. You have to adjust your thinking of different cultures.

Steve – potential of this kind of model, integrate the rights and customs of the Dehcho Dene...Georges added we want to create a way so that doesn't happen. Bernadette indicated that we have a CHL chapter that lays this out.

Bruce – we are interested to see how this could play out. Public government models we have are pretty limited.

Georges – YK has big population. We have a very low interest in the local government. Dealing with them now for a piece of land. Chief and half the council would be my people. Presumably all the other seats are taken by the others. The intention is to set up where the local Dehcho population, that the chief and half the council are local people. You would have a different kind of government. Because you have that slight majority always, the people would feel that this is their government. Teachers and RCMP, non-aboriginal will feel this is their government.

You protect the Dehcho Dene rights and there are new people coming in the region, would be quite excited if we get this. It won't mean there won't be able problems. I like the model

Elder Rita Cli – this is the model we have been pushing for all along. Laid out in the Dehcho process about regional government. This is where we are trying to capture it. It goes back to the Treaty and we want to share. We want to do what is right for our people and for people who want to make Dehcho their home. We want to keep that for generations. That is the position we are taking. We will always have control of our lands and waters. Guaranteed seats mean we will always be in control.

Elders said sit at the table and talk to each other and put everything on the table for the future. Everyone will benefit from what you are doing. Link between Dehcho government and territorial...

Closing Prayer – Elder Rita Cli

## June 2, 2011 – Morning Session

Georges Erasmus	Patrick Scott	Richard Lafferty	Violet Jumbo
Leona Louie	Chris Reid	Berna Norwegian	Elder Rita Cli
Kathy Paul-Drover		Steve Iveson	Bruce Littlejohn
Eric Poirer	John Breese		

Caroline Dennill joined the session today.

Opening Prayer – Elder Rita Cli

John going through hand out dated June 1<sup>st</sup>: Definitions related to Plant Harvesting; Definitions related to Tree Harvesting

Couldn't find a definition of emergency. Cabin – third bullet in RoC, you would need a definition of cabin. Further discussion needed.

Berna asked question on birch bark basket making and what is included in the making of traditional handicrafts. This is in relation to trees and plants chapter.

Georges – John's suggestion of going through chapter until he goes through with the definitions.

John indicated there is about a dozen footnotes in plant harvesting and trees is the same way. More to this than the LTC work being done. We could get rid of a few footnotes by September and see a cleaned up chapter. Fulfill what you have undertaken in the footnotes. Georges in agreement.

On the OiC, we have a letter to Janet Pound; feds would like to meet with Janet. DFN having internal before handing over letter.

Break

*DFN having internal session on OiC before session starts.*

Janet on OiC. She will respond via written letter. When the order was originally done, ADK was part of this process. We are bringing these lands for purposes pursuant to agreements. It doesn't have to be for land selection. There are reasons why we protect lands. I am not saying they will be or they won't be/

When we submit this, there is a lot of documentation that goes with this. Dehcho are the ones who recognized these lands from the start. KFN and ADK are interested in these lands and we don't want to do something different down the road if they don't want to.

Chris indicated they were part of those agreements endorsing. How it is in their aspiration?

Bruce asked what is your expectation as Dehcho. Chris explained it is not about land selection, it is about ecological sensitivity. WE assume it is not for LUP, it is for Land Selection processes. They are intent on a land grab of sensitive lands. Change the wording so there is no link to the DCP.

Georges – when land withdrawals were started, ADK didn't want to go this route, they wanted all their lands open. Very clear that those lands were not being designated by them and they now have access to.

Richard indicated the lands in Trout Lake and Nahanni Butte lands is what they were trying to access to them. It is a land grab beyond other community traditional land use areas. It was quite clear. NB/TL wanted to settle this dispute but ADK is not willing.

Janet – this is not for a land selection or land grab in the overlap areas, there will be a process to follow.

Chris indicated if there is wording change, Dehcho may consider if new lands are disposed of without the consent of affected communities. Just saying consultation will happen will not go through. We have maps that are not shared with them.

Bruce – there are several with these claims

Chris – ADK signed a FA with a map attached...Bruce – we are not hear to defend ADK. Richard added that they are. Chris – ignoring agreements is what is laid out in the letter to Janet. It was never intended that this is for land selection. Go back to ADK and say it won't happen, otherwise you are allowing them to grab land.

Bruce – you are not listening to Janice. Same thing is going to happen with ADK. Chris – it is clear that they gave all their land to the industry and they want to give more away. Bruce – we are trying to resolve this in a neutral way. Chris – I don't see that Dehcho is right; Canada is standing up for ADK. Bruce indicated they haven't accepted...Richard pointed out Bruce indicated it was for ADK/KFN. We know Dehcho have a claim and in the interest of KFN if they leave DFN.

Chris – Dehcho had offers, tell ADK you will not proceed with this until there is a boundary reached. Bruce – ADK is not here and this is your view. Richard asked to bring them to the next session and keep land withdrawals consistent.

Georges – we are trying to protect our interest and we don't see any evidence of that. This allows us to have a little control. No one is stopping the community from going on its own. We are trying to find a border with everyone involved. Haven't been able to get any meetings. Your own boundary coordinator told us the same thing.

It would be preferable to be at the table and talk with them. Everyone should be at the table at the same time. One of the proposals you were going to do was what happened in Aklavik, we were in negotiations before them and shut down our negotiations and started up with the Inuvialuit.

Minister told us he would not meet with us and from here they went to Inuvik and started negotiations. Before long we were in a situation where they were going to pick land. They were surrounded by lands for other people but the Inuvialuit took the land. We are concerned. Only evidence we see is Chris is very blunt, he is basically telling you what the people feel. If the choice had to be made, we know which way Canada will go. We don't have a choice.

Chris added you won't have the Dehcho support of the word change. They will not tolerate land grabs.

Georges – what happened with the Edehzhie doesn't create any good trust. Who made the decision for Edehzhie, who cares what the Dehcho think, is what they are thinking. Decisions are made in little more senior with this stuff and we have to protect ourselves.

Richard indicated that the leadership are serious about the withdrawals; they are not willing to give up their land without a fight.

Bruce- Dehcho sees the land withdrawals as facilitating the DCP, Dehcho could select from the land withdrawn.

Georges – ADK is part of this and if KFN goes on their own, it would be there would be a role for the Dehcho.

Bruce – that is one part. The other is saying this is an exclusive area...Chris replied that is not what he said, Dehcho never said anyone owned those lands and were withdrawn as a whole. Both communities were behind this when it happened. The original intent was to not open the lands.

Georges – it will be like everything else. Eric indicated that is not their approach. Georges – you will come back and tell us what ADK wants. What would you do if we told you not to select land and you say no to ADK? Bruce added there will be competing on lands.

Richard – it is not working with Liard right now because they don't want to negotiate in good faith.

Georges – we listened the other day... this is not our view.

Bruce – we understand what you are saying and will respond accordingly.

We are trying to protect the Dehcho when we are at the table. They will be lands involved in joint use. Richard added there are resolutions in support of Ft. Liard from what they want to do but we are looking after our interest.

Eric responded that they have a better understanding of the situation.

Janet added in relation to NNPR and exclusion of those lands. Not sure what your intent or plan for signing those. Georges indicated we are more caught up with this and the Park is already protected so we are not so concerned about too much. We are trying to have a request soon. Our goal is to protect the lands identified.

Break

### **Migratory Birds – Modified Language**

Bruce – defined term of subsistence or personal use. Trying to embed that language here. Reading out paper handed out. Second part is trading with other individuals and other groups. Significant contribution may be a moving target as per Georges.

Steve asked if the definition John proposed would work with this, Bruce agreed it would work.

Richard – issue on 2.2 (b) ii, restricting the trade to aboriginal groups. Bruce indicated there was no wording change on this. We are still on this; DFN was to get back to us with a list or maps.

Georges – trade looks good if you are using the word. Bruce added we will wait and see how this lays out in other agreements. Subsistence is put in here as a qualifier. Paul Latour indicated they tried to add the traditional part of it.

Footnote 1.3 can be removed from MB, as per Bruce. 1.7 – Canada would like that word removed. If it is included, has to be done for everyone. Footnote three is deleted. Concern is addressed, concern is prefer to have the wording say members are willing to fight that as long as the agreement doesn't say it will affect their rights outside the area. DFN agrees on removing footnote.

John – clause is talking about possessing and transporting, other chapters we have a repeat of this but the license part focus on possession and transport. DFN suggesting to add GNWT and this will be resolved.

Steve – if we do it for wildlife, why not prepare for this one? John – it was something old from a previous agreement. John says this will not be a problem.

Footnote five is still being worked on.

Georges – two footnotes left in this chapter. Does the Plant chapter cover definition of berries? John indicated berries are implied. This is almost a scientific definition. Hopefully we could get extra words in relation to all parts and related to berries.

John – it would be premature, we need more information on trees and plants.

### **Tree Harvesting – Reviewed by main table, March 8<sup>th</sup>.**

Chris – Canada's concern was on trade section. Work is done and we have back with this and if it is okay to go into wildlife and could go in MB.

Only thing is if GNWT has a concern around how much. If not, there is no issue.

Georges would like to know how to deal with it in MB/WH. We need a tweak trade so it fits both.

John – Bruce is right on redundancy on the wording above definition is referring to the final agreement.

Bruce asked if this wording was used somewhere else? If not, it could be non-commercial use or something depending on how much we are trying to put in the discussion.

Does GNWT have any limitation on gifting and trading and there aren't any because there is no further reference anywhere.

Georges asked if we modified the trade definition, I don't know why you would need it in trade. It could work that way.

John – you are picking on the use of subsistence and personal use about harvesting those wildlife. Think in light of newer definitions, go through and reconcile the chapters.

Georges – it is a qualifier. John indicated that it is for LTC discussion. May have missed a step when we were doing the definitions. We may have to take a step back.

Look at maps at 1 pm, start at 1:30 pm

### **Afternoon session**

Georges Erasmus	Patrick Scott	Richard Lafferty	Violet Jumbo
Leona Louie	Chris Reid	Berna Norwegian	Elder Rita Cli
Kathy Paul-Drover		Steve Iveson	Bruce Littlejohn
Eric Poirer	John Breese		

### **DCRMA – GNWT response**

Steve introduced chapter on forest management and renewable resource board, tabled April 2008, responded to DFN question of 2009. GNWT open to have a discussion on the merits and functions of the DRMA and if it makes sense.

Georges – what is the difference from what they are suggesting? What are you saying? Steve referring to beginning of paper. Delegation of responsibilities may impose some problems. Would like to discuss that.

You are looking at the decisions made by the DRMA and to be implemented by the MVRMA. If we were to try and clarify what Canada was saying back here, should be advisory only and not decisions.

Georges – if you were to create a relationship to create authority to the DRMA on forestry for instance, couldn't it go to the regional authority to approve? It would be something similar to the Dehcho government and something they could respond to. We are looking at this as a stand alone authority that everyone is empowering, DFN, Canada and the GNWT because of authority and same thing with jurisdiction.

Steve – clarify the responsibilities and how they will be delivered with those in mind. Step one would be to clarify the responsibilities first.

### **Forest Management**

Steve – in terms of this, jurisdiction with respect to forest management remain with the Dehcho government with the exception of forest fires. That is the essence of the paper.

Georges if we were talking about jurisdiction in relation to education that is what you are relating to? Yes was Steve's response. Can Steve come up with something as a jurisdiction item on Dehcho Ndehe? Steve responded it will be a small number of clauses and we can do that. For a deadline of June is set.

Georges okay with the paper. Clarifies the point on clarification on DCRMA staff or MVRMA staff. Appreciated.

## **Harvesters Compensation**

Eric – document on collaboration gives a definition of the advocate and the duties of the advocate and funded by three parties and will do the work in part of investigations, ombudsman, and compensation. As a general rule in land claim agreements, we don't fund certain positions in their role. Could be set up by the Dehcho Government through legislation. The link is problematic. Chris added that is what the Dehcho want.

Georges – With traditional people on the land, whether the Dehcho government in the future or other governments, an office that plays and facilitates a role other than trying to have a good communication between the Dehcho and government. How does that interfere with anything?

Bruce – appreciate the fact on what you are talking about the advocate providing advise to all three parties but as it relates to the federal government, distinction between that and the normal communications between governments that use officers to try and influence certain decisions. Why would we do this? Trying to see why this one would displace that which is one major part of having a government set up.

Georges – GNWT is the biggest employer here and this could happen in the Dehcho. It would be useful that the three governments recognize this office to facilitate stuff like that.

Chris – point is to be an advocate for that class of people. The people who live out on the land are rarely involved in politics. Harvesters are generally not part of it. Dehcho don't want those overlooked by their own government.

Patrick – we are comfortable of looking at a trustee for a person who passes away and take care of their belongings. It is the same thing as what we are asking for here. This will be an advisory board.

Eric – it would be more permanent that the position can't be cancelled. Bruce asked how would this be created. Allows for harvester to go to someone who is equivalent to an ombudsman. Eric – investigation of those reports could still be provided.

Chris – DFN does resolutions and the GNWT ignore this. Georges – it would make sense for the governments put money in and that is split between the two governments.

Bruce- doesn't see a distinction about what we are proposing and giving other alternatives and keeping with the government that has these kinds of issues.

Georges – if it is only the Dehcho government, the issue is not the distinction, one agency to deal with the harvesters and go between the three governments and everyone creates the agency.

Chris – examples – company may not deal with this person that is an advocate for the harvester.

Bruce – we could look at the lawmaking to discuss that. Steve – different functions, this wouldn't be in the agreement, it would be in another agreement.

Georges – this would be created by the three governments, it is in the territory and after a claim by a particular harvester and facilitating a compensation and gives the individual more authority.

If there needs to be another government involved, it is easier for someone to recognize who you are. Chris – this would be to make something available for three governments.

Rita – the harvesters are our ears and eyes for the land and water. Fish are changing, they are getting sores on them. People that make footprints out there trying to protect the environment. They are trying to bring these encounters to us. Having an office would help things go into the future. The harvesters aren't saying something just for the sake of saying it, they have experience. In trout lake, they tell you what is happening out on the land. All three governments should be supporting this. This is history in the making. We are not trying to take anything away. It is for the future generations. I am glad the harvesters are coming and saying this, they see this happening. These people that are saying don't wear a three piece suit, they live on the land and need the help out there. That would be one place you could go. When people come to Simpson, it is the FN they come to for information.

Georges – we will leave the harvesters alone for now. Build on agenda for next session.

### **Caroline Dennill – Funding Issues**

Interim funding \$450,000 sent out to DFN. Unusual circumstances. No formal letter in place but will have one in the next few weeks.

Georges asked if it was due to the budget. We are trying to make it as normal as possible for DFN. Patrick asked if we could still work with the multi-year funding. Caroline still waiting to hear back on that. She will try and get a letter of offer in the next few weeks. Georges asked if it was tied in with the budget. Caroline responded that they are having trouble getting money also.

### **Scheduling**

Eric will be handing out AiP Workplan as per changes to work plan.

Amber indicated there were some chapters not included. Access chapter from September 2009 was indicated. We will bring it back to the video conference and see what needs to be done. Another one is mineral royalties, no chapter done on this. Georges would like to have discussion in September. Another one is sub-surface resource and this will go to September for discussion.

Harvester's compensation and implementation, we don't identify the chapter anywhere. There is a side table being created in October. Implementation and Implementation plan. October – Ratification could be put in for finalization in October. Harvesters Comp can come back up in October. March 2012 should be March 21-23. June: DR, EX, K-12, Child & Family Services. Additions added to work plan chart for next upcoming session.

### **Elements of a Constitution – Amber Tremblay**

*Read through chapter.*

Eric – this is a standard list. Bruce added we would like to address these issues at some time.

Georges – we will have a chapter on constitution? It will be a piece in relation to governance. We should place this under Dehcho government for future sessions. Justice will be added to September.

### **Closing Prayer – Patrick Scott**