

**DEHCHO PROCESS MAIN TABLE
RECORD OF CONCLUSIONS
From May 10-12.11 session in Ottawa**

ISSUE	CONCLUSION
<u>General Provisions:</u>	<ul style="list-style-type: none"> • <u>General:</u> Canada noted there are a number of sections typically found in GP chapters that are missing in this chapter. Canada agreed to provide the parties with that list. • <u>Footnotes:</u> Parties agreed to remove Footnote 3 as it is no longer required. Parties agreed to remove Footnote #16 as the clause is now inserted (GP7.1). • <u>GP 3.5:</u> Canada would clarification that the s.35 rights that are exercisable are to be exercised in the Agreement. Parties agree.
<u>Migratory Birds:</u>	<ul style="list-style-type: none"> • <u>General:</u> Parties agreed that definitions are no longer required for Method, Migratory Bird Habitat, or Identification Requirements. (from March 8-10.11 session) • <u>General:</u> Parties agreed to remove MB.5.2. (from March 8-10.11 session) • <u>Footnotes:</u> DFN noted that Footnote 1 could be removed concerning consultations with membership on scope of harvesting in chapter. Parties agreed that Footnote 4 could be deleted. Footnote 10 to be revised to indicate that DFN is working on a map to identify traditional trading patterns. Parties agreed to remove footnote 11 as the suggested language has been incorporated. Parties agreed to remove footnotes 13 and 14 relating to the participation of the Dehcho Government in the management of Migratory Birds “within the Settlement Area.” (from

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	<p>March 8-10.11 session)</p> <ul style="list-style-type: none"> • <u>Definitions:</u> Canada to continue working on definition of Trade (from March 8-10.11 session)
<u>Plant and Tree Harvesting:</u>	<ul style="list-style-type: none"> • <u>Definitions:</u> GNWT developed definition of Handicraft, other Parties to provide feedback. • <u>Definitions:</u> LTC to examine definition of Tree as well as other definitions that are used elsewhere in the agreement: Conservation, Emergency, Environment, Edible/Non-Edible (from March 8-10.11 session) • <u>T.1.3 f):</u> DFN requested addition of “Cabin.” DFN to develop definition of Cabin (from March 8-10.11 session)
<u>Expropriation:</u>	<ul style="list-style-type: none"> • <u>General:</u> DFN questioned, in a joint use area like Edehzie, which Aboriginal Government’s laws would apply, T’liche or Dehcho? Canada indicated that it was linked to Pollard but it would take the question into consideration. DFN requested a footnote outlining example for follow-up. (from March 8-10.11 session) • <u>General:</u> The Parties agree that it is not clear at the beginning of the chapter that the negotiation for exchange lands takes place prior to expropriation (if even required). DFN to insert new language. • <u>Footnotes:</u> DFN question if Footnotes 13 & 14 are necessary to keep. Canada to verify internally. Parties agree to remove Footnote 18. Parties agree to

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	<p>modify Footnote 19 to say that Canada is seeking instruction on selecting replacement lands outside the settlement area and that it will need to be clarified that Dehcho laws would not apply on those lands outside the settlement area.</p> <ul style="list-style-type: none"> • <u>EX 1.1</u>: Canada pointed out that removing Dehcho still applies for the purpose of a) and b). Parties agree, DFN to make change. • <u>EX 1.2 b)</u>: Canada prefers “will attempt” instead of reasonable efforts or best efforts. Agreement to insert Footnote. • <u>EX 1.2 d)</u>: Parties agree to remove because redundant • <u>Definitions</u>: DFN to define Public Purposes (from March 8-10.11 session) and to determine if Public Purposes needs to be anywhere else in the chapter, outside of the Principles section.
<u>Interpretation and Amendment:</u>	<ul style="list-style-type: none"> • <u>General</u>: LTC to work on re-ordering Amendment provisions. (from March 8-10.11 session) • <u>General</u>: GNWT to draft specific, technical Amendment provisions not already in the chapter which allow for the agreement to be changed. (from March 8-10.11 session)
<u>Personal and Subsistence:</u>	<ul style="list-style-type: none"> • <u>Definitions</u>: LTC to work on definitions of Harvest and Subsistence and Personal Use. (from March 8-10.11 session)
<u>Dispute Resolution:</u>	<ul style="list-style-type: none"> • <u>DR 1.1</u>: DFN has requested a footnote to indicate their desire for mandatory mediation. (from March

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	<p>8-10.11 session)</p> <ul style="list-style-type: none"> • <u>Footnote</u>: LTC to address footnote 3 and changing timelines to “business days” instead of “days” (from March 8-10.11 session) • <u>Footnote</u>: LTC to add footnote to DR.4.4 regarding issue of coaching of witnesses during arbitration(from March 8-10.11 session)
<u>Dehcho Government (Regional Governance):</u>	<ul style="list-style-type: none"> • <u>General</u>: LTC to consider the structure of the governance chapter and how it relates to what is found in each subject chapter – to return to the table with recommendations. (from March 8-10.11 session) • <u>General</u>: Canada pointed out that the section on 4.2 h) there isn’t enough information pertaining to the DFN’s jurisdiction over wills and estates and suggested additional language. Canada agreed to review other agreements and propose additional language. • <u>General</u>: The Dehcho expressed an interest in having jurisdiction over trusts and committed to providing more information that the overall intention in having that jurisdiction is. • <u>DG 4.1 b)</u>: Canada questioned how this provision will work in the context of a public regional government. The DFN agreed that some mechanism would need to be created so that DFN members only would vote on Aboriginal matters. Agreement to insert Footnote on this issue.

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<u>Jurisdiction:</u>	<ul style="list-style-type: none"> • <u>General:</u> Jurisdiction paper to be turned into a DFN proposed draft chapter. (from March 8-10.11 session) • <u>Footnote:</u> In that draft chapter a footnote should be added to indicate Canada will require fuller input from the Department of Fisheries and Oceans. (from March 8-10.11 session) • <u>Footnote:</u> In the draft chapter a footnote should be added to indicate that GNWT is still working on jurisdiction on Settlement Lands for renewable resources. (from March 8-10.11 session) • <u>Footnote:</u> In the draft chapter a footnote should be added to indicate the areas of jurisdiction affected by the Pollard process(from March 8-10.11 session)
<u>Certainty</u>	<ul style="list-style-type: none"> • <u>General:</u> Canada to remove / change any references (chapter references and references to Wek'eezhii) remaining from Tlicho language (from March 8-10.11 session)
<u>Social Housing:</u>	<ul style="list-style-type: none"> • <u>SH3.4:</u> Canada to discuss with CMHC and determine whether clause can be deleted. (from March 8-10.11 session)
<u>Community Governance:</u>	<ul style="list-style-type: none"> • <u>General:</u> The DFN questioned if the Community Government would have the ability to make by-laws in relation to the operational management of the local airport. Canada to confirm. • <u>General:</u> Parties agree it may make sense to have the

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	<p>Local Services chapter to list the jurisdiction and to have the CG chapter speak only to structure, etc. The Parties agreed to revisit this idea once the chapter has been modified.</p> <ul style="list-style-type: none"> • <u>General</u>: the Parties discussed the difference between local and municipal and the GNWT prefers municipal be used in the chapter. DFN agreed to footnote. • <u>CG 1.1</u>: Canada would like a Footnote on “recognized” as the federal preference is to say “pursuant to the Dehcho Agreement” • <u>CG1.1</u>: Parties to consider merging g) and h) together. • <u>CG 2.2 a)</u> : Canada would like a Footnote that this may be in conflict with a public government model and that Dene Custom may need to be defined. • <u>CG 2.3 b)</u>: Canada would like the residency requirement to be 2 years. The Dehcho initially wanted 5, but have agreed to consider the 2 years. • <u>CG 2.3 c)</u>: DFN to clarify if this should read “...resident in Dehcho Settlement Area” instead of Dehcho Ndehe. • <u>CG 2.4</u>: The GNWT pointed out that provision isn’t clear on residency requirements for Chief and Sub-chief, as the Sub-Chief would be a Councillor. DFN agreed to review. • <u>CG 2.5</u>: The GNWT pointed out that the provision isn’t clear and to suggest similar wording to Tliche

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	<p>8.2.7. DFN agreed to review.</p> <ul style="list-style-type: none"> • <u>CG 3.1 a)</u>: Parties agreed that the provision should read “by law of that Community Government” • <u>CG 4.1 (d) (i)</u>: Canada and the GNWT requested a footnote be inserted on the inclusion of renewable resources to indicate that both governments are seeking instruction. • <u>CG 4.1 d) ii)</u>: Parties agree that the provision should clarify that this would occur within the boundary of the community. • <u>CG 4.1 (d) (iii)</u>: Canada would like a footnote to clarify that this would exclude lands which are held by the Crown. • <u>CG 4.1 (d) (ix)</u>: GNWT would like this provision to be consistent with the Local Services chapter to exclude primary highways as defined under the <i>Public Highways Act</i> (NWT) • <u>CG 4.1 (d) (xiv)</u>: Canada would like a footnote here to state that there will need to be qualifiers here that things of a federal nature will continue to apply and will not be interfered by community laws. • <u>CG 4.1 (d) (xvi)</u>: Canada questioned why the DFN would like the Community Governments to have law-making authority in relation to IBAs. DFN to clarify. • <u>CG 4.1 (d) (xvii)</u>: Canada would like it to be clarified here that it is protected areas only within

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	<p>community boundaries and that Canada will also be seeking instruction whether this can be a possibility.</p> <ul style="list-style-type: none"> • <u>CG 4.3</u> : Canada’s preference is that the provision be in the negative form. The Parties agree and to also transfer this provision to the General Provisions chapter, as it is better suited there. • <u>CG 4.4</u>: Canada would like clearer wording in this provision and will bring forward alternative wording. • <u>CG 6.2</u>: Canada preference is to remove “at least”. DFN agreed to footnote. Canada also requested a footnote stating the provision should modified to read “...do not agree on the <u>method for determining funding levels ...</u>” • <u>CG 9.1</u>: Parties agree to remove 9.1 because of footnote 10. • <u>Appendix</u>: Canada would like a footnote on provision 4 as this cannot be guaranteed and goes back to the same issue in the Expropriation chapter. • <u>Footnotes</u>: GNWT confirm that Footnote 1 is not necessary as their preference is to have the implementing legislation establish the community, not to follow the Tlicho model.