

CHAPTER T: TREE HARVESTING

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T.1.0 GENERAL

T.1.1 With the exception of the provisions set out in T.5 Tree Management, this chapter does not apply to Dehcho Ndehe.¹

T.1.2 Dehcho Citizens will have the right to harvest all species of Trees throughout the Dehcho Settlement Area³ at all times of the year for the following purposes:

- a) firewood;
- b) construction or maintenance of hunting, trapping and fishing Camps;
- c) the making of handicrafts;
- d) traditional or medicinal purposes;

¹ Rationale for this clause is to clearly set out that on Dehcho Settlement Lands, the fee simple owner owns the resource. Certain management aspects would apply (e.g. creating an erosion hazard to a stream and habitat protection) . This approach is also found in the Tlicho Agreement.

³ Tree Harvesting by Dehcho Citizens and the participation of the Dehcho Government in the management of Trees within a National Park will be set out in the National Parks chapter.

- e) construction of boats and rafts; and
- f) house building for personal use.

T.1.3 The right provided for in T.1.1 may be limited or restricted:

- a) by provisions of the Final Agreement; or
- b) for purposes related to:
 - i) Conservation;
 - ii) public health;
 - iii) public safety;
 - iv) Forest Management;
 - v) land management within the Dehcho Settlement Area;
and
 - vi) protection of the Environment from significant damage.

T.1.4 The Minister retains the authority to manage and conserve Trees and Tree habitat and will exercise that authority in a manner that is consistent with the Final Agreement.

T.1.5 To the extent reasonable, Government will Consult the Dehcho Government prior to imposing a limitation or restriction pursuant to T.1.3 b).

T.1.4 In the event of an emergency, Government may impose an interim limitation or restriction related to T.1.3 b) without prior Consultation but will Consult the Dehcho Government, as soon as possible thereafter, regarding the necessity of the action taken and the terms and conditions to be attached to any limitation or restriction imposed.

T.1.5 Nothing in the Final Agreement will be construed to:

- a) recognize a right to harvest Trees for commercial purposes or sale;
- b) confer rights of ownership in Trees;
- c) guarantee the supply of Trees;
- d) preclude individuals who are not Dehcho Citizens from Harvesting Trees, except that they may be precluded from doing so by Legislation;
- e) entitle Dehcho Citizens to any compensation for damage to or loss of Trees or Tree Harvesting opportunities within the Dehcho Settlement Area; or
- f) affect any responsibility of Government for the fighting of forest fires.

T.1.6 Dehcho Citizens will not be subject to any fee for Tree Harvesting pursuant to T.1.1.

T.1.7 Prior to Final Agreement, the Parties will address the issue of documentation or identification for Dehcho Citizens exercising their right to harvest Trees set out in the Final Agreement.

T.1.8 Dehcho Citizens will have the right to utilize any method, and to possess and use any equipment, for the purpose of the Tree Harvesting pursuant to T.1.2.

T.2.0 GIFTING AND TRADING

T.2.1 Dehcho Citizens will have the right to gift Trees harvested pursuant to T.1.1 to any individual for Domestic Purposes.

T.2.2 Dehcho Citizens will have the right to Trade Trees harvested pursuant to T.1.1 with:

- a) other Dehcho Citizens; and
- b) members of another Aboriginal group in the Northwest Territories

for Domestic Purposes.

T.2.3 Prior to Final Agreement, the Dehcho First Nations may address reciprocal opportunities for the Tree Harvesting with other Aboriginal groups through the negotiation of overlap agreements. With the agreement of all Parties, overlap agreement provisions pertaining to opportunities for the Tree Harvesting for Dehcho Citizens may be incorporated into the Final Agreement.

T.3 ACCESS

T.3.1 Dehcho Citizens will have a right of access to all land within the Dehcho Settlement Area for the purpose of Tree Harvesting under T.1.2.

T.3.2 This right of access does not apply:

- a) on Indian reserve lands;
- b) on lands held in fee simple, lands subject to an agreement for sale or lands subject to a surface lease;
- c) where it conflicts with any activity carried out under an authorization granted by Government such as a timber licence or permit, a Forest Management agreement or land use permit; and

- d) where lands are dedicated to military or national security purposes pursuant to Legislation, or areas temporarily being used for military exercises for the period of such temporary use, after notice of such dedication or use has been provided to the Dehcho Government .

T.3.3 An Dehcho Citizen or the Dehcho Government may enter into an agreement with an owner, lessee or Government, as the case may be, regarding access to lands described in T.3.2 for the purposes of Tree Harvesting under T.1.2.

T.4.0 CONSULTATION

T.4.1 Government will Consult the Dehcho Government prior to introducing new Legislation, or amending existing Legislation, that could adversely affect the exercise of the right to harvest Trees as set out in the Final Agreement.

T.4.2 Government will Consult the Dehcho Government prior to:

- a) amending the terms of an existing commercial authorization to harvest Trees;
- b) authorizing a new commercial activity to harvest Trees, or
- c) permitting any commercial activity for the propagation or cultivation of a species of Tree,

within the Dehcho Settlement Area that could adversely affect the exercise of the right to harvest Trees as set out in the Final Agreement.

T.5.0 TREE MANAGEMENT

T.5.1 Prior to Final Agreement, the Parties will address aspects of Tree management within the Dehcho Settlement Area.

T.6.0 EMERGENCIES

T.6.1 Nothing in the Final Agreement will prevent any individual from Harvesting Trees for survival in an emergency.