



Dehcho First Nations



Dehcho Visions

February 2008

We address and offer thanks to the earth where human beings dwell, to the streams, the pools, and the lakes, the corn and fruits, the medicines and trees, to the forests for their usefulness and to the animals that are food and give their pelts for clothing, to the great winds, and the lesser ones, to the thunder; to the Sun, the mighty warrior, to the moon; to the messengers of the Creator who reveal his wishes and to the Creator who dwells in the heavens above who gives all things useful to humans, and who is the source and the ruler of health and life.

From "Peace Power Righteousness" by Taiiiake Alfred

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Post-Holiday Message from Interim Grand Chief Gerald Antoine



This time of the year blesses us with opportunities to share the many gifts we have, such as love, laughter and our lives. It's a precious time for all of us to be with each other.

When we visit our older folks, these Elders share these unconditional gifts of love through their words, such as "Mahsicho". This word amplifies their thankfulness which is conceptually beyond mental capacity; it's simply in the context of spirit.

This land was created by: The One Who Provides for All" and we came from this land. We recognize and respect the natural laws, which regulate the cycles and seasons, the rhythms of the earth, the way of the animals.

The laws of the Dene, which have been passed down to us by our Elders, teach us how to respect the land, ourselves and each other. They teach

us how to live in balance and good health, and how to protect ourselves and our children. We must continue to live by these laws and pass them on to our children.

These are the experiences that our Elders talk from and are the reasons why the peoples from the land have encouraged the responsibility to protect the land for generations yet to come.

We have so much to offer each other, for today, we are free to reach our full potential. In these times, it is important than ever, that our spirit of togetherness prevails, so that our lives represent not only a hope of renewal but also a promise for the future.

These moments also extends into providing a special time to reflect about ourselves, what we have experienced and what we still need to do.

In regards to our land and our future, I'm sure you've had reflections as I have done. This current process that Dehcho has embarked upon has been awhile and there is now a need to regroup, which requires your participation.

At the 2008 Dehcho Assembly, I stated the following "you must start to work together seriously". Having said that, I had committed to the Office of Grand Chief for the next critical period, this period has arrived and requires your involvement.

Grand Chief Message Continued from page 1

We have the opportunity of resolving the relationship that the Crown will be having with us. Together with Spirit I believe we can achieve this potential. The June 11, 2008 Canada's Apology to the Residential School Survivors is a start in the right direction.

On behalf of the DehCho First Nations, Members & Staff, I would like to extend to you, your family & Friends, a Blessed Christmas and a Prosperous New Year.

Mahsicho
Gerald R. Antoine
DehCho Grand Chief

The Naxehcho & Harvesters Gathering, Hay River Reserve October 28-30, 2008

The primary focus was the revised **Dehcho Land Use Plan** PowerPoint presentation in the Dene Zahtie. Following the general comments from the Naxehcho (Elders) & Harvesters who spoke with passion regarding their relationship with the land and all living things, some very clear points emerged.

Here are some of those points

- The leadership has never rejected the 2006 resolution on the final draft "**Land Use Plan**" therefore the original Land Use Plan still exist.
- Honor the Interim Measures Agreement signed in May, 2001 and the revised "**Term of Reference Plan**" initialed in April 2007.
- The plan is too lop sided at the moment, work towards harmonizing the **Special Management** with the **Special Development** zones.
- They are not prepared to separate themselves from the land, the language and culture derives from the land, their ancestors left their foot prints that cannot be severed and those buried all over this land.
- Perhaps the language that are weaken can be replaced with a Dene Zahtie terminology, (again the concern here is, it's difficult to interpret and translate "consider, potential, reasonable efforts and encouragement) it either is or it isn't.

- Those sections that directly impact on their policies or regulations, would the term "**Without Prejudice**" eliminate that concern for the Federal and Territorial Governments?

Those were the main points discussed. The document initialed in April stating the objective on the planning process which is "to consider the principles of respect for the land, as understood and explained by the Dehcho Elders, and sustainable development in developing the Land Use Plan, which shall provide for the conservation, development and utilization of the land, water and resources in the Dehcho" was also considered.

Ottawa Negotiation Session November 18-19th 2008



The session was held in Ottawa at the request of Canada at the Aboriginal Healing Foundation Board in Ottawa. This was the first session since the last one in early June prior to the Assembly. Canada had cancelled all the fall sessions in September and October because of the federal election.

DFN had hoped Canada would respond to the negotiation mandate that was set out in the Kakisa Assembly Resolution. Unfortunately Tim Christian, Canada's Chief negotiator informed DFN that he still was not able to make comment on a response to the resolution as he had not yet received any mandate directives. He did indicate however that he felt the resolution would be difficult to get support for within the federal system as it was too restrictive to the negotiation process and outside of his mandate. He also expressed concern that it did not leave any room to work on self government negotiations, as the resolution

requires the land use plan issues to be resolved and then approved before other discussions are to occur. He hoped he would be able to respond by the Dec 15th session. ***[Note: since that time he has cancelled the December session because Canada has rejected the resolution as having a work plan compatible with the federal mandate.]***

Some time was used in the Ottawa session to discuss changes required to the Agreements between Canada and DFN as a consequence of the withdrawal of ADK from Dehcho First Nations. As well a proposal was submitted to providing funding to Nahanni Butte and Trout Lake for their talks with ADK on overlapping lands interests.

Because the session was held in Ottawa, we were able to have the Grand Chief and Chief Berna Landry, along with various DFN team members meet with various politicians in Ottawa. Our first key meeting was with representatives with the World Wildlife Fund,

CPAWS and the Boreal Initiative.

Our MP, Dennis Bevington was able to set up a special meeting with his leader Jack Layton and Senator Nick Sibbeston organized a meeting with Senators from the Aboriginal Affairs Senate Committee along with representatives from the offices of the liberal critic for INAC and for the Environment. Requests were made to meet with the Minister of INAC Chuck Strahl and with the Environment Minister, Jim Prentice, however they would not make time to meet with the Grand Chief. He was however able to meet with the CEO of Parks Canada to discuss finalizing the Nahanni Park expansion and he also met with representatives of Canadian Zinc.

The Executive Director, Ria Letcher held meetings with finance officials to secure funding for this fiscal year.

Youth Elders Gathering June 20-23, 2008



The annual youth and elders gathering was held once again at Kakisa, June 20-23, 2008. Nine communities were represented by the Elders and Youth. Three organizations were unable to send representatives. The first day started on National Aboriginal Day, June 21, 2008. We appreciated the fact that the delegates choose to spend the time for the Naxehcho Youth Gathering despite aboriginal day celebrations in their home communities.

The meeting opened with a prayer, Assistant Negotiator Sam Gargan also greeted the delegates and explained the expectations of the youth and gathering. Chief Lloyd Chicot of Kakisa welcomed the youth and elders to the community and invited them to offer tobacco to the lake at their leisure.

Facilitator Roy Fabien explained the prayer song and fire feeding ceremony. Coordinator Lee Thom reviewed the agenda for the weekend and explained the six options available. When each delegate registered, they received a name tag with the sessions listed at the back. Once they completed each of the sessions, the facilitator signed their tag. The youth and elders were divided into groups of six and assigned to a station.

Each station had a facilitator and staff to assist with the activity. The sessions lasted an hour with a rotation after each completed task.

Facilitator Margaret Rose Elleze from Fort Providence demonstrated the technique if making bannock dough. Each participant mixed their dough and cooked it on a stick by the fire. Supplies were donated by the Northern Store.

Facilitator Caroline Bonnetrouge from Fort Providence demonstrated the art of making dry fish and dry meat. The process of setting a net did not happen. The youth should have been part of the process of setting nets to get the fish to make dry fish. Although the youth did construct a drying rack.

Facilitator Sam Elleze from Fort Providence took a group on a nature walk. During the nature walk, they learnt about survival skills and built a lean to and fire. They also made bows and arrows with a sticks and snare wire. They discussed the different plants, trees and animals. He also told stories of his past and how he was taught the traditional way of life by his father.

Facilitator Laura Sanguéz demonstrated how to bead on material. Most youth opted to make a simple necklace.

Material was ordered from Yellowknife and supplies from the Acho Dene Craft store in Fort Liard.

Due to the lateness of the arrival of the supplies and material, patterns were unable to be made ahead of time for pouches, sugar or bullet bags and purses. The material will be kept for next years gathering.

Facilitator Roy Fabien explained the significance of the drum and songs. He demonstrated the proper ways to hold and handle the drum and explained that the drum represented a lot more than for entertaining. It also helps with prayer and meditation. He also talked about the way he grew up and the struggles he faced as an aboriginal child growing up in a white society and possible reasons why our way of life is dying.

Facilitator Sam Gargan asked the youth to create a drawing on what it meant to them to be Dene. He also asked what their connection to nature would look like and what Indian summer meant to them. The youth kept their drawings and were given a sketch book. Most drawing was of the land or being on the land. He also talked about the meanings of different Slavey words.



The youth had to interview an elder to get to know them. They were encouraged to ask the question in Slavey or ask the elder how to say it in Slavey. The youth presented their finding of the elders to the rest of the group. This demonstrated their ability to report, speak or present publicly. A lot of the youth were shy but enjoyed the interacting and communicating with the elders. The language barrier intimidated the youth to approach the elders. Most of the elders spoke English and were delighted to talk to the youth.

Archery / Laser rifle shooting Facilitator Tyrone Sanguiez from the Aboriginal Sport Circle offered archery target lessons and laser rifle shooting for the youth. It was very popular among the youth. Greg Hopf also from the ABS attempted to facilitate an 8 hour workshop on Coaching. Due to the length of time, the delegate's lots interest and participated in the other activities

The day ended with the facilitators

sharing their experiences and activities, what they learned, what was unique, different or new? Once again concern was expressed by both the Youth and Elders on the lack of time necessary to pass on and teach the youth what the Dehcho Dene Way of life is really like. To experience and learn more efficiently will require an environment where the Elders can feel at home and the youth to learn where the Dehcho Dene have come from.

On Sunday Facilitator Roy Fabien provided a summary on the drumming session that was held the night before. The youth also had the opportunity to report on the interviews they had with the Elders.

Facilitator Barb Betsaka from Fort Simpson presented a power point presentation to the youth and elders called Native Pride. The presentation was to give the youth the drive to create a solid foundation, to implement some basic teachings to create strong individuals and to

remember we are magnificent; we are from the land, so the land must be protected. Barb did an excellent job in her presentation and the youth and adults were very alert during this time. The presentation motivated the youth to be more involved in the survival of the culture and language and to be proud of our heritage. It also educated the delegates on the history of the Dene people.

Special thanks to our sponsors; Government of the Northwest Territories, Department of Municipal and Community Affairs, NWT Youth Corp Program, Dehcho Health and Social Services, Mackenzie Gas Project, Enbridge Pipelines, Walter Gordon Foundation, Northern Store.

Dehcho Land Use Plan Committee...

As Chair/CEO of the Dehcho Land Use Planning Committee, I am often asked what are the revisions to the Land Use Plan? I look at the revisions of the Land Use Plan in two ways: The first is the Conformity Requirements, Actions, and Recommendations. The second is Zoning. This perspective is particularly helpful when explaining the revisions to the Land Use Plan to elders in the Dehcho Dene Zhatie. The following is a brief update of the Dehcho Land Use Planning Committee and its work on making revisions to the June 2006 Draft Land Use Plan.

The revisions to the June 2006 Draft Land Use Plan are almost complete. Work still remain in the final drafting of the text of the documents, the actual Land Use Plan that was re-drafted. There is also remaining work in the areas of Conformity Requirements. A few particular issues remain, including: Mackenzie Gas Pipeline Corridor, Interim Measures Agreement, and the Termination/Sunset Clause. At some point the Land Use Planning Committee may decide to defer those items to the Main Table, comprised of all three Chief Negotiators including Dehcho First Nations, GNWT, and Federal Government.

Ideally the Committee will work and seek consensus on those outstanding issues. Members of the Dehcho Land Use Planning Committee are committed to completing the Interim Draft Land Use Plan.

It is important to remember the Land Use Plan began with the Dehcho First Nation and the Interim Measures Agreement, signed in May 2001. While planning and its concepts are sometimes viewed as a new trend, Dene have innately planned and managed the natural resources systems of the Dehcho since time immemorial. In the past Dene lived according to the seasons and would often sustain themselves based on what the season had to offer. Hence, in the summer families would find themselves living along the Dehcho. The next winter the same family may be living on Willow Lake, where wildlife was plentiful. Indeed Dehcho people are familiar with planning. Currently the Dehcho First Nations, Government of Canada, and the Government of the Northwest Territories, are developing a revised Land Use Plan that could be considered as an Interim Draft Land Use Plan. The current Committee Members have been working on the revisions since August 2007,

as mandated by the April 2007 Terms of Reference by the Main Table, which states that the revisions will become the Interim Draft Land Use Plan.

As a series of on-going meetings and workshops, the Dehcho Land Use Planning Committee recently met in Fort Providence, December 1, 2008. The next day the Committee joined the Dehcho First Nations Land Use Planning Forum. The session was a success in that Government Representatives were given an opportunity to explain the nature of the revisions. At the same time, Dehcho First Nation Representatives were also given an opportunity to have an internal meeting with their principals, Dehcho First Nations. More important was the opportunity for representatives of all three parties to touch base with each other. As the exercise of completing the revisions come to a close so does another opportunity arise: seeking the approval of the Interim Draft Land Use Plan by all three parties, which I feel is the next stage we are entering.

I stated that I often provide an explanation of the revisions to the Land Use Plan in two ways. First are the Conformity Requirements (CR's),

CONT. Dehcho Land Use...

Actions, and Recommendation which all work to establish on how development takes place for the Dehcho Territory. The second is zoning which categorizes lands according to its designation or value. It could be said that the CR's are somewhat like legislation and policies. These all have to work within existing regulatory systems. In terms of zoning, there are six current zones within the Interim Draft Land Use Plan.

When I think of the Land Use Plan, a particular poignant moment reinforces my understanding of why the Land Use Plan is important to us. That recollection is that of a story told to me by Herb Norwegian. Herb was very fortunate to have worked with most elders of the Dehcho in compiling Traditional Land Use Occupancy Mapping. In that story, elders would recall their first moose harvest then pen trails to the map that chronicle their life journeys. Herb tells me that elders would have walked many many miles.

The next Dehcho Land Use Planning Committee meeting will be in January 2009. On behalf of our staff and Committee, I wish each and everyone of you Merry Christmas and a Happy New Year of 2009!

Michael M. Nadli

Dehcho Regional Investment Update.

The Dehcho Regional Investment plan is a strategy to manage the negative effects of Mackenzie Gas Pipeline Project (MGP).

Dehcho First Nations and the GNWT appointed a Steering Committee to lead the planning process. Members represent all Dehcho Communities.

The committee recommends 11 different kinds of projects to help people most at risk of being negatively affected by the MGP. The plan focuses on social, cultural, and economic conditions that will be made worse by the MGP.

The 11 types of projects that could be funded are; **Youth, Day Care, Food sharing and life skills, Wellness, Shelter, Policing, Social Development, Student Supports, Language and Culture, Social Infrastructure, and Housing.**

Dehcho communities could apply for funding to run projects that lessen the negative effects of the MGP. Funding would be available through a regional organization set up to manage the Mackenzie Gas Impact fund (MGPIF). Funding for the Dehcho Regional Investment Plan will be available **only** if there

is a commitment to go ahead with the Mackenzie Gas Project. If the MGP does not go ahead, then this plan can still be used as a framework towards improving healthier communities.

The Dehcho Regional Investment Plan is part of all process that are affected by the MGP. It is not closely linked to Access and Benefit Negotiations. Access and Benefit Negotiations are about allowing access to Dehcho lands in exchange for business and other economic benefits. The Dehcho Regional Investment Plan deals with social, cultural, and economic impacts from the MGP that are not included in Access and Benefits Negotiations.

If you have questions comments, contact Ria Letcher at Dehcho First Nations or any members of the Dehcho Regional Investment Plan Steering Committee

Members are; Fred Norwegian (Chair), Margaret Leishman, Lawrence Nyally, Joanne Deneron, Dan O'Neill (GNWT), Ria Letcher, Dennis Deneron, Rita Cli, Minnie Letcher.

Communities updated on Interim Land Use Plan



A series of community consultations had occurred between the dates of Nov. 6-25th 2008 by Sam Gargan and Violet Sanguéz. What had been shared was a highly important matter concerning the changes to date of the 2006 Final Draft Land Use Plan. You see, back in November 2006, DFN received a letter from the Federal Negotiating team as they had been given direction to terminate the Dehcho Land Use Plan. From that point, DFN's negotiating team convinced the Federal Government not to back-out of the 2001 Interim Measures Agreement.

The communities visited by Sam and Violet were; Jean Marie First Nation, Ka'a'gee Tu First Nation, Deh Gah Gotie Dene Council, West Point First Nation Members, Sambaa K'e Dene Band and Nahanni Butte Dene Band. Liidlii Kue and Pehdzeh Ki First Nation were visited by Herb Norwegian and Jim Antoine.

In October 2008, there was a Land Use Plan update session for the leaders of Dehcho First Nations. The information was provided by the Dehcho Land Use Planning Committee. An update as to what compromises were in order for the Federal Government to remain interested in the Land Use Plan. The meetings were well attended by Elders, and community members. Some concerns on the changes that were made to the approved 2006 Interim Dehcho Land Use Plan that was shared by members are as follows;

- ✦ Do not want changes made to the 2006 Interim Land Use Plan,
- ✦ Still want to go ahead with the 2006 resolution that was passed at the, 2006 Assembly in Kakisa,
- ✦ The plan is geared more in favor of Canada,
- ✦ The language not to be weakened in the plan,
- ✦ If the LUP is implemented, land selected, and then what will be the status of selected lands?,
- ✦ We want development on our land but under our conditions,
- ✦ Some areas around Cameron Hills needs to be re-looked over,
- ✦ LUP has to reflect our Treaty,
- ✦ Do not agree with sections deleted on Language and Culture,
Traditional place names should be used.

The questions and concerns were brought to the LUP Forum that was held in Fort Providence the first week of December.



Date	Community	Comments
Nov. 6/08	Jean Marie First Nation	<ul style="list-style-type: none"> ● Land selection, is it going to community owned lands or DFN owned lands? ● Should land selection happen first then design a LUP around the community lands? ● If LUP is implemented, land selection then what is the status of the selected lands? ● It is always Canada/GNWT working against DFN, where did GNWT come in strength? ● What is the fear of redoing the development zoning? ● Issue of land selection and its impact on LUP was not thought about because we don't want to go there. ● There is only one problem with the zoning; Special Development, it is too broad, needs changing. ● We stand on the LUP that was approved ● We are not against development on our land, but we are against stages of planning that do not favor our conditions. ● We would like to ensure nothing happens to the water at the end of the day ● Take the opportunity on what is there (LUP) now before you lose it or it gets less ● It was brought up that we should have another lawyer besides Chris Reid but it didn't happen ● Looking at different options is good for the whole ● There was an ad for Senior Information Officer with DFN, why not download the money to the communities ● Changing the wording "reasonable efforts" vs. "best efforts", you have to make it stronger, not weaken it

Date	Community	Comments
Nov. 7/08	K'agee Tu First Nation	<ul style="list-style-type: none"> • The protected area in 2006 Draft LUP was 12%, now it is Federal protected area, and it is at 25.5%, what is included in the increase? • Some areas are open to tourism, and mining on Cameron Hills, need to be relooked at, makes no sense • Need more work done on Cameron Hills • Companies hire monitors to do the work, they should seriously look at hiring trained people to do this • KTFN is on second stage of PAS, looking for a sponsor
Nov. 12/08	Deh Gah Got'ie Dene Council	<ul style="list-style-type: none"> • This is our land, "The One who circled the earth" had left traces on the land and can be seen today • We eat from the land and survive off of it • We will not give up our land for \$5 • LUP has to reflect the treaty • There are some sections on Language and Culture deleted and is not right • We are treated like our grandparents did not live off the land • What happened to the DCRMA, why is it not included in the document? • The only way LUP is to go was through the DCRMA • Traditional place names are very important, it should be used so that they will not be lost
Nov. 12/08	Liidlii Kue First Nation	<ul style="list-style-type: none"> •

Date	Community	Comments
Nov.13/08	West Point First Nation	<ul style="list-style-type: none"> ● Talking about corridor, a study should be done incase of any burial sites and cultural sites in the area ● They (Canada) is more less destroying our livelihood ● It is important to document traditional activities of the past
Nov.13/08	Pehdzeh Ki First Nation	<ul style="list-style-type: none"> ●
Nov.25/08	Sambaa K'e Dene Band	<ul style="list-style-type: none"> ● We support the 2006 LUP, this is our land, Canada can't tell us what to do ● We have proof from the archaeology work that was done around here that the land has been occupied by our ancestors for many years. We cannot say what piece of land we want, or how big of a land we want, it can not be divided ● The Dene since time immemorial share and use the land when they want, there is not restrictions, today the land use sets limits, you cannot predict the future of the land ● The land is changing due to the things that are done to it, we have to prevent it, we have to protect the land ● Draft Revised LUP 2008, why is SKDB not Federal Protected Area Initiative Zone like Edehzhie and NNP? SKDB is on step 5 of the PAS today ● We have to balance/harmonize things for the children of the future ● It was a relieve when the Interim Land withdrawal was first put in place years ago, if not where would we be today? We want the LUP in place to guide development, but no support from Canada and GNWT ● What can the communities do to strengthen the position on LUP? ● We need Nahxecho guidance and leadership's strength to counter government position
Nov.27/08	Nahanni Butte Dene Band	<ul style="list-style-type: none"> ● Are they going ahead with land selection? ● More concerned about Prairie Creek Mine

Summary; McCrank Report by Laura Pitkanan

Comments on McCrank Report

Objective of the McCrank Report

The objective of the Report is as stated:

“The purpose of this review is not to promote or discourage resource development – that decision will be made by the governing authorities and the northern residents who are impacted by development. Rather, this review is to determine if the regulatory systems can be improved so that if a decision is made to allow resource development, the development takes place in an orderly and responsible manner.” (page 11)

In my view, the objective statement of the Report is deeply flawed. The objective focuses on ensuring that development takes place in an orderly and responsible manner. This does not include improving *how* decisions are made in the regulatory system. While decisions to ‘promote or discourage’ development can be made by governing authorities and northern residents, this statement is otherwise irrelevant to how the regulatory system functions. It is also misleading as it implies that these parties make any decisions on developments. In actuality, all developments are approved by the Mackenzie Valley Land and Water Board under the *MVRMA*, unless they are disallowed following Environmental Assessment or Environmental Impact Review. It is the regulatory system (through quasi-judicial bodies and the Minister) that ultimately makes decisions to approve developments, and decides which Terms and Conditions they operate under. Therefore, how decisions are made is a critical part of the regulatory system and any effort to improve the system must include these processes.

This is an important distinction for the Dehcho First Nations who have been interested in improving both the decision-making process, and the way in which approved developments proceed.

The Report emphasizes improving the regulatory system for non-renewable resources. (page 15)

Key Results

The Report concludes that a fundamental restructuring of the regulatory system is needed in order to ensure an orderly and responsible system.

The Report recommends 2 ways to restructure the regulatory system, however both options result in the amalgamation of the jurisdiction of existing (and presumably all future) boards into one quasi-judicial Land and Water Board for the entire Mackenzie Valley.

McCrank’s criticism of the regulatory regime include the complexity of the system which is in large part due to the large number of boards and regulatory authorities. McCrank also criticizes the capacity of these boards to function efficiently, blaming a lack of technical and educational skills. While he notes training and education initiatives aimed to improve this capacity, he doubts that the capacity can be increased sufficiently.

“However, in my opinion, it is not possible to expect that this capacity issue will improve as more comprehensive land claim agreements are settled and, hence, more regulatory bodies are created. Increasing activity levels for resource development will also exacerbate the issue.” (page 22)

“a regulatory structure has been created with too many regulatory bodies that do not (and will not) have the capacity to perform their duties.” (page 26)

This dooming analysis is aimed at the Aboriginal boards and authorities established under the comprehensive land claim agreements, and is of direct relevance to the Dehcho First Nations.

Report Recommendations

“This Section will outline some options on restructuring. It should be made very clear that this is not an attempt to diminish or reduce the influence that Aboriginal people have on resource management in the North.” (page 23)

Contrary to McCrank's assertion that the recommendations are not an attempt to diminish or reduce the influence of 'Aboriginal people', the Options for restructuring would achieve exactly that.

Option 1 outlines a fundamental restructuring that would require the agreement of all parties to amend the comprehensive land claim agreements and the Mackenzie Valley Resource Management Act (MVRMA). (page 23)

Option 1 calls for the completion of Land Use Plans in the Mackenzie Valley and the recognition of the MVLWB as the only Land and Water Board. This would entail dissolving all boards and authorities under the Gwich'in, Sahtu and Dene, and Tlicho comprehensive land claim settlements, including regional land and water panels. McCrank recommends that all funding, duties, roles and responsibilities of these regional land and water panels should be transferred to the MVLWB.

McCrank then argues that Aboriginal input can instead be achieved through land use plans. However, land use plans are intended to complement and provide guidance to the regulatory system and these 2 processes have distinct and separate roles and functions. It is in DFN's interest to have equal representation and decision-making roles in both processes.

Importantly, Option 1 cannot be achieved without the consent of all parties to the land claim settlements.

Option 2 outlines a less extensive restructuring which may require some amendments to the Mackenzie Valley Resource Management Act (MVRMA). (page 23)

Option 2 also recommends a single MVLWB with extended jurisdiction over settlement areas, such that the MVLWB is the final decision making authority with the powers to resolve disputes at the regional level. The regional land and water panels would serve an administrative function only. Importantly, this option may not require the consent of the parties to the land claim agreements, and may only require amendments to the MVRMA.

Additional Recommendation

In addition to a major restructuring of the regulatory system, the Report also contains recommendations for improving the system. Many of the issues addressed in the recommendations have been raised as concerns by DFN already.

While describing the duty to consult Aboriginal peoples as a "burden", McCrank recommends that government develop a streamlined consultation policy for all parties, as well as a policy on Impact Benefit Agreements in the north. (page 30)

In regards to mining, McCrank notes that the federal government should develop policies on security deposits and free-entry, but these recommendations contain no detail. Of great concern is McCrank's recommendation that the federal government enact legislation for surface rights, such that disputes over surface access for mining, and oil and gas, can be alleviated. (Recommendation 14; page 39).

Recommendation 17 is an issues that DFN has raised regarding the apparent lack of transparency in Ministerial decisions on Report of Environmental Assessments. Here, McCrank recommends that government develop a policy. (page 17)

Summary Analysis

In the Report, much of the criticism of the current regime has already been brought forward by the Dehcho First Nations, and forms the basis for DFN's proposal for a model of co-management and co-regulation under the DCRMA. An analysis of DFN's issues with the current regime is contained in my previous report on the DCRMA and Land and Water Regulation. The Report also recommends the completion of land use plans.

The Report is clearly intended to restructure the regulatory regime through the systematic dissolving of the Aboriginal boards and authorities responsible for land and water regulation in respective land claim agreement regions. While McCrank purports that Aboriginal involvement can instead be achieved through land use plans, the land use planning process is not a replacement for regulatory decision-making: it complements the regulatory system. On a positive note, DFN can use the McCrank Report to help justify DFN's proposal for a streamlined, one-house DCRMA in the Dehcho territory, and the completion, approval and implementation of a land use plan.

Please be Careful when you play



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