

DEHCHO PROCESS MAIN TABLE
Negotiation Session Follow Up from
February 19-22, 2013 VIDEO CONFERENCE

SUBJECT MATTER	ISSUE/ DESCRIPTION	RESPONSIBLE PARTY	STATUS
1) DCRMA Outstanding item since June 3-4, 2009 session in YK	The DFN provided a paper on the DCRMA and tabled the document during the June 3-4, 2009 session in YK. The DFN have requested that Canada respond with a similar document, outlining the federal view of the DCRMA.	Canada	The Parties have all presented papers on resource management. Further discussion required regarding next steps
2) Harvesters Compensation Outstanding item since January 14, 2010 video conference	Canada explained that the chapter, in its current draft, is still problematic because compensation still includes the Dehcho being compensated for a loss of harvesting of plants. The issue is that the absolute liability model is to apply only to wildlife harvesting. Canada requested the section that includes plants be removed and the DFN agreed to take this back to give it some further thought.	Canada	After hearing back from Canada, DFN committed to seeking instruction on this proposed revision to the chapter. February 8, 2011 - DFN indicated their willingness to make a deal if there can be a compromise. Canada to consider.
3) Forest Management		All Parties	To discuss at March 2013

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May 31-June 2.11 session in YK & June 22-23.1 Video Conference & June 12-14, 2012 Video Conference	Incorporate Forest Management into Jurisdiction on Dehcho Ndehe and Management of Renewable Resources.		session.
4) Treaties 8 & 11 May 31-June 2.11 session in YK	Parties discussed how the ongoing relationship between Canada and the DFN in relation to Treaties 8 & 11 would continue in a Final Agreement	DFN	DFN to draft language.
5) Appendix B in the Plant Harvesting Chapter November 15-17.11 Video Conference	Parties discussed 18.1.2 and the reference to Appendix B and perhaps the necessity of instead saying what we mean (i.e. lands inside the Dehcho Settlement Area, apart from Dehcho Ndehe). This will need to be reflected in the other harvesting chapters well. Issue was further discussed at Feb. 19-22, 2013 session. Whether to reference 'area shown in Appendix A' or the 'Dehcho Settlement Area' in 15.1.2 and 16.1.2. Also whether to reference 'area shown in Appendix B' or the 'Dehcho Settlement Area, excluding Dehcho Ndehe' in 18.1.2 and 19.1.2. DFN negotiators stated that	LTC	GNWT provided draft language at the October 2012 session for all parties to consider. LTC to review.

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	they have no instructions to limit these rights. Canada and GNWT have stated that this relates to certainty.		
6) Management of Renewable Resources June 12-14, 2012 Video Conference	GNWT to have internal discussions surrounding internal program delivery to the Board	GNWT	GNWT to respond in April 2013.
7) Jurisdiction on Dehcho Ndehe November 20-21, 2012 Video Conference	Canada tabled a draft chapter at the November 20-21 2012 session. Dehcho raised a question for GNWT: 1) How does the limitation in J.2.3 b) affect permitting for renewable resources, such as forestry? At the December 10-12, 2012 session, Canada suggested splitting the chapter according to land, non-renewable, and fish jurisdictions At the January 15-17 session, DFN asked for Canada to provide more examples under J.1.1.	Canada and GNWT	GNWT to follow up on Dehcho questions GNWT to draft language for territorial jurisdictions for March 2013. Canada to consider presentation from subject expert.

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8) Expropriation November 20-21, 2012 Video Conference	If land was expropriated and a cash settlement was provided as compensation, Dehcho asked if this cash could be used to purchase land to be added to Dehcho Ndehe at a later date. Dehcho was concerned that adding to Dehcho Ndehe requires the Parties to re-open the Dehcho agreement	Canada	Canada had initial conversations, confirmation still required.
9) Expropriation - 13.7.1 b,e	Canada and GNWT indicated a preference to delete 13.7.1 b) and e). For b), Dehcho have the right of first refusal, and consent from the Dehcho would be a significant encumbrance to alienating lands to another party. For e) Government's position is that the Expropriating Authority will set the price.	DFN	DFN to consider deleting b) and e).
10) DFN Treaty 11 rights in the Yukon Outstanding item since Jan 14. 10 video conference DFN Treaty 8 rights in Alberta. Outstanding item since the May 18. 10	The DFN asked what Canada's position was with respect to DFN Treaty 11 rights in the Yukon The DFN asked what Canada's position was with respect to DFN Treaty 8 rights in Alberta.	Canada	Canada committed to seeking instruction, which may require Cabinet approval. Same as above. Parties agree to review closer

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session in Ottawa.			to Final Agreement.
11) Dehcho Ndehe Chapter	The DFN needs to obtain direction from its leadership with respect to sections 7.1.12-7.1.15 and 7.2.1. Discussed at Jan. 15-17.13 video conference.	DFN	DFN to respond in March 2013.
12) Subsurface Resources chapter	The Parties asked whether the “Consult” referenced in SR.1.1 refers to government consultation. DFN asked what is meant by “lands” in SR.1.2(a). Chapter is missing some sections. Discussed at Jan. 15-17.13 video conference.	Canada	Canada to provide more clarity on “Consult”. Canada to check if this means Crown Lands. Canada to draft remaining elements of the Chapter for February 2013.
13) Land Use Plan chapter	Canada cautioned against having a too detailed/prescriptive Land Use Plan chapter in the Dehcho Agreement. Discussed at Jan. 15-17.13 video conference.	Canada	Canada to draft chapter for March 2013.
14) Harmonization of Harvesting Chapters	LTC offered to advance the harmonization of the Harvesting chapters at their next LTC meeting in February 2013. Discussed at Jan. 15-17.13 video conference.	LTC	LTC to provide something for February 2013.

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15) Marriage	The solemnization of marriage is currently listed as an item over which the Dehcho Government has the power to enact laws (see Dehcho Government chapter 22.4.2g). The GNWT indicated that this jurisdiction requires further discussion and may require its own chapter. Discussed at Jan. 15-17.13 video conference.	GNWT	GNWT to provide comments for March 2013.
16) Harvesters Compensation – Traditional Activities Advocate	Question arose whether the Traditional Activities advocate should advise Governments regarding harvesting and traditional activities. Canada is concerned that this could imply reporting formalities and a funding commitment. Proposal to change from “advise Government” to “offer advice to Government” and add in “advocate on behalf of Dehcho harvesters” in 20.3.1. Discussed at Jan. 15-17.13 video conference.	Canada and GNWT	Canada and GNWT to consider new language provided in 20.3.1b and d.
17) Dehcho Governance Workshop	Dehcho Government modelling session planned for April 2013.	All parties DFN	All parties to consider ideas for April; DFN to draft language on

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			two Assemblies.
18) Ratification - Footnote 6.2.3 b) ii	Canada to review footnote and respond at March session	Canada	Canada to follow up.
Scheduled Sessions for 2012-2013 <ul style="list-style-type: none"> • March 19-22, 2013 by videoconference • <i>Tentative</i> - April 16-18, 2013 by videoconference • <i>Tentative</i> - May 14-17, 2013 by videoconference • <i>Tentative</i> - June 11-14, 2013 by videoconference 			
Call-In Information for Negotiators Call and DLUP call: 1-866-885-0884, Passcode: 1244			