

DEHCHO PROCESS MAIN TABLE
Negotiation Session Follow Up from
November 18-21, 2013 YELLOWKNIFE

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.	All Parties	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) 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.
4) Harvesting Chapters - General Hunting Licence February 19-22.13	The Parties agreed to refer to the 'Dehcho Settlement Area' to identify where the Dehcho have the right to harvest wildlife, migratory birds and fish. However, DFN negotiators	Main Table	Footnote placed on reference to 'Dehcho Settlement Area' in 15.1.1 and 16.1.1: Considering the possibility

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Video Conference	<p>stated that they have no instructions to limit these rights and footnotes were placed on 15.1.1, 16.1.1 and 17.1.1. Canada and GNWT have stated that this relates to certainty.</p> <p>At the May 2013 session, DFN asked whether a General Hunting Licence could also cover the harvesting of fish.</p>	GNWT	<p>of using a General Hunting Licence as a solution. DFN is working on wording.</p> <p>GNWT to follow-up</p>
<p>5) Expropriation</p> <p>November 20-21, 2012 Video Conference</p>	<p>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</p>	Canada	<p>Canada had initial conversations, confirmation still required. Parties to consider where in the agreement this type of clause would be best placed.</p>
<p>6) DFN Treaty 11 rights in the Yukon Outstanding item since Jan 14. 10 video conference</p> <p>DFN Treaty 8 rights in Alberta. Outstanding item since the May 18. 10 session in Ottawa.</p>	<p>The DFN asked what Canada's position was with respect to DFN Treaty 11 rights in the Yukon</p> <p>The DFN asked what Canada's position was with respect to DFN Treaty 8 rights in Alberta.</p>	Canada	<p>Canada committed to seeking instruction, which may require Cabinet approval.</p> <p>Same as above.</p> <p>Parties agree to review closer to AIP.</p>

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7) Subsurface Resources chapter	<p>The Parties asked whether the “Consult” referenced in SR.1.1 refers to government consultation.</p> <p>Chapter is missing some sections.</p> <p>At the April 2013 session, Canada raised concern with the additional edits to the Subsurface Resources chapter tabled by DFN. At the May 2013 session, Canada raised concerns with changing SR4.1 and SR10.1 from “until an IBA is finalised” to “without the support of the Dehcho Govt”. Canada asked DFN what the connection/purpose of the LUP is in relation to these sections.</p>	<p>Canada</p> <p>DFN/ Canada</p>	<p>Canada to provide more clarity on “Consult”.</p> <p>Canada to draft remaining elements of the Chapter.</p> <p>DFN and Canada to give further consideration to these clauses.</p>
8) Dehcho Governance Workshop	<p>Dehcho Government modelling session occurred during the November 2013.</p> <p>DFN working on language for 2 assemblies</p>	DFN	DFN to draft language on two Assemblies.
9) Footnote on Appendix A Raised at May 2013 session	<p>Canada raised a concern at the May 2013 session that the definition of “Dehcho Settlement Area” refers to Appendix A. Given overlap sensitivities, it needs to be clear that we are referring to the ‘asserted settlement area’.</p> <p>Canada suggested that the following footnote be placed on the future ‘Appendix A’: “To be</p>	The Parties	To eventually be placed on ‘Appendix A’.

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	<p>determined at Final Agreement negotiations and contingent on overlap discussions”.</p> <p>It was discussed at the Nov 2013 session that the parties need to develop another term to denote the area beyond Dehcho boundaries where agreed upon rights can be exercised.</p>		
<p>10) Dehcho Ndehe – Contaminated Sites (7.3) Raised at May 2013 session</p>	<p>Canada to look into how items can get on the list of contaminated sites if they are found after effective date.</p>	<p>Canada</p>	<p>Canada will provide a list of Contaminated Sites for the Parties to consider.</p>
<p>11) Harvesting chapters – terminology used in 18.1.1 and 19.1.1</p> <p>Raised at September 2013 session.</p>	<p>DFN to look at whether they prefer ‘Dehcho First Nations’ or ‘Dehcho Government’ in 18.1.1 and 19.1.1 with respect to who owns the plants and trees on Dehcho Ndehe.</p> <p>At Nov 2013 DFN put forward the following possible solution for the Parties to consider: 18.1.3/19.1.3 Dehch Citizens collectively have the right to harvest...</p>	<p>DFN</p> <p>The Parties</p>	<p>DFN to consider.</p> <p>The Parties to consider DFN’s proposal.</p>
<p>12) Renewable Resources.</p>	<p>The DFN asked the GNWT whether a DCRMA could take on the functions of a renewable</p>	<p>GNWT</p>	<p>GNWT to put forward a chapter/paper for October or</p>

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Raised at the September 2013 session.	resources board. GNWT responded that they are willing to consider this and offered to put together a paper/ chapter on the DCRMA that includes items such as LUP and renewable resources.		December 2013.
13) Dehcho Community Lands. Raised at the September 2013 session.	New language is required between 24.5.1 and 24.5.2.	GNWT	GNWT offered to draft language.
14) Marriage - Information Exchange Raised at October 2013 session.	DFN would like the GNWT to provide all records regarding the marriage of a DFN citizen in a similar respect to clause 50.1.3 (Marriage), which requires the Dehcho Government to provide the GNWT copies of records of all marriages occurring under Dehcho Law. Possible solution could be to include a similar provision to 31.4.1 (Income Assistance) which allows for negotiations between the GNWT and the Dehcho Government towards reaching information exchange agreements. At the November 2013 session GNWT indicated that they would look for	GNWT	GNWT to explore the possible solution of mirroring information exchange agreements. GNWT to follow-up

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	better/alternative wording for “copies of records in 50.1.3, the purpose served by the GNWt receiving records for weddings in the Dehcho Area, and whether the Dehcho Government would be able to ascertain through a publicly available record whether a Dehcho Citizen has been married.		
15) Dehcho Community Governments Chapter – power to enact laws over plants and trees (23.4.1c) Raised at November 2013 Session	DFN had previously proposed that 23.4.1c include jurisdiction over the use and protection of land and renewable resources. DFN indicated that they would drop this notion if the clause included jurisdiction over plants and trees and included environmental standards and environment protection.	GNWT	GNWT to consider DFN’s proposal with respect to plants and trees instead of renewable resource and the inclusion of environmental standards and environmental protection.
16) s. 2.8.8: conflict between the Dehcho Agreement or Settlement Legislation and Federal or Territorial Law. Raised at the November 2013 session.	DFN proposed to add in “or inconsistency” after “In the event on a conflict ...”	Canada and GNWT	Canada and GNWT to consider.

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SUBJECT MATTER	ISSUE/ DESCRIPTION	RESPONSIBLE PARTY	STATUS
<p>Scheduled Sessions for 2012-2013</p> <ul style="list-style-type: none"> • June 17-19, 2013 in Yellowknife • September 17-18 by videoconference • October 15-18, 2013 by videoconference • November 18-21, 2013 in Yellowknife • December 10-12, 2013 by videoconference • <i>Tentative</i> – January 21-23, 2014 by videoconference • <i>Tentative</i> – February 11-13, 2014 by videoconference • <i>Tentative</i> – March 25-27, 2014 by videoconference • <i>Tentative</i> – April 22-24, 2014 by videoconference • <i>Tentative</i> – May 20-21, 2014 by videoconference • <i>Tentative</i> – June 17-19, 2014 by videoconference • 			
<p>Call-In Information for Negotiators Call and DLUP call: 1-866-885-0884, Passcode: 1244</p>			