

**DEHCHO PROCESS MAIN TABLE**  
**Negotiation Session Follow Up from**  
**November 18-21, 2014 VIDEOCONFERENCE**

SUBJECT MATTER	ISSUE/ DESCRIPTION	RESPONSIBLE PARTY	STATUS
<b>CHAPTER 2: General Provisions</b>			
1) General Provisions - Ch. 2, 2.13.1		GNWT	GNWT to bring language forward in December 2014 to address the trigger point for consultation.
<b>CHAPTER 4: Dehcho Community Governments</b>			
2) s. 4.4.1 - Power to enact laws  Raised at October 1-3, 2014 session.	DFN would like to have further instructions with regard to management.	GNWT	GNWT to check in regarding language in 4.4.1 c) [development/ management] , use and protection of land including land use planning, zoning and subdivision control.
3) Dehcho Community Governments- 4.4.3  Raised at November 18-21, 2014 session.	DFN asked if the Municipal Act allows for community governments to own corporations.	GNWT	GNWT to come back with an answer to this question.
4) Dehcho Community	DFN wish to play a role in rules surrounding gaming. They wish to have greater	GNWT	GNWT to arrange for a presentation by MACA.

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Governments - 4.4.15  Raised at November 18-21, 2014 session.	understanding of clause 4.4.15 and what is permitted under NWT Law.		
5) Government Assistance  Raised at the April 2014 Session	Dehcho to think more about what their interests are with respect to another government stepping in to provide assistance to communities and if they want this reflected in the final agreement	<b>DFN</b>	DFN to review Tlicho Community Government Act.  At November 2014 session the GNWT committed to providing text based on the Tlicho Community Government Act.
<b>CHAPTER 7: Dehcho Ndehe</b>			
6) Footnote on Appendix A  Raised at May 2013 session	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'. Canada suggested that the following footnote be placed on the future 'Appendix A': "To be determined at Final Agreement negotiations and contingent on overlap discussions". At the February 2014 session, DFN expressed	<b>The Parties</b>	To eventually be placed on 'Appendix to Chapter 7.

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	<p>its preference to resolve this issue prior to AIP.</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>		
<b>CHAPTER 8: Access</b>			
<p>7) Access – 8.10.6</p> <p>Raised at December 2013 session.</p>	<p>DFN proposes “Necessary to National Defence” rather than “related to...”</p>	<p><b>Canada</b></p>	<p>Canada to approach Department of National Defence the use of “related to...” and a possible definition for “national security”.</p> <p>Canada provided initial comments from DND at the June 2014 session.</p>
<p>8) Access – references to “Dehcho Ndehe and waters overlying such lands”</p> <p>Raised at January 2014</p>	<p>Canada noted that not all references to “Dehcho Ndehe” in the Access chapter may need to be followed with “and waters overlying such lands”</p>	<p><b>LTC</b></p>	<p>LTC continuing to review.</p>

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session			
9) Access – 8.2.1 d), to be mirrored elsewhere.  Raised at the October 21 and 22, 2014 session.	As it currently exists, the clause makes no reference to the Land Use Plan.	<b>ALL PARTIES</b>	Parties to review addition of the words “including the Land Use Plan implemented pursuant to federal and territorial legislation.”
<b>CHAPTER 10: Resource Management/DCRMA</b>			
10) DCRMA <b>Outstanding item since June 3-4, 2009 session in YK</b>	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.	<b>All Parties</b>	The Parties have all presented papers on resource management. Further discussion required regarding next steps.
11) Renewable Resources.  Raised at the September 2013 session.	The DFN asked the GNWT whether a DCRMA could take on the functions of a renewable 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.	<b>GNWT</b>	GNWT to put forward a chapter/paper, pending determination of subsurface resources in quantum.
<b>CHAPTER 27: Wildlife Harvesting</b>			

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12) Wildlife Harvesting - GNWT Proposed Approach on Furbearers  Raised at the October 21 and 22, 2014 session.	Drafting required around "X" and the Dehcho's exclusive right to Harvest Furbearers.	LTC	LTC to undertake necessary drafting.
<b>CHAPTER 32: Harvesters Compensation</b>			
13) Harvesters Compensation <b>Outstanding item since January 14, 2010 video conference</b>	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.	<b>Canada</b>	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.
14) Harvesters Compensation - Ch. 32, 32.2	Canada expressed concerns about ongoing financial obligations stemming from the role of the Traditional Activities Advocate.		Canada to draft a clause regarding the lack of monetary commitment by

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			Canada or the GNWT.
<b>CHAPTER 33: Water Rights and Management</b>			
15) Water Rights and Management - 33.4.5  Raised at January 2014 session	Canada to review Consultation with respect to the whole settlement area (right now it is limited to Dehcho Ndehe).	<b>Canada</b>	Canada to follow-up.
16) Water Rights and Management - 33.4.2 Compensation  Raised at the February 2014 session	DFN asked why 33.4.2 is limited to compensation and whether this clause could be expanded to include items similar to those found in IBAs (e.g. process for monitoring impacts, contract guarantees).	<b>Canada</b>	Canada to follow-up.
17) Water Rights and Management - 33.4.6 time limit for reaching an agreement on compensation  Raised at the February 2014 session	DFN asked why the MVLWB has the ability to set a time limit for the Dehcho Government and an applicant seeking authorization to reach an agreement on compensation.	<b>Canada</b>	Canada to follow-up.
<b>CHAPTER 34: Subsurface Resources on Crown Land and Existing interests under Government Administration</b>			

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18) Subsurface Resources chapter	The Parties asked whether the “Consult” referenced in 34.1.1 refers to government consultation.	Canada	Canada to provide more clarity on “Consult”.  Canada to draft remaining elements of the Chapter, pending determination of subsurface interest in quantum.
19) Subsurface Resources chapter	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 34.4.1 and 34.10.1 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.	DFN/Canada	DFN and Canada to give further consideration to these clauses, pending determination of subsurface interest in quantum.
<b>CHAPTER 38: Heritage Resources</b>			
20) Heritage Resources  Raised at November	DFN wish to know if the Canadian Museum of History and its counterpart in Northwest Territories have human remains of Dehcho ancestry in their collection and also if it is still the practice of these institutions to collect	CANADA and GNWT	CANADA and GNWT to contact their respective institutions with those questions.

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18-21, 2014 session.	human remains of Aboriginal ancestry.		
<b>CHAPTER 45: Transition</b>			
21) Transition Chapter  Raised at the November 18-21, 2014 session.	Canada presented a first draft of the Transition chapter. Discussion that followed highlighted that several areas under the domain of the GNWT needed to be addressed.	<b>GNWT</b>	The GNWT to provide a second draft of the Transition chapter at the January 2015 session.
<b>CHAPTER 47: Eligibility and Enrolment</b>			
22) Eligibility and Enrollment - Ch. 47  Raised at the November 18-21, 2014 session.	DFN are concerned that if a child was put up for adoption, they would not have been enrolled. Would a child in a closed adoption be aware of their heritage and have an opportunity to enroll in the future?	<b>GNWT</b>	GNWT to do a presentation on this issue.
<b>CHAPTER 50: Matters for the Dehcho Agreement</b>			
23) Matters for the Dehcho Agreement - Cha. 50 - 42.1.3	Language in 42.1.3 does not reflect the Dehcho's request and Canada's willingness to provide payment in the fewest installments possible, based on the availability of funds.	<b>Canada</b>	Canada to draft new wording which reflects the desire to have the minimum number of payments based

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			on the availability of funds.
<b>Other Key Matters</b>			
24) DFN Treaty 11 rights in the Yukon <b>Outstanding item since Jan 14. 10 video conference</b>	The DFN asked what Canada's position was with respect to DFN Treaty 11 rights in the Yukon	<b>Canada</b>	Canada committed to seeking instruction, which may require Cabinet approval.
DFN Treaty 8 rights in Alberta. <b>Outstanding item since the May 18, 2010 session in Ottawa.</b>	The DFN asked what Canada's position was with respect to DFN Treaty 8 rights in Alberta.		Same as above.  Parties agree to review closer to AIP.
25) Agreement in Principle  Raised at the October 21 and 22, 2014 session.	Concern was raised that the word "notwithstanding" is not widely understood by the general public and that "despite" should be contemplated as an alternative.	<b>ALL PARTIES</b>	All Parties to review the use of "Notwithstanding" in the agreement.  The issue was discussed again at the November video conference. Canada and the GNWT committed to bringing it back to their respective governments for

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<p><b>Scheduled Sessions for 2014 and 2015</b></p> <ul style="list-style-type: none"> <li>• December 9-10, 2014 by videoconference</li> <li>• January 27-29, 2015 by videoconference</li> <li>• February 17-19, 2015 by videoconference</li> <li>• March 9-11, 2015 in Ottawa</li> <li>• April 21-23, 2015 by videoconference</li> <li>• May 19-22, 2015 by videoconference (3 of 4 days)</li> <li>• June 15-18, 2015 by videoconference (3 of 4 days)</li> <li>• Negotiators Call on Monday, December 1, 2014 at 11 a.m. M.T./1 p.m. EST</li> </ul>			
<p><b>Call-In Information for Negotiators Call and DLUP call: 1-866-885-0884, Passcode: 1244</b></p>			

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