



# DEHCHO MACKENZIE GAS PROJECT UPDATE ON ACCESS AGREEMENT

An Update Without Prejudice to the Dehcho Process

June 2008

## NEGOTIATING COMMITTEE MEMBERS

Co-chair Chief Keyna Norwegian  
Co-chair Chief Berna Landry  
Chief Stanley Sanguéz  
Chief Lloyd Chicot  
Chief Darcy Moses  
Chief Dolphus Jumbo  
Mel Benson, Lead Negotiator  
Shane Parrish, Negotiator

## TIMELINE OF ACTIVITIES

### 2007

**February 27th**  
DFN Leadership Resolution to negotiate Single Dehcho Access and Benefits Agreement Passes in Fort Liard

**July 11th and 12th**  
Negotiation Team Meeting with Federal Government and Imperial Oil in Edmonton

**August 7th**  
Negotiators meet with IOL

**September 11th**  
Finalized Work Plan

**September 14th**  
Negotiators meet with IOL

**September 18th**  
Negotiators meet with IOL

**September 27th**  
Negotiation Team meeting in Hay River

**October 2nd**  
Negotiators meet with IOL

**October 9th**  
Negotiators meet with IOL

**October 15th**  
Finalized Access and Benefits Negotiation Budget with INAC

**October 18th**  
Negotiators meet with IOL

**October 30th**  
Negotiation Team meets with Grand Chief Herb Norwegian

**October 30th**  
Negotiation Team meets with LKFN Chief and Council

**October 30th**  
Public meeting on Access and Benefits in Fort Simpson

**October 31st**  
Negotiation Team meets with Chief and Council in Kakisa

**November 1st**  
Negotiation Team meets with Chief, Council and public at JMR

**November 13th**  
Negotiation Team meets with Chief and Council and Metis Representative in Providence

**November 14th**  
Negotiation Team meets with Chief, Council and public in Trout Lake

**November 15th**  
Negotiation Team meets with Chief and Council in Nahanni Butte

**November 26th**  
Negotiators meet with IOL

**November 30th**  
Negotiators meet with IOL

**December 5th & 6th**  
Negotiation Team meets with IOL, MAC, GNWT and INAC in Edmonton

**December 17th**  
Negotiation Team meets with Chief, Council and public in Wrigley

### 2008

**January 16th**  
Negotiators meet with IOL

**January 24th**  
Negotiation Team meets with Acho Dene Koe Chief and Council

**January 24th**  
Negotiation Team meets with Chief Alec Sunrise

**January 30th**  
Negotiators meet with IOL

**February 20th & 21st**  
Negotiation Team, Dehcho Chiefs and Metis Leaders meet to discuss aspects related to the Benefits Agreement in workshop in Hay River.

**March 20th**  
Negotiating Team meets to review progress on Access & Benefits term sheets in Edmonton.

**April 9th**  
Negotiators meet with IOL

**April 25th**  
Negotiators meet with IOL

**May 5th**  
Negotiators meet with IOL

**May 6th**  
Wrigley, Harvesters Support and Monitoring

**May 7th**  
Simpson, Negotiators meet with Grand Chief and DFN Administrators

**May 7th**  
Simpson, Harvesters Support and Monitoring

**May 20th**  
Negotiators meet with IOL

**May 21st and 22nd**  
Negotiation team reviews progress on Access term sheets

**May 30th**  
Negotiators meet with IOL

## Introduction

On June 24 and 25, 2008, the team of Chiefs who have been appointed to negotiate an Agreement for the proposed Mackenzie Gas Project will present to the General Assembly their progress to date. The Dehcho leadership mandated this team to negotiate the best value for this Agreement, which will include Access and Benefits, Harvester's Support, Compensation and Monitoring.

This newsletter highlights progress on the Access component of the Agreement. There is an urgent need to start preparing for this Project to ensure that all policies and terms are finalized by the time construction begins. Your feedback and opinions are valuable and will be heard by the leaders in your community.

The team of Chiefs is being Co-Chaired by Keyna Norwegian and Berna Landry. The other Chiefs on the team are Stanley Sanguéz, Lloyd Chicot, Dolphus Jumbo and Darcy Moses. The Chiefs appointed Mel Benson as the Lead Negotiator, assisted by Shane Parrish. Trout Lake has chosen to step away from the discussions at this time.

It is important that the Dehcho people stay informed about what is happening in this process and that residents express their opinions to the Chiefs. "We need to show [the proponents of the Mackenzie Gas Project] that we, as a

people, know what we want," says Chief Berna Landry. "And not just them. We need to show the world that the Dehcho know what they want."

When the Chiefs have secured the best deal possible, they will return to the communities with their recommendations and you will have the opportunity to decide if you agree with the direction that has been taken. This ratification process will ensure that the final Agree-

ment is best for the Dehcho people and will benefit and sustain the people for a very long time.

This newsletter will provide you with information about the status of the Access and Harvester portions of the Agreement. For more information, and to view the previous newsletter on the Benefits portion of the Agreement, please visit the Dehcho First Nations website at <http://www.dehchofirstnations.com/>



Chief Darcy Moses listening to Grand Chief Jerry Antoine.

## Highlights from Access Negotiations

### The Access Agreement will include:

- Merchantable or otherwise useful timber that is being cleared during construction will be available for communities to use or sell at their discretion.
- The proponents of the MGP will be responsible for upgrading or repairing roads that are damaged due to increased traffic.
- Safety concerns will be addressed in alignment with the GNWT, RCMP, and Imperial Oil Limited.
- The Dehcho will be compensated for Right of Way, Temporary Facilities, and Permanent Facilities, Borrow Sites and Materials.

### Items still under discussion include:

- The locations and gating of permanent roads that will restrict induced access.
- Exact figures for annual payments.
- The possibility of setting up an escrow account with INAC to recover funds that would otherwise be put into a general account.
- Decision on whether new roads will be constructed or if existing roads will be used where possible.
- Method of distributing funds. The team is evaluating several different models to determine the most equitable approach.



The Negotiating Team meets to discuss the Access Agreement.

## WHAT IS AN ESCROW ACCOUNT?

An escrow is a legal arrangement that holds an asset or funds in safekeeping by a neutral third party until a certain contractual agreement is reached.

INAC will be collecting money from the proponents for fees, over and above what is negotiated. These fees would normally go to the Dehcho, but cannot until their Land Claim is settled. The negotiation team would like to see those funds set aside in a separate escrow account so that it is not mixed in with INAC's general funds. This will make it clear that all of the money in the escrow belongs to the Dehcho.

## RATIFICATION

Before any final decisions can be made in any part of this Agreement, the communities will need to review the recommendations made by the negotiating team. An example of this process is how the team made the decision on whether to join the APG. Although the exact approach varied between communities from consultation through surveys, to votes and other methods, the final decision was made to go ahead with joining the APG with the approval of the residents of the communities.

"We were mandated to do this work," says Chief Stanley Sanguéz, "But we need to bring this Agreement back to the community after we have all the information. Anything that affects this region needs to go back to the community for a decision."

The team is in agreement that the communities must be involved in any final decisions. This also means that all Dehcho residents need to stay informed about what is happening in the process. To improve communications about what is happening, the team is investigating radio advertising possibilities for updates in Slavey, and will renew efforts to follow up with residents about what is happening.

## ACCESS UPDATE

# Aboriginal Pipeline Group Update

In April 2008, at the Winter Leadership Meeting, the Dehcho passed a Resolution that the Dehcho Pipeline Management Limited Partnership (DPMLP) would hold the Dehcho interest in the Aboriginal Pipeline Group (APG). The Liidlii Kue First Nation and the Acho Dene Koe formed the Limited partnership as a single entity to allow all member First Nations and Métis organizations to participate in the APG.

A legal package has been distributed to each of the communities in the Dehcho Region, which will allow the communities to receive shares and units in the APG. The packages are currently being reviewed and various communities are doing their due diligence in having them completed.

When all of the communities have had a chance to sign on to the Limited Partnership, the remainder of the shares and units will be distributed in a way that reflects the distribution of the other Access and Benefits Agreements. The DPMLP's legal council is conducting due



Co-chairs Chief Keyna Norwegian and Chief Berna Landry consider the Access Agreement.

diligence on APG in preparation for the transfer of Dehcho's units in the APG.

The APG represents a significant portion of the Benefits derived from the MGP. By making this Resolution, the Dehcho

have made a large step towards securing sustainable and ongoing Benefits for future generations. The Dehcho leaders continue to ask for your input and ideas as the next step is taken.

## SAFETY—GNWT

The Mackenzie Gas Project brings a share of safety concerns that range from intentional damage to the infrastructure to increased truck traffic on the highways. The GNWT has signed a Memorandum of Understanding with Imperial Oil Limited that outlines the involvement of the RCMP. As part of the Access Agreement, there will be provisions to deter induced access. This will likely take the form of gates on roads where access should be restricted.

The additional traffic from the pipeline will require upgrades and repairs of roads that are required for access. "When this pipeline goes through, you need to think about

how much more traffic is going to be coming through," says Chief Darcy Moses. "We need to get the road paved because it's a safety issue."

Currently in discussion is the possibility of installing satellite-tracking devices on trucks to ensure that speed and proximity guidelines are being followed. Also in discussion is the possibility of employing a highway patrol to enforce these guidelines. The GNWT is not responsible for private roads, but is primarily concerned with safety. They will be enforcing these guidelines along public highways and roads.

The Dehcho were not included in this discussion between the GNWT and the Mackenzie Gas Project. "I'm shocked to hear that the GNWT is signing agreements with [Imperial Oil]," says Chief Berna Landry. "That's exactly what we didn't want to see in the Dehcho. We're still in the process of negotiating our land claim agreement. That should be the priority. The GNWT should not be making agreements that influence the Dehcho Process."

## DISTRIBUTION OF FUNDS

To determine the most equitable way to distribute funds generated through the Access and Benefits Agreements, the Negotiation Team is narrowing down their choices by considering different models. The Team is agreed that the distribution will be **fair and reasonable**. The model will recognize **traditional areas, overlap and population**. It will also factor in the **direct impact on communities**. A certain amount of funds will be allocated to the Dehcho First Nations and the rest will be divided among the various communities and organizations. The Team will be presenting two possible models at the General Assembly in Kakisa.



Chief Stanley Sanguéz makes a point with Randy Ottenbreit while Marie Lafferty takes in the conversation.

## WHAT DO YOU THINK?

The Negotiating Team has been talking to the Mackenzie Gas Project representatives since the summer of 2007 trying to get ready for this important development, and has seen tremendous progress. While the approval process for the Project has seen some delays, it's important to keep moving forward to get prepared.

On June 24-25, the Negotiating Team will present an overall update at the General Meeting in Kakisa. This would be a good opportunity for you to speak your mind and to have your opinions heard.

This newsletter is the second of three update newsletters that will be distributed through the

Deh Cho Drum. The final update will be about the Harvester's Compensation component of the Agreement.

There is still a lot of work to be done in establishing rules and policies before the region will be ready for construction to begin. Qualification processes need to be put into place, rates need to be established, and many more internal discussions need to take place. It continues to be important for you to get involved and voice your opinions, concerns, and comments to let the team know what you think.

"Some people may think their ideas and opinions are minor," says Chief Keyna Norwegian. "But it's important to have everyone's input. We welcome

all our people to attend the community meetings and to get involved."

You can voice your thoughts at community consultations, or by contacting anyone on the committee.

Chief Norwegian 695-3131  
Chief Landry 699-7000  
Chief Sanguéz 809-2000  
Chief Chicot 825-2000  
Chief Moses 581-3321  
Chief Jumbo 206-2800  
Mel Benson (403) 232-2411  
Shane Parrish (403) 338-1211