

CHAPTER __ : TREE HARVESTING

1 OWNERSHIP OF TREES ON DEHCHO SETTLEMENT LAND

- 1.1 The Dehcho Government owns the Trees on Dehcho Settlement Land.
- 1.2 This chapter does not apply to 1.1 other than: [insert reference to those provisions of regional Forest management applicable in (a), (b) (c) format].

2 GENERAL

- 2.2 Dehcho Citizens will have the right to harvest all species of Trees throughout the Dehcho Agreement Area¹ at all times of the year for the following purposes:

- (a) firewood;
- (b) construction or maintenance of hunting, trapping and fishing Camps;
- (c) the making of handicrafts;
- (d) traditional or medicinal purposes;
- (e) construction of boats and rafts; and
- (f) house building for personal use.

- 2.3 The right provided for in 2.2 may be limited or restricted:

- (a) by provisions of the Final Agreement; or
- (b) for purposes related to:
 - (i) Conservation;
 - (ii) public health;
 - (iii) public safety;
 - (iv) Forest Management provisions²;

¹ Any tree harvesting opportunities in Nahanni would be set out in a National Parks chapter.

² Would be identified.

- (v) land management within the Dehcho Agreement Area; and
 - (vi) protection of the Environment from significant damage.
- 2.4** The Minister retains the authority to manage and conserve Trees and Tree habitat in the Dehcho Agreement Area and will exercise that authority in a manner that is consistent with this Agreement.
- 2.5** To the extent reasonable, Government will Consult the Dehcho Government prior to imposing a limitation or restriction pursuant to 2.3 (b) where applicable.
- 2.4** In the event of an emergency, Government may impose an interim limitation or restriction set out in 2.3 (b) without prior Consultation but will Consult the Dehcho Government , as soon as possible thereafter, regarding the necessity of the action taken and the terms and conditions to be attached to any limitation or restriction imposed.
- 2.5** Nothing in the Final Agreement will be construed to:
- (a) recognize a right to harvest Trees for commercial purposes or sale;
 - (b) confer rights of ownership in Trees in the Dehcho Agreement Area;
 - (c) guarantee the supply of Trees;
 - (d) preclude individuals who are not Dehcho Citizens from Harvesting Trees in the Dehcho Agreement Area , except that they may be precluded from doing so by Legislation;
 - (e) entitle Dehcho Citizens to any compensation for damage to or loss of Trees or Tree Harvesting opportunities within the Dehcho Agreement Area; or
 - (f) affect any responsibility of Government for the fighting of forest fires.
- 2.6** Dehcho Citizens will not be subject to any fee for Harvesting of Trees pursuant to 2.2.
- 2.7** Prior to Final Agreement, the Parties will address the issue of documentation regarding Dehcho Citizens exercising their right to Harvest Trees set out in 2.2.
- 2.8** Dehcho Citizens will have the right to utilize any method, and to possess and use any equipment, for the purpose of the Harvesting of Trees pursuant to 2.2.

3 GIFTING AND TRADING

- 3.1** Dehcho Citizens will have the right to gift Trees harvested pursuant to 2.2 to any individual.
- 3.2** Dehcho Citizens will have the right to Trade Trees harvested pursuant to 2.2 with other Dehcho Citizens for the purposes set out in 2.2.
- 3.3** Prior to Final Agreement, the Dehcho First Nation may address reciprocal opportunities for the Harvesting of Trees with other aboriginal groups through the negotiation of overlap agreements. With the agreement of all Parties, overlap agreement provisions pertaining to opportunities for the Harvesting of Trees for Dehcho Citizens may be incorporated into the Final Agreement.

4 ACCESS

- 4.1** Subject to 4.2, Dehcho Citizens will have a right of access to all land within the Dehcho Agreement Area for the purpose of Harvesting of Trees under 2.2.
- 4.2** This right of access does not apply:
 - (a) on Indian reserve lands;
 - (b) on lands held in fee simple, lands subject to an agreement for sale or lands subject to a surface lease;
 - (c) where it conflicts with any activity carried out under an authorization granted by Government such as a timber licence or permit, a Forest Management agreement or land use permit; and
 - (d) where lands are dedicated to military or national security purposes pursuant to Legislation, or areas temporarily being used for military exercises for the period of such temporary use, after notice of such dedication or use has been provided to the Dehcho Government .
- 4.3** An Dehcho Citizen or the Dehcho Government may enter into an agreement with an owner, lessee or Government, as the case may be, regarding access to lands described in 4.2 for the purposes of Harvesting of Trees under 2.2.

5 CONSULTATION BY GOVERNMENT

5.1 Government will Consult the Dehcho Government prior to introducing new Legislation, or amending existing Legislation, that could adversely affect the exercise of the right to harvest Trees as set out in this Agreement.

5.2 Government will Consult the Dehcho Government prior to:

- (a) amending the terms of an existing commercial authorization to harvest Trees;
- (b) authorizing a new commercial activity to harvest Trees, or
- (c) permitting any commercial activity for the propagation or cultivation of a species of Tree,

within the Dehcho Agreement Area that could adversely affect the exercise of the right to harvest Trees as set out in this Agreement.

6 TREE MANAGEMENT

6.1 Prior to Final Agreement, the Parties will address aspects of Tree Management [Forest Management] within the Dehcho Agreement Area.³

7 EMERGENCIES

7.1 Nothing in the Final Agreement will prevent any individual from harvesting Trees for survival in an emergency.

³ This may end up as a standalone “Forest Management” chapter to be negotiated among the Parties.