



Dehcho First Nations

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To: Herb Norwegian, Grand Chief; DFN Leadership
From: Michael Nadli, Chief Negotiator
Date: Thursday, September 28, 2023
Subject: September 18 to 20, 2023 Dehcho Self-Government Main Table Negotiations

Dehcho Process main table negotiations are occurring monthly. Some main table sessions are held in person and virtually. The three parties at the main table negotiating sessions are the Dehcho First Nations (DFN), the Government of Northwest Territories (GNWT), and Canada.

Between negotiation sessions, regular negotiator calls address the logistics and operations of the main table negotiating sessions. There was a virtual main table session on September 18 to 20, 2023. Outlined below are the highlights of the sessions.

Virtual Town Hall Forums

Our last virtual Town Hall was held in August 2023. Due to the Wildfires affecting many Dehcho communities it was decided to postpone upcoming Town Halls. We plan to host future virtual town halls. The next one scheduled is on Thursday, October 12th, 2023 at 7PM to 8:30PM Mountain. We hope to see leaders and DFN Members engaging in these forums to discuss the progress of negotiations.

Lands Working Group Terms of Reference

The government of Northwest Territories is seeking clarification of who is intended to be part of the Lands Working Group, regularity of when it would meet, and when senior officials from the different levels of government need to be brought in. The GNWT needs to explain this to colleagues as there is a process for when technical staff have consultations with Indigenous Governments. DFN recommends a workshop being completed with parties to address questions with reps from Dehcho Communities, GNWT, DLUPC, and other relevant parties.

The Government of Northwest Territories agrees with a stepped/stage approach where we start with land disposition issues within communities, establish the working relationship, and then explore collaboration in other areas' decision-making. There is much interest from the Department of Lands to work through land disposition. Department of Lands wants to have a relationship with DFN, but the consultation process between DOL and DFN would not be considered a Main Table issue but would be indirectly part of the Main Table. The GNWT

believes DFN sees this as a main table issue as DFN wants to see a shared stewardship approach.

The GNWT's interest is to get the certainties that come with the Dehcho Agreement if we are to explore a shared stewardship model. It will be hard for the GNWT to get support for Shared Stewardship in an ad hoc model.

The GNWT believes the working group needs a more explicit scope.

DFN does not want to see conflict and does not want to see alienation of their lands. This is a critical matter for DFN, and other avenues may be explored if GNWT is not interested in a joint decision-making mandate.

DCRMA

The GNWT presented a paper discussing Exploring Land Use Planning in a Dehcho Agreement. The article provided by the GNWT has been attached for your purview.

The document is an exercise to isolate significant issues and provides a scenario of post-effective dates of a final agreement and land use planning. The paper is an excellent start to lead discussions, and we would be open to hearing your feedback.

As the agreement gets developed, DFN prefers a harmonized approach. The language being used within the document is acceptable to the parties. Further internal work for the GNWT and DFN is required. DFN will explore if the DCMRA is one matter of the integrated system or if it would be the whole model. Further discussions need to happen around community boundaries and whether they fall within the scope of the DLUPC.

UNDRIP (NWT Bill 85)

The Government of Northwest Territories is working on legislation to meet the articles outlined in the United Nations Declarations on the Rights of Indigenous Peoples (UNDRIP). The GNWT uses previous public documents (Key Features of a Western NWT Society, Aboriginal Land Claims Policy, etc.) to guide negotiations and the development of UNDRIP legislation.

The GNWT follows sixteen Territorial Principles and Interests they published, which guide the GNWT in negotiating Aboriginal Rights agreements. The Principals and Interest can be accessed here: https://www.ntassembly.ca/sites/assembly/files/td_655-192.pdf

The Principles and Interests are further supported by a summary of the negotiating mandates, which detail the specific interests and subject matters. The Negotiating Mandates Summary can be accessed here: https://www.ntassembly.ca/sites/assembly/files/td_656-192.pdf

Any new law being tabled in the NWT legislative need to ensure they align with the UNDRIP and Aboriginal Rights policies. Items being tabled would ensure a section is dedicated and documented to ensure this process has been completed.

An action plan will be developed to support the work of the GNWT and Indigenous Groups. The committee would comprise the GNWT and Indigenous Group representation within the NWT and who wish to participate. The Action Plan committee will have a transparent process for how the activities under the plan are concluded and incorporate consensual decision-making. The action plan must include a process or measures to review, revise, or replace GNWT's existing laws or policies where necessary.

GNWT employs a shared decision-making model/agreements which allow Ministers to enter into agreements with Indigenous Governments to exercise a statutory power jointly or to obtain consent before the minister exercises. Agreements must have a clear scope of the decisions to be jointly made and address shared accountability for decisions and overlap.

Metis Equality Working Group

The Government of Northwest Territories and Canada have provided their feedback in writing for the Metis Equality Working Group and terms of Reference. The comments have been shared with Fort Providence and Fort Simpson Metis Locals. A conference call was attempted to discuss these comments, but the parties needed more time to review the information due to the document being received and sent on Friday. A future conference call will be scheduled to discuss further the Terms of Reference and Metis Equality Working Group.

Fort Simpson and Fort Providence Metis addressed the need for reconciliation with the Government of Canada. There is a lack of financial resources for the Metis to organize and advocate for themselves. Realistic goals and expectations must be set, our concerns must be addressed, and we must work towards reconciliation. Fort Providence and Metis joined the Dehcho in good faith to ensure things are fair and equal and a good deal is achieved. The Metis Nations feel that other agreements that have been put in place in the NWT would treat Metis as non-status people and cause them to lose their identity of who they are. The Métis locals want assurances that they will not lose their identity and not be treated as non-status people.

The government of Canada stated that funding is based on what is being asked and what funds are being used for, and it is a process. Canada believes the needs of the Metis could be achieved through this process. Canada does not have the mandate to make changes to the Indian Act. Still, if there are ways to accomplish the needs and interests of the Metis that can be achieved without amending the Indian Act, we should be able to do that at the Main Table. The goal of the agreement being negotiated is to meet the needs of the Dehcho Dene, Metis, and their descendants. The Government of Northwest Territories agrees with the statement made by Canada.

Next Steps

- ☐ E-mail Heidi to request an update on timelines, etc for the DLUPC
- ☐ Consider next steps to identify interests and gaps among the parties to advance negotiations
- ☐ Draft memo's to DLUPC outlining positions on Zoning issues
- ☐ Edit DCRMA chapter about past and present
- ☐ Identify areas of AIP that are waiting on constitutional working group
- ☐ Work with Métis locals to come up with a mutually accepted Terms of Reference
- ☐ Work with WPFN to come up with a mutually accepted Terms of Reference

Schedule

- ☐ Thursday, October 12th, 2023 at 7PM to 8:30PM Virtual Town Hall
- ☐ 30th Dehcho Annual Assembly – October 2023
- ☐ October Main Table Sessions -Canceled to accommodate DFN Annual Assembly
- ☐ November 9 2023 – Negotiators Call
- ☐ November 21 to 23 2023 Main Table Sessions In-Person hosted in a Dehcho community to be determined
- ☐ December Main Table Sessions in-Person hosted in Ottawa



United Nations Declaration on the Rights of Indigenous Peoples Implementation Act Bill 85

September 20, 2023

Government of
Northwest Territories

Collaborative process

- Drafting of legislation done entirely collaboratively through the UN Declaration Working Group (WG) that reported to, and was guided by, the NWT Council of Leaders.
- All Indigenous governments were invited to participated through Initial letter requesting representatives for WG in March 2021.



Working Group

- WG met roughly monthly starting in September 2021.
- Participation in WG was open to any Indigenous government at any time and so composition varied throughout process.
- Regular communications on progress to all indigenous governments, even those not participating in the WG or NWT COL.



Process

- Legislation was developed first through developing a legislative framework to agree on the concepts that would be included in the proposed law.
- An MOU was being developed concurrently to meet other interests.
- Regular updates to the NWT COL to support approach as well as letters to all leadership in the NWT to keep updated on development.



Process

- Based on conversations around the Framework, the Indigenous caucus of the WG submitted a draft of the legislation August 4, 2022.
- This draft was the basis on which the legislation was further developed.
- Drafts of the legislations as it was being developed were circulated for input of WG in an iterative process. Draft legislation sent to all Indigenous government leadership for comment November 2022.



CONTENT OF LEGISLATION



Key features

Key features of Bill 85 include:

- An extensive preamble
- Commitment for GNWT to implementing the Declaration
- Statement of Consistency
- Co-development of an Action Plan with Indigenous governments
- Affirms the application of the Declaration to the laws of the NWT
- Shared Decision-Making Agreements
- A reporting requirement
- Review and regulation making powers



Preamble

- The preamble tracks closely with the preamble in the federal legislation and the opening statements of the Declaration.
- Sets the broad intention for the legislation and provides some background on the Declaration.
- Definitions based off of BC's DRIPA.



Purpose

- A purpose statement that approves the Declaration as a universal human rights instrument with application in the NWT and:
 - affirm the roles and responsibilities of those Indigenous Governments and Organizations holding s. 35 rights in the implementation of the Declaration; and
 - mandate the implementation of the Declaration by the GNWT.



Measures to align GNWT laws with the Declaration

- The GNWT must, in collaboration and cooperation with Indigenous peoples, take all reasonable measures necessary to ensure that the laws of the NWT are consistent with the Declaration.
- The laws of the NWT shall be interpreted and applied in a manner consistent with the Declaration.



Diversity

- For the purposes of implementing this Act, the GNWT shall consider the diversity of the Indigenous peoples of the NWT, and in particular their distinct languages, cultures, customs, practices, rights, legal systems, institutions, governance structures, relationships to territories and knowledge systems.



Measures for new legislation

- A Statement of Conformance will be prepared by the Attorney General to ensure conformance with the Declaration, and rights recognized and affirmed under s.35 of the Constitution Act, 1982, prior to the tabling of any new or amended legislation.



Action Plan Committee

- An Action Plan Committee will be created to support the work of the GNWT and IGs in creating an Action Plan.
- The Committee will be composed of the GNWT and IGs in the NWT that wish to participate.
- The action plan will be co-developed by GNWT and IGs through the Action Plan Committee.



Action Plan

- Will include a transparent process for how the activities under the Action Plan are concluded that incorporates consensual decision-making.
- Must include a process or measures to review, revise or replace GNWT's existing laws or policies where necessary to align with the Declaration.



Reporting

- The Act will require regular reporting on progress under the Act via the tabling of an annual GNWT-wide report regarding the Action Plan.
- Reporting requirement include, among other things, department-specific overviews and reporting and recommendations of the Action Plan Committee.



Shared Decision-Making Agreements (SDMAs)

- SDMAs allow Ministers to enter into agreements with Indigenous governments to jointly exercise a statutory power or to obtain consent before the Minister exercises.
- Require that agreements have a clear scope of the decisions to be jointly made and address shared accountability for decisions as well as any overlap.



Review and Regulations

- The Act provides for a review of the legislation within 5 years and the review will be led by the Action Plan Committee.
- The Act will provide for the making of regulations for the implementation of the Act.



Summary

- Bill 85 primarily create mechanisms to work together with Indigenous governments for implementation priorities.
- Ongoing cooperation in implementation.
- Participation open to any rights bearing Indigenous government or organization of the NWT.





Questions/Discussion

Government of
Northwest Territories



Territorial Principles and Interests

Existing Documents

- There are existing public GNWT documents relating to the GNWT's approach to land, resources and self-government agreements.
 - *Key Features of Western NWT Society* (1998) (Appendix B)
 - *Aboriginal Land Claims Policy* (1998) (Appendix C)
 - *Respect, Recognition, Responsibility: The Government of the Northwest Territories' Approach to Engaging with Aboriginal Governments* (2012) (Appendix D)
- These documents contain statements (principles and interests) that guide the GNWT at negotiations today and have helped to inform and shape the GNWT current negotiating mandates.



Publication of Territorial Principles and Interests

- Developed in response to the commitment made in the *Mandate of the Government of the Northwest Territories (2019-2023)*, to review, update, and publish territorial principles and interests.
- Tabling of the Territorial Principles and Interests and Aboriginal Rights Agreement Negotiation Mandate Summary is an expression of the commitment to the principles of openness, transparency, and accountability.
- Tabled on May 30, 2022 in Legislative Assembly.
- Intended to be start of iterative process of review and updating.



Publication of Territorial Principles and Interests

- The GNWT Territorial Principles and Interests document sets out the sixteen high level principles and interests which guide the GNWT in negotiating Aboriginal rights agreements.
- They are accompanied by a negotiation mandate summary document that summarizes the GNWT detailed negotiation mandate and key interests with respect to specific subject areas.



- 1) Aboriginal Rights Agreements should support Indigenous people in the preservation and enhancement of their culture, language, and traditions.
- 2) Aboriginal Rights Agreements within the Constitutional Framework of Canada support the right to self-determination of Indigenous people consistent with the United Nations Declaration on the Rights of Indigenous Peoples.
- 3) The Canadian Charter of Rights and Freedoms should apply to Indigenous governments recognized in Aboriginal Rights Agreements.



- **4) Aboriginal Rights Agreements should support Indigenous governments to build healthy, sustainable communities, where anyone can live, work, and invest.**
- **5) Aboriginal Rights Agreements should be clearly understood and implementable.**
- **6) The parties to the agreement should be able to rely on the agreement.**



- **7) Implementation of Aboriginal Rights Agreements should not adversely affect the level of programs and services provided by the Government of the Northwest Territories to residents of the Northwest Territories.**
- **8) Consistent with the principle of democratic accountability, residents of the Northwest Territories should have the ability to participate in government decisions that directly affect them.**
- **9) Aboriginal Rights Agreements should allow access to comparable programs and services and provide similar land and capital transfer opportunities.**



- **10) Aboriginal Rights Agreements should result in recognition and predictability with respect to the ownership, use of, and access to lands and resources in the Northwest Territories.**
- **11) Aboriginal Rights Agreements should clarify and confirm predictable processes for authorizing the use of natural resources in the Northwest Territories.**
- **12) A single integrated and co-ordinated system of resource management should apply throughout the Mackenzie Valley**



- **13) Ministerial accountability for lands and resources under the jurisdiction of territorial and federal ministers must remain.**
- **14) Indigenous governments recognized in modern Aboriginal Rights Agreements will operate within the Canadian Constitutional Framework.**
- **15) The implementation of Aboriginal Rights Agreements in the Northwest Territories should promote the awareness and understanding of the rights and benefits in those agreements by all residents of the NWT.**



- 16) To ensure accountability and promote interest-based negotiations, the GNWT should be transparent with the subject specific interests guiding negotiators.
- PRINCIPLES AND INTERESTS *GUIDING THE GNWT AT ABORIGINAL RIGHTS NEGOTIATIONS WITH INDIGENOUS PEOPLES*
https://www.ntassembly.ca/sites/assembly/files/td_655-192.pdf
- These Principles and Interests are further supported by a summary of the negotiating mandates which go into further detail about the specific interests behind the different subject matters. https://www.ntassembly.ca/sites/assembly/files/td_656-192.pdf



EXPLORING LAND USE PLANNING IN A DEHCHO AGREEMENT

Overview

The Parties to Dehcho Process Negotiations are interested in expanding upon the concept of a Dehcho Resources Management Authority (DCRMA). As a starting point, the Parties should discuss and seek to arrive at consensus on the following features of a DCRMA, including but not limited to:

- Geographic scope of a DCRMA
- Relationship of a DCRMA to the Dehcho Government, Public Government, and other Boards (public institutions) with roles/responsibilities for resource management
- Role/participation of other Aboriginal Peoples with modern treaties (land claim agreements) that overlap/are within the geographic scope of a DCRMA
- Transition from interim resource management to post-Effective Date implementation

Early discussions among the Parties have clarified that the vision for resource management in the Dehcho can be “consistent” with the existing single, integrated regime of resource management in the Mackenzie Valley, but must respect and reflect the unique interests of Dehcho Citizens and residents. For this reason, this discussion paper relies on the existing MVRMA regime as a basis for explaining the DCRMA and ways a DCRMA may be unique. At any point, Negotiators should be prepared to ask questions and examine areas of the existing regime that may require a deeper understanding. A compare and contrast exercise could be a useful next step to further explain how the DCRMA and the existing regime are consistent.

Definitions

The following definitions are proposed for inclusion in a Dehcho Agreement and inform the concepts contained in this discussion paper:

“Aboriginal Person” means an aboriginal people of Canada within the meaning of section 35 of the Constitution Act, 1982.

“Dehcho Settlement Area” means the area south of the Sahtu Settlement Area, south of Wekeezhii, west of the Southeast NWT (Buffalo River and excluding Wood Buffalo National Park), north of the 60th Parallel, east of the Yukon border, and excluding the Acho Dene Koe-Sambaa K’e-Nahanni Butte Boundary Agreement Area.

“Dehcho Resources Management Area” means the area south of the Sahtu Settlement Area, south of Wekeezhii, west of the Southeast NWT (Buffalo River and excluding Wood Buffalo National Park), north of the 60th Parallel, east of the Yukon border, and including the Acho Dene Koe-Sambaa K’e-Nahanni Butte Boundary Agreement Area.

“Effective Date” means the date the Dehcho Agreement shall come into effect.

“Fish” means:

- a) whole fish or parts of fish;
- b) shellfish, crustaceans, marine animals and any parts of shellfish, crustaceans or marine animals; and
- c) the eggs, sperm, spawn, larvae, spat and juvenile stages of fish, shellfish, crustaceans and marine animals.

“Harvesting” means to hunt, trap, fish, gather or cut, in accordance with this Agreement.

“Land Claims Agreement” means a land claims agreement within the meaning of sections 25 and 35 of *The Constitution Act, 1982*.

“Local Government” means¹:

- a) the Town of Hay River, Hamlet of Fort Liard, [Village of Fort Simpson];
- b) any local government in the Dehcho Resources Management Area that is established under a Law of Northwest Territories; or
- c) any body that represents and serves all residents and provides local services in an Dehcho Community that is established under the Dehcho Agreement.

“Mackenzie Valley Environmental Impact Review Board” is the board established by a Law of Canada or Law of NWT to implement the environmental impact assessment and review provisions of the Gwich’in Comprehensive Land Claim Agreement and the Sahtu Dene and Métis Comprehensive Land Claim Agreement.

“Migratory Birds” means a migratory bird referred to in the *Migratory Birds Convention Act, 1994*, SC 1994, c 22, and includes the sperm, eggs, embryos, tissue cultures and parts of the bird.

“Waste” in relation to the deposit of waste, has the same meaning as in the Waters Act, SNWT 2014, c 18.

“Water” means any water, whether in a liquid or frozen state, on or below the surface of land.

“Wildlife” means all *ferae naturae* in a wild state, including all parts and products, but excluding Fish and Migratory Birds.

DCRMA Overview

The Parties have expressed interest in exploring the land use planning functions of the DCRMA before discussing other areas of resource management under the DCRMA. GNWT believes it is necessary to describe key aspects of the DCRMA that will be common across all of its various functions before looking at land use planning functions on their own.

¹ The lists in this definition will be modified based on the Dehcho AIP which will clarify the structures of local governments in the Dehcho Resources Management Area.

The Parties to the main table should confirm whether following are to be key features of a DCRMA:

- a) An integrated system of land and water management should apply throughout the Mackenzie Valley; and the regulation of land and water in the Dehcho Resources Management Area, and in adjacent areas, should be coordinated.
- b) A board, called the Dehcho Resources Management Authority, shall be established, on the Effective Date by legislation, as an institution of public government:
 - i. for regulating the use of land, Water, and the deposit of Waste;
 - ii. for land use planning;
 - iii. for renewable resource management; and
 - iv. to be the main instrument of Wildlife, Fish and Migratory Birds management; in the Dehcho Resource Management Area.
- c) Legislation shall provide for the coordination of the activities of the Mackenzie Valley Environmental Impact Review Board and the Dehcho Resources Management Authority with the activities of:
 - i. any body managing a National Park;
 - ii. Parks Canada in relation to the management of national historic sites administered by it; and
 - iii. any management committee or similar structure established for a Protected Area.
- d) A Law of Canada or a Law of Northwest Territories shall provide for the coordination of the activities of the Dehcho Resources Management Authority, Mackenzie Valley Environmental Impact Review Board and the NWT Surface Rights Board.
- e) In exercising their powers, the Mackenzie Valley Environmental Impact Review Board and Dehcho Resources Management Authority shall each consider traditional knowledge and scientific information where such knowledge or information is made available to them.
- f) Fifty percent of the members of the Dehcho Resources Management Authority, excluding the chairperson, will be nominees of Aboriginal Peoples and fifty percent shall be nominees of Canada or the Government of Northwest Territories.
- g) The Dehcho Resources Management Authority will consist of, at minimum:
 - i. X members nominated by Dehcho First Nations;
 - ii. X member nominated by Canada;
 - iii. X member nominated by GNWT; and
 - iv. 1 chairperson.

- h) Other Aboriginal Peoples in the Dehcho Resources Management Area may also have the ability to nominate individuals to be a member of the Dehcho Resources Management Authority as set out in their respective Land Claims Agreement.
- i) The Mackenzie Valley Environmental Impact Review Board, and the Dehcho Resources Management Authority shall each prepare an annual budget and submit it to the Government of Canada.
- j) The budget of the Mackenzie Valley Environmental Impact Review Board and the Dehcho Resources Management Authority may each include:
 - i. remuneration and travel expenses for attendance of board members at board and committee meetings;
 - ii. the expenses of public hearings and meetings; and
 - iii. the expenses of staff, advisors, and consultants and of the operation and maintenance of the office.
- k) The Mackenzie Valley Environmental Impact Review Board and the Dehcho Resources Management Authority shall receive funding in accordance with their approved budgets.
- l) A Law of Canada or a Law of Northwest Territories may provide for the reallocation of functions among the Mackenzie Valley Environmental Impact Review Board, the Dehcho Resources Management Authority provided that environmental assessment and review shall remain with the Mackenzie Valley Environmental Impact Review Board.
- m) The Mackenzie Valley Environmental Impact Review Board and the Dehcho Resources Management Authority may each establish their own rules of procedure in accordance with a Law of Canada or a Law of Northwest Territories.
- n) The Mackenzie Valley Environmental Impact Review Board and the Dehcho Resources Management Authority shall each have, subject to their approved budgets, such staff, professional and technical advisors, and consultants as are necessary for the proper conduct of their affairs and the boards may share such staff or advisors between themselves.
- o) Upon the request of the Mackenzie Valley Environmental Impact Review Board or the Dehcho Resources Management Authority, Canada, the Government of Northwest Territories, or [Dehcho Government²] shall provide all information in its possession relevant to a matter before the Mackenzie Valley Environmental Impact Review Board or the Dehcho Resources Management Authority.

² Parties to confirm appropriate entity following further discussion on definitions in AIP.

- p) Where the Mackenzie Valley Environmental Impact Review Board or the Dehcho Resources Management Authority has the authority to enter into contracts or similar arrangements, a [Dehcho Government] shall not be disqualified from entering into such contracts or arrangements with these boards solely because nominees or appointees of a [Dehcho Government] are members of such boards.

Land Use Planning Principles

The Parties to the main table should confirm whether the following principles will apply to land use plans that are wholly or partly in the Dehcho Settlement Area:

- i. the purpose of land use planning is to protect and promote the social, cultural and economic well-being of residents and communities in the Dehcho Settlement Area, having regard to the interests of all Canadians;
- ii. special attention shall be devoted to the rights of [Dehcho Dene and Métis³] under the Dehcho Agreement, to protecting and promoting their social, cultural and economic well-being and to the lands used by them for Harvesting and other resource uses; and
- iii. land use planning shall involve the participation of [Dehcho Dene and Métis], other Aboriginal Peoples with Aboriginal or Treaty rights in the Dehcho Settlement Area and residents and communities in the Dehcho Settlement Area.

A Single Regional Land Use Plan for the Dehcho Resources Management Area

The existing approach to land use planning set out under the Dehcho Interim Measures Agreement reflects a government-to-government approach to land use planning where each party represents the interests of their respective government through the planning process.

The Parties to the main table have confirmed that a DCRMA will function as an institution of public government, where each Party to the Dehcho Agreement will have a guaranteed ability to nominate members to the DCRMA but those representatives shall act in the public interest when carrying out their duties.

Other land claim agreements in the NWT afford Aboriginal governments the opportunity to prepare a land use plan for its settlement land that must be considered by the regional planning body. The Parties to the main table should discuss whether a Dehcho Agreement should guarantee that the Dehcho First

³ AIP term subject to ongoing discussion among the Parties

Nations may prepare a land use plan or plans for its Dehcho title land that shall be considered by the Dehcho Resources Management Authority⁴.

The Parties to the main table should confirm whether the following are to be responsibilities of the DCRMA:

- a) The Dehcho Resources Management Authority shall develop a land use plan for the Dehcho Resource Management Area, to be called the Dehcho Regional Land Use Plan.
- b) The Dehcho Resources Management Authority is responsible for:
 - i. recommending exceptions to the Dehcho Regional Land Use Plan;
 - ii. conducting periodic reviews of the Dehcho Regional Land Use Plan;
 - iii. monitoring the implementation of the Dehcho Regional Land Use Plan;
 - iv. maintaining a public registry of applications and decisions regarding the Dehcho Regional Land Use Plan;
 - v. making determinations of conformity with the Dehcho Regional Land Use Plan; and
 - vi. recommending amendments to the Dehcho Regional Land Use Plan.
- c) The Dehcho Resources Management Authority shall consider any land use plan developed by other Aboriginal Peoples with a right to prepare a land use plan on their settlement land, as set out in their respective Land Claims Agreement.

The Parties to the main table should confirm whether a Dehcho Regional Land Use Plan shall:

- a) provide for the Conservation, development and utilization of land, Water and other resources;
- b) consist of:
 - i. maps, diagrams and other graphic materials;
 - ii. written statements, policies, guidelines and forecasts;
 - iii. descriptions of permitted and prohibited uses of land, Water and resources; and
 - iv. any other information considered appropriate
- c) not apply to a National Park, lands that have been acquired pursuant to the Historic Sites and Monuments Act, a reserve within the meaning of the Indian Act, or land within the boundary of a Local Government.

Panels and Cooperation with Adjacent Planning Bodies

⁴ Parties to consider the scope of any such provision given exploratory discussions regarding Shared Stewardship and whether Dehcho settlement land will be a feature of a Dehcho Agreement.

The principles for land use planning stated above confirm the participation of Aboriginal People, residents, and communities of the Dehcho Resources Management Area. Additional measures could be established to ensure areas of the Dehcho Resources Management Area with overlapping Aboriginal land claims agreements receive special attention. The Parties to the main table should discuss whether it may be appropriate to include provisions in a Dehcho Final Agreement that clarifies the Dehcho Resources Management Authority may establish panels to carry out land use planning in particular areas of the Dehcho Resources Management Area.

The Parties to the main table should confirm whether the following are to be included in the responsibilities of the DCRMA:

- a) The Dehcho Resources Management Authority may cooperate with any body responsible for land use planning in any other area, either within or outside the Northwest Territories, that is adjacent to the Dehcho Resources Management Area.
- b) The Dehcho Resources Management Authority may, in conjunction with any body responsible for land use planning in any other area, either within or outside the Northwest Territories, shall prepare a plan for the Dehcho Resources Management Area and an adjacent area, which shall be subject to this chapter in respect of the portion of the plan relating to the Dehcho Resources Management Area.

Land Use Plan Approval

The Parties to the main table should confirm how a Dehcho Land Use Plan for the Dehcho Resources Management Area will be approved. The following steps are proposed:

- a) Canada and the Government of Northwest Territories shall consider the approval of a Dehcho Regional Land Use Plan recommended by the Dehcho Resources Management Authority.
- b) Canada and the Government of Northwest Territories shall Consult the Dehcho First Nations prior to approving a Dehcho Regional Land Use Plan as it applies to the Dehcho Settlement Area.
- c) Prior to Canada and the Government of Northwest Territories approving a land use plan for the Dehcho Resources Management Area, Canada and the Government of Northwest Territories shall obtain the approval of the Dehcho First Nations of the Dehcho Regional Land Use Plan as it applies to [Dehcho Settlement Land/the Dehcho Settlement Area]⁵.
- d) Following confirmation that the Dehcho First Nations have approved of the Dehcho Regional Land Use Plan as it applies to [Dehcho Settlement Land/the Dehcho Settlement Area], the

⁵ To be discussed in context of a Shared Stewardship model vs. land selection model.

Dehcho Regional Land Use Plan shall come into effect when approved by Canada and the Government of Northwest Territories.

- e) If the Dehcho First Nations decides to obtain a generalized interest in the subsurface of the Dehcho Settlement Area, the Dehcho Agreement shall provide that Canada and the Government of the Northwest Territories will obtain the approval of the Dehcho First Nations prior to approving a Dehcho Regional Land Use Plan it applies to the Dehcho Settlement Area, but not for lands set out in another Land Claims Agreements where the Aboriginal party to that agreement has surface and subsurface title to those lands.
- f) Upon approval of a land use plan for the Dehcho Resources Management Area, Canada, the Government of Northwest Territories and the Dehcho First Nations and every body having authority under Legislation to issue licenses, permits or other authorizations relating to the use of land or Water or the deposit of Waste, shall conduct their activities and operations in accordance with the land use plan.

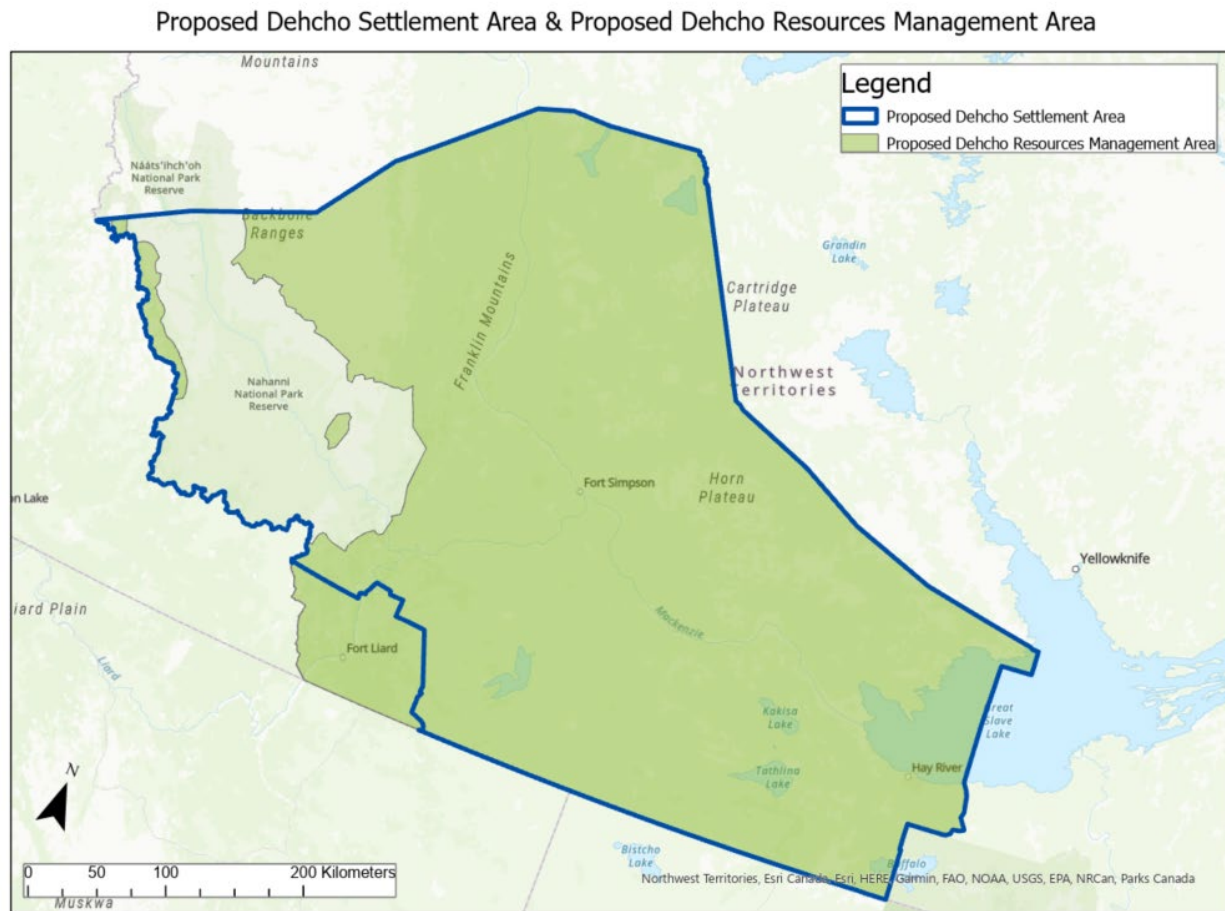
Future Amendments to the Dehcho Regional Land Use Plan

A Dehcho Agreement should set out the process for amending a Dehcho Regional Land Use Plan. The following process is proposed:

- a) Canada and the Government of Northwest Territories shall consider the approval of amendments to the Dehcho Regional Land Use Plan as recommended by the Dehcho Resources Management Authority.
- b) Canada and the Government of Northwest Territories shall consult the Dehcho First Nations prior to approving any proposed amendments to Dehcho Regional Land Use Plan as they pertain to the Dehcho Settlement Area.
- c) Prior to Canada and the Government of Northwest Territories approving an amendment to the Dehcho Regional Land Use Plan, Canada and the Government of Northwest Territories shall obtain the approval of the Dehcho First Nations of any proposed amendment to the land use plan that applies to Dehcho Settlement Area/ the Dehcho Settlement Land]⁶.
- d) Following confirmation that the Dehcho First Nations have approved an amendment to the Dehcho Regional Land Use Plan as it applies to [Dehcho Settlement Land/the Dehcho Settlement Area], that amendment to the Dehcho Regional Land Use Plan shall come into effect when approved by Canada and the Government of Northwest Territories.

⁶ To be discussed in context of a Shared Stewardship model vs. land selection model.

- e) If the Dehcho First Nations decides to obtain a generalized interest in the subsurface of the Dehcho Settlement Area, the Dehcho Agreement shall provide that Canada and the Government of the Northwest Territories will obtain the approval of the Dehcho First Nations prior to approving an amendment to the Dehcho Regional Land Use Plan as it applies to the Dehcho Settlement Area, but not for lands set out in another [Land Claims Agreements] where the Aboriginal party to that agreement has surface and subsurface title to those lands.



Without Prejudice. For Discussion Purposes.
September 2023.