



Dehcho First Nations

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To: Herb Norwegian, Grand Chief; DFN Leadership
From: Michael Nadli, Chief Negotiator
Date: Friday, January 12, 2024
Subject: Dehcho Process – Negotiations Session December 2023

Dehcho Process negotiations sessions occur monthly. Some sessions are held in person and some virtually. Between negotiation sessions, regular negotiator calls address the logistics and operations of the negotiating sessions.

On December, 19, 2023 a half day virtual negotiation session was held. Thank you to our community leaders and members who joined the session to listen and observe. Outlined below are the highlights of the session.

Remote and In-Person Participants in Negotiations Sessions

The Dehcho Negotiations Team has worked to provide transparency and openness in our negotiations. Member and leadership engagement continues to grow with more people joining the Dehcho Process as observers. Dehcho Negotiations Team continues to encourage more Dehcho members to listen and provide feedback to the team.

The feedback from members and communities has been positive, and they appreciated listening in and observing what was happening at the sessions. We look forward to continuing to provide transparency and the ability for Dehcho communities and members to watch, participate, and listen to the negotiation sessions. If you or members would like to provide further feedback please contact Bryan Strong at dfncommunications@bryanstrong.ca.

Virtual Town Hall Forums

Our last virtual town hall was on November, 29, 2023. A generalized overview was provided to Dehcho members. Following the presentation, a fruitful discussion happened based on the questions submitted. DNT will continue to provide Virtual Town Hall Forums in the evenings to provide updates and engage in conversation with members about the Dehcho Process. The next Virtual Town Hall will be held on January 17, 2024, from 7:00 PM to 8:30 PM. We hope to see leaders and members continue to engage in these forums to discuss the Dehcho Process.

DRMA (Dehcho Resource Management Authority)

Dehcho First Nations negotiations team presented a draft AiP chapter on the proposed DRMA. A copy of the draft chapter is attached for your review. We encourage communities to review the draft chapter and send your feedback to dfncommunications@bryanstrong.ca.

Next Steps/Actions Items

- Review format of Record of Conclusions and provide feedback as needed
- Review changes to the Lands Working Group Terms of References
- Review and provide comments on Dehcho Resource Management Authority (DRMA) Land Use Planning Discussion paper tabled by the Government of Northwest Territories (GNWT) and consider next steps to identify interests and gaps among the parties to advance negotiations
- All parties review Workplan 2023-2024 with intent to commence work planning for 2024-2025
- All parties review DFN's chapter proposal for DCRMA
- Work with West Point First Nation to determine a mutually agreeable Terms of Reference for a WPFN working group, which will be shared at the negotiation sessions for discussion and approval
- Work with the Métis locals to determine a mutually-agreeable Terms of Reference for a Metis equality working group, which will then be shared at the negotiation sessions for discussion and approval
- Identify areas of the draft Agreement in Principle (AIP) that are waiting on the Constitutional Working Group (CWG)
- Communicate to parties on the community tour sessions on the negotiations updates

Schedule

- Week of January 22, 2024 - negotiations sessions in Yellowknife
- Week of Jan 29, 2024 - Dehcho First Nations Special Assembly in Fort Providence
- Week of February 26, 2024 - In-person Negotiation Sessions potentially in Jean Marie River
- March 27 – 28, 2024 or Week of April 8, 2024 - Virtual Negotiation Sessions

ARTICLE LW – LAND AND WATER REGULATION

In this chapter “land” means both the surface and subsurface minerals.

Environment means: the components of the Earth including (a) land, water, and air; including all layers of the atmosphere; (b) all organic and inorganic matter and living organisms; and (c) the interacting natural systems that include components referred to in (a) and (b); and (d) the social, cultural and economic components, including the residents, of the Dehcho Settlement Area.

1.1 The following principles apply to this chapter:

- (a) an integrated system of land and water management should apply in the Dehcho Settlement Area;
- (b) the regulation of land and water in the Dehcho Settlement Area should be harmonized with adjacent areas, and with the *Mackenzie Valley Resource Management Act*; and
- (c) the Dehcho Resource Management Authority (DCRMA) will be the main instrument to regulate lands, waters and resources in the Dehcho Settlement Area, including, but not limited to: land use planning, land and water regulation, renewable and non-renewable resources, environmental impact assessment and environmental impact review.

1.2 Legislation will require the following bodies to harmonize their functions and activities with the DCRMA:

- i) the Naha Dehe Consensus Team for the joint management of Nahanni National Park (Reserve);
- ii) any body established to manage or administer any national, territorial, or tribal park or site;
- iii) any body established to manage or administer Protected Areas;
- iv) any body established to monitor or assess cumulative effects;
- v) any body established to manage or administer lands, waters, wildlife, fisheries, renewable and non-renewable resources not otherwise provided for in the Dehcho Agreement.

DEHCHO RESOURCE MANAGEMENT AUTHORITY

1.3 A board, to be called the Dehcho Resource Management Authority, will be established on the Effective Date by Legislation, to plan and regulate the use of land, resources, water and air, and the deposit of waste throughout the Dehcho Settlement Area, except within Dehcho Community boundaries or in Nahanni National Park

(Reserve), or other national parks. For greater certainty, the DCRMA will have authority for land use planning; regulation of lands and resources, and environmental assessment and environmental impact review in the Dehcho Settlement Area. National parks will be jointly administered by the Dehcho Government and Parks Canada as set out in article____.

1.4 The DCRMA will not have authority for activities no parts of which are inside the Dehcho Settlement Area, and which are likely to have no impact on the Dehcho Settlement Area.

1.5 To the extent a Dehcho Community Government has jurisdiction to regulate the use of land, the DCRMA shall not have authority to regulate the use of land in that community, unless the Community Government delegates the authority to the DCRMA. [For greater certainty, the Dehcho Government shall have jurisdiction to legislate in Kue Zhagola Gondehe (community lands) when community governments have not legislated.]

1.6 The *Mackenzie Valley Resource Management Act* and other relevant legislation will be amended to conform with the relevant provisions of this chapter and the Dehcho Agreement.

1.7 Excluding the Chairperson,

- (a) at least 50 percent of the members of the DCRMA will be appointed by the Dehcho Government; and
- (b) up to 50 percent of the members of the DCRMA may be appointed by Canada and/or the GNWT

1.8 The Parties will consult each other before making their appointments to the DCRMA. Each authority will make its appointments to the DCRMA within 6 months of the Effective Date. Appointments will be for a term of five years.

1.9 The Chairperson will be nominated by the other members of the DCRMA and will be jointly appointed by consensus of the Parties. The members of the DCRMA may nominate one of themselves or any other person.

1.10 The objective of the DCRMA is to provide for the conservation, development and utilization of the land, waters, air and other resources in the Dehcho Settlement Area, having regard to the interests of all Canadians, but particularly the interests of the present and future residents of the Dehcho Settlement Area. In exercising its powers, the

DCRMA shall **give priority to the protection of Treaty rights** and also take into consideration the importance of conservation, and the principles of respect for the land, as understood and explained by the Dehcho Elders, and sustainable development.

1.11 Legislation will provide that the operations and decisions of the DCRMA are subject to policy direction from the Dehcho Government.

1.12 Before enacting Legislation regulating the use of land, resources, water, air or the deposit of waste, or any amendments to such Legislation that applies to Dehcho Ndehe, the Dehcho Government, including any Dehcho Community Government, will consult the DCRMA in relation to its application to Dehcho lands.

LAND USE PLANNING

1.1 The land use planning process for the Dehcho Settlement Area which began with the Interim Measures Agreement will be continued. The Parties agree that there will always be a legally binding Land Use Plan in the Dehcho Settlement Area.

1.2 The purpose of land use planning in the Dehcho Settlement Area is to promote the social, cultural and economic well being of the residents and communities in the Dehcho Settlement Area, having regard to the interests of all Canadians. Land use plans will provide for the conservation, development and utilization of the land, waters and resources in the Dehcho Settlement Area.

1.3 The DCRMA will have responsibility, in accordance with the provisions of the Dehcho Agreement, for developing a land use plan for the Settlement Area and for reviewing and proposing approvals, exceptions and amendments to the plan. In fulfilling its' mandate, The DCRMA will have regard to any interim land use plan.

1.4 The Dehcho Agreement will provide that, subject to the authority of the DCRMA to approve minor exemptions, and excepting lands within Dehcho Community boundaries and lands within the NNPR, all decisions by regulatory agencies, authorities and decision-makers on lands and resources in, or that affect the environment of the Dehcho Settlement Area, shall conform to an approved land use plan.

1.5 Land use planning within Dehcho Community Government boundaries will be the responsibility of the Community Government.

1.6 In developing and implementing a land use plan established under the Dehcho Agreement, Governments and the DCRMA will consider the principles of respect for the land, as understood and explained by the Dehcho Elders, and sustainable development.

1.7 As soon as possible after the ratification of this AiP, the Parties will commence work on a Dehcho Land Use Plan which will reflect the provisions of the Dehcho Agreement with the intention of replacing the Interim Land Use Plan with the amended Plan. Within one year of the Effective Date, the Dehcho Interim Land Use Plan will be amended, as necessary, to be brought into conformity with provisions of the Dehcho Agreement. The Dehcho Interim Land Use Plan will remain in effect until the amended land use plan takes effect.

1.8 The Dehcho Land Use Plan will be reviewed by the Parties and by the DCRMA at least once every five years.

1.9 The Dehcho Agreement will provide that amendments to the Dehcho Interim Land Use Plan, or any future Dehcho Land Use Plan, must be approved by the Dehcho Government.