

DEHCHO LAND USE PLAN REVISIONS

Terms of Reference and Work Plan

TERMS OF REFERENCE

The Dehcho Land Use Planning Committee ("the Committee") will continue to develop a Dehcho Land Use Plan consistent with these Terms of Reference and the Dehcho First Nations Interim Measures Agreement (IMA).

1. Objectives of the Planning Process

- 1) To continue developing a Land Use Plan for the Dehcho Territory (excluding lands within existing municipal boundaries and Nahanni National Park) which promotes the social, cultural and economic well being of residents and communities in the Dehcho Territory, having regard to the interests of all Canadians.
- 2) To consider the principles of respect for the land, as understood and explained by the Dehcho Elders, and sustainable development in developing the land use plan, which shall provide for the conservation, development and utilization of the land, waters and resources in the Dehcho territory.
- 3) The Dehcho Final Agreement will take into consideration the work of the Committee.
- 4) To develop, following the approval of the Interim Dehcho Land Use Plan, concurrent with the Dehcho Process negotiations, a Dehcho Land Use Plan which takes into account the provisions of the Dehcho Agreement, including any necessary conformity requirements.

2. Participation

The Dehcho Land Use Planning Committee, established as a non-profit Society with offices located in Fort Providence, NT, is comprised of the following members:

- (a) Dehcho First Nations – 2 appointees;
- (b) Canada - 1 appointee;
- (c) GNWT – 1 appointee;
- (d) Chairperson – 1 person appointed by the other members of the Committee, who shall serve as Chairperson of the Committee.

The Committee's Chairperson will be identified by the Main Table or be chosen by the Committee from a list of names provided by the Main Table.

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Each Party will be responsible for appointing its members on the Committee. Any Party may replace a member it has appointed to the Committee.

3. Resources

The Committee will develop a budget based on the work plan. The Main Table will support the budget which will be submitted to Canada for consideration.

The Committee has the capacity to hire staff and seek resources as required.

4. Responsibilities and Procedures

Consistent with these Terms of Reference and the IMA:

General Matters Relevant to the Committee

The Committee will:

1. Work with any working group or side table established to address lands and resources issues in the Dehcho Process as directed by the Main Table.
2. Provide land use planning technical support on Nahanni Park expansion and Protected Areas Strategy as required.
3. Where possible, coordinate its meetings with Main Table sessions.
4. Provide reports, as requested by the Main Table.
5. Defer any issues or matters which they cannot resolve to the Main Table.
6. Provide land use planning technical support to the Dehcho Territory communities, interested stakeholders, the Main Table and any side table or working group established by the Main Table.
7. Update information from Dehcho communities and interested stakeholders as the Committee considers necessary.

Completion of Interim Dehcho Land Use Plan

1. The Committee will, based on the work plan approved by the Main Table and taking into account any direction provided by the Main Table, revise the Final Draft Dehcho Land Use Plan in order that a revised Interim Dehcho Land Use Plan can be approved and favourably considered as soon as possible, and implemented on a date acceptable to all Parties.

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2. The Committee will present options for a revised Interim Dehcho Land Use Plan to the Main Table and the Parties may, jointly or separately, undertake consultations in respect of those options.
3. Taking into account any direction from the Main Table, the Committee will develop a revised Interim Dehcho Land Use Plan and submit it to the Main Table for consideration.
4. Upon favourable consideration by the Chief Negotiators they will initial the revised Interim Dehcho Land Use Plan, and as soon as possible after initialing, recommend the Interim Dehcho Land Use Plan for approval and favourable consideration by the Parties.
5. After the Interim Dehcho Land Use Plan is approved by the Parties, it will be implemented at a date to be agreed upon by the Parties.
6. The Committee will carry out a comprehensive review of the Interim Dehcho Land Use Plan, if so directed by the Parties, not later than five years after the Interim Dehcho Land Use Plan takes effect and thereafter every five years or at any other intervals agreed to by the Parties, until the Dehcho Agreement is implemented.

Completion of Dehcho Land Use Plan

1. Taking into account any direction provided by the Main Table, the Committee (or its successor entity) will develop a Dehcho Land Use Plan for consideration and approval by the Parties which takes into account the Interim Dehcho Land Use Plan and the Dehcho Agreement.
2. The Dehcho Agreement will set out the process for approval and implementation of the Dehcho Land Use Plan.
3. The Committee (or its successor entity) will carry out such other responsibilities as may be provided for under the Dehcho Agreement and the Dehcho Land Use Plan.
4. The Committee (or its successor entity) will carry out a comprehensive review of the revised Land Use Plan not later than five years after the effective date of the Dehcho Agreement, and thereafter, every five years or at any other interval agreed to by the Parties

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WORK PLAN FOR INTERIM DEHCHO LAND USE PLAN

This work plan will be presented to the Dehcho Land Use Planning Committee. The Committee may report back to the Main Table with any suggestions regarding the contents of the work plan, the time line in the work plan and in particular any proposals for increasing the efficiency for the development of an Interim Dehcho Land Use Plan.

1. Revisit Committee member appointments and direction from Parties – late April, early May, 2007
2. The Committee will review the work plan and develop an appropriate budget for consideration by Canada.
3. Parties to provide substantive detail and rationale for changes to zoning and Conformity Requirements to Committee members – May 25, 2007
4. Committee members discuss their principals' substantive interests (i.e. specific areas/zones, specific issues related to Conformity Requirements) – May - June, 2007 (LUP meeting)
5. Committee staff to develop sensitivity analysis / options for a revised Dehcho Interim Land Use Plan that addresses the interests of the Parties – June 25, 2007
6. The Committee will present options to the Parties – June 25, 2007
7. The Parties consult with their principals on the options – June – August, 2007.
8. The Parties give further direction to Committee members. June – August, 2007.
9. The Committee develops consensus around the preferred option - July/August/September, 2007
10. The Committee recommends the revised Interim Dehcho Land Use Plan for approval to Main Table – early October, 2007
11. The Parties consult on Committee recommendations. October – November, 2007
12. The Parties present the Committee with their comments. November, 2007
13. Committee provides final recommendations for a revised Interim Dehcho Land Use Plan for approval by the Main Table. Mid-January, 2008
14. The Chief Negotiators initial and recommend the Interim Dehcho Land Use Plan for approval by the Parties – January, 2008.

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15. Timeline for Parties to approve Interim Dehcho Land Use Plan:

DFN - February, 2008

GNWT - February/March, 2008

Federal - February – April, 2008

16. Committee will, as set out in the Interim Dehcho Land Use Plan, monitor land uses for conformity with the approved Interim Dehcho Land Use Plan – ongoing.

GENERAL PROVISIONS

These terms of reference and the work plan are not legally binding and may be amended by the Main Table.

Signed by the Chief Negotiators for the Parties on April 27, 2007.



Georges Erasmus
Chief Negotiator
Dehcho First Nations



Tim Christian
Chief Negotiator
Government of Canada



Fred Talen
A/Chief Negotiator
Government of the
Northwest Territories