

A PLAIN LANGUAGE SUMMARY OF THE EDÉHZHÍE ESTABLISHMENT AGREEMENT



SEPTEMBER 3, 2020

Introduction

The Edézhíe Establishment Agreement (EEA) is a legal contract between Dehcho First Nations (DFN) and the Government of Canada (GoC) that describes actions and commitments they will both follow to protect and manage Edézhíe together. The EEA was signed by DFN and the GoC on October 11, 2018.

Edézhíe is a spiritual place. It is important to the Dehcho Dene culture, language and way of life. The Dehcho Dene are the keepers of the land, waters and wildlife. They follow Dene laws and their Elders' direction to protect Edézhíe.

Edézhíe is also very important for wildlife and biodiversity, which is important to the GoC. The GoC and DFN see Edézhíe as one of the Earth's great natural and cultural treasures, so they want to work together to protect Edézhíe forever.

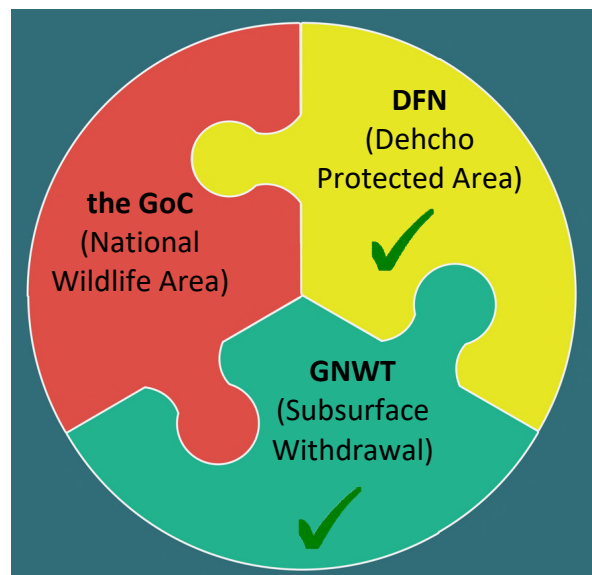
Making Edézhíe a Protected Area

Edézhíe requires 3 things to be protected:

1. DFN will protect Edézhíe by making it a Dehcho Protected Area (Done July/18).
2. The Government of the Northwest Territories (GNWT) will protect Edézhíe by closing the area under Edézhíe to resource development (subsurface withdrawal, Done June/20).
3. The GoC will protect Edézhíe by making it a National Wildlife Area (by Spring 2021).

DFN and the GNWT are done their work. The GoC is working on its part.

Figure 1. The Three Parts of Protecting Edézhíe



Purpose

DFN and the GoC will make decisions in the best interest of Edézhíe. Their decisions will:

- Respect and protect the lands, waters, wildlife, habitat and ecological integrity of Edézhíe;
- Promote research, monitoring and education about Edézhíe;
- Respect and promote Dene Ahthit'e, which is the relationship between Dene and the land, their way of life, language, culture, history, and laws. This is done by providing for resource harvesting and cultural uses and activities in Edézhíe and supporting the relationship between Dehcho people and Edézhíe; and
- Contribute to reconciliation by recognizing DFN's inherent rights, using Dene Ahthit'e, Dene Zhatié (language) and Dehcho knowledge, and working together to reach agreement on decisions and actions for Edézhíe.

DFN and the GoC agree that:

- Indigenous people carrying out traditional activities like hunting, fishing, trapping, gathering, or setting up camp, and following Dehcho law will not need any permit or permission from the GoC and won't pay fees.
- They will make decisions about Edézhíe that respect the land, and use the best available Dehcho and scientific information;
- Activities like that could hurt the land or the cultural value of Edézhíe (e.g. oil and gas or mining) will not be allowed. If the GNWT needs to build an access route across the Willowlake River Corridor for development outside Edézhíe, that could be allowed **IF** DFN approves the route. DFN and the GoC can also approve other activities and infrastructure needed to manage the Edézhíe Protected Area.

DFN and the GoC Working Together

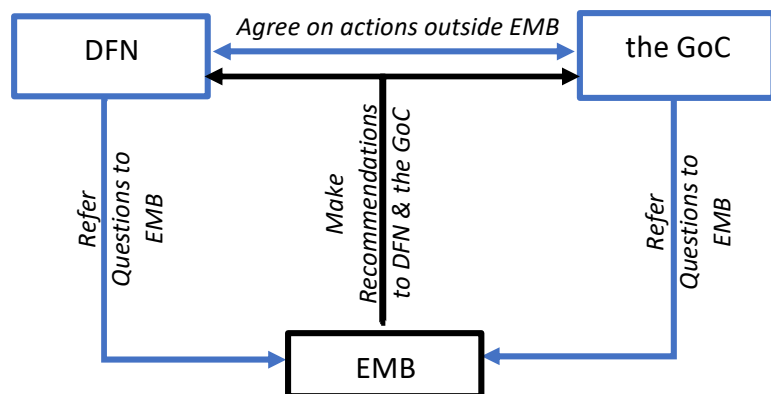
DFN has rights and legal responsibilities under the EEA. The GoC has different rights and legal responsibilities under the EEA. They will both work together to make decisions in the best interest of Edézhíe. Together, they can take any actions they need to protect and manage Edézhíe.

DFN and the GoC created an Edézhíe Management Board, where they will work together to make decisions. DFN and the GoC will each refer all questions and decisions that affect the planning, management, operation, monitoring or evaluation of Edézhíe to the Management Board. The Management Board (made up of the GoC and Dehcho representatives) will discuss the questions, come to agreement, and make recommendations back to DFN and the GoC. Then DFN and the GoC will use their own authorities to carry out the Management Board's recommendations.

If DFN and the GoC need to take action on something affecting Edézhíe, and the Management Board cannot make a decision quickly, DFN and the GoC can agree on and take action together. If there is an emergency (e.g. fire), then either DFN or the GoC (by themselves) may take action to protect Edézhíe, and tell the Management Board and the other party about it after.

If DFN and the GoC disagree about something in the EEA, that is called a "Dispute". They may ask other people, including the courts to help them solve the dispute. This is a long, complex and expensive process, so it is best if DFN and the GoC can find a way to agree.

Figure 2. Shared Decision Making Between DFN, the GoC and the Edézhíe Management Board (EMB)



If DFN and the GoC disagree about a decision or action on Edézhíe, that is called an “Issue”. They may ask members of the Management Board to advise them, get a study done to provide new information, or find another way to solve the issue. The Grand Chief and Minister may meet to solve the problem as well. This will also take a long time to do. It is best if the GoC and DFN can solve the issue themselves.

The Edézhíe Management Board

The Management Board has 7 members:

- 5 members from the Dehcho:
 - 1 member for the whole DFN region
 - 1 member for Tthets’ éhk’edél / Jean Marie River
 - 1 member for Łııdlı Kúé / Fort Simpson
 - 1 member for Pehdzeh Ki / Wrigley
 - 1 member for Deh Gáh Got’ie / Fort Providence
- 1 member for the GoC
- 1 impartial chair, that DFN and the GoC choose together

Board members must talk to their communities about Edézhíe and bring their communities’ interests forward at Management Board meetings. Board members work together at the meetings to make decisions in the best interest of Edézhíe. Board members then report back to their communities about Management Board decisions. Each community has an Elders/Harvesters Committee (EHC) to provide community input to the Management Board. The community Board members and a community coordinator will hold EHC meetings between each Management Board meeting to get community input on the Management Board’s work.

The Edézhíe Management Board always makes decisions by consensus. That means they keep talking until the DFN and the GoC members agree. The Chair does not vote or make the decision. The Chair’s job is to help the other 6 members agree on the decision. If the Management Board cannot agree on a decision, they can ask DFN and the GoC for help them decide.

DFN and the GoC will send Senior Representatives to the Management Board meetings to represent them and participate in discussions. If the Management Board makes a decision, and the Senior Representatives agree, they can approve the decision for their Parties at the meeting.

The Management Board meets in-person 4 times a year, and by teleconference in between. Management Board meetings are public, but the board may hold confidential discussions. All meetings and reports will be translated into Dehcho Dene Zhatie, unless the Board members say it is not needed.

The Management Board may ask EHCs, the Parties and other people with expertise to provide advice. The Management Board may apply to participate in any public regulatory proceeding affecting Edézhíe.

The GoC will have 1 full time NWT Protected Areas Specialist to support its work on Edézhíe. Funding provided to DFN until 2023 allows for 1 full time Regional Coordinator, 1 half time Administrative Assistant, 4 half time Community Coordinators (one in each of the four communities), and 8 half time Guardians (2 in each of four communities).

Figure 3 shows the Management Board, DFN, the GoC, and the EHCs and how they all relate to each other.

The Edézhíe Management Plan

The Management Board will develop and recommend a process to develop the Edézhíe Management Plan for DFN and the GoC to approve. DFN and the GoC will then develop and implement the Management Plan with advice from the Management Board. The first Management Plan must be completed and approved by October 2023. DFN and the GoC, with support from the Management Board, will review the Management Plan 5 years after its approved, and may revise it. After that, the Parties and the Management Board will review the Plan every 10 years.

The Management Board will develop a harvesting protocol to be completed with the first Management Plan. DFN and the GoC will approve the harvesting protocol.

Other Responsibilities

DFN and the GoC can set interim management and operation measures for Edézhíe while the Management Plan is being developed.

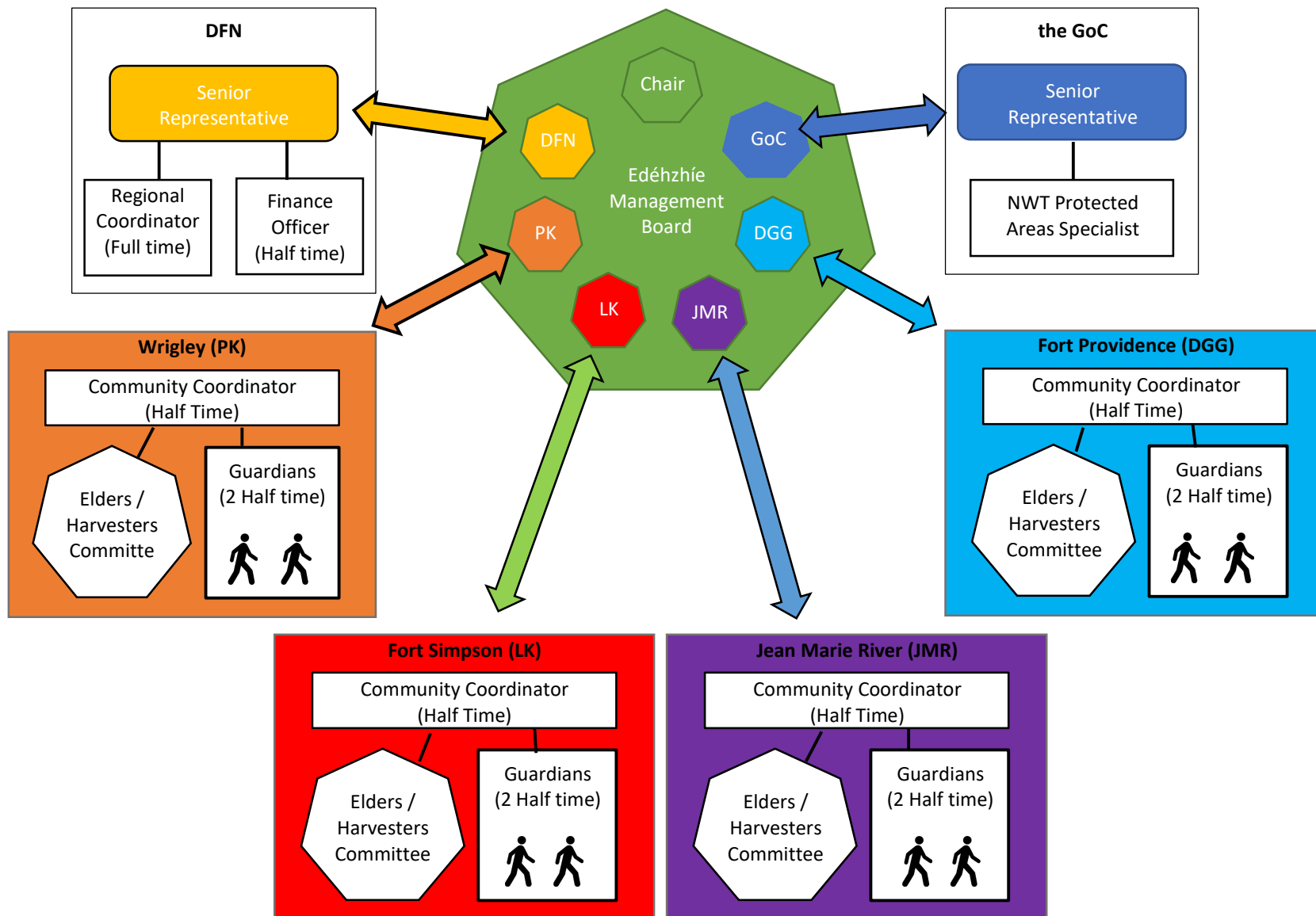
As per the EEA, DFN and the GoC agree that traditional rights and activities are allowed within Edézhíe. DFN and the GoC will work together to create an Enforcement Protocol to provide guidance on activities and questions related to traditional activities.

DFN will operate the Dehcho K'éhodi Stewardship and Guardian Program to implement Guardian monitoring, research, management, cultural and educational activities in Edézhíe. DFN and ECCC will work together on their research and monitoring activities.

Employment and Business

DFN and the GoC will work together to hire new staff for Edézhíe. They will develop a Human Resource Strategy to promote and increase Dehcho member employment and mentor youth. They will hire as many Dehcho people as possible for Edézhíe positions. They will consider Dehcho knowledge of language and culture, community awareness and relevant Dehcho experience in hiring decisions. The GoC will provide reasonable opportunities for training and cultural activities to Dehcho employees that work for them.

Figure 3. Relationship of EMB to DFN, the GoC and the Positions and Committees Created through the EEA.



DFN and the GoC will contract goods and services for Edézhíe from Dehcho companies as much as possible. the GoC will design its contract opportunities as much as it can to make it easy for Dehcho companies to bid on them. the GoC will also give priority to hiring qualified Dehcho individuals in any contracts it has.

DFN, the GoC and the Management Board will identify future job and contracting opportunities. DFN and the GoC will refer any business proposals received to the Management Board to decide.

Funding

The EEA includes a budget for Edézhíe in Schedule 4, which includes money to run the Management Board, Dehcho K'éhodi Stewardship and Guardian Program, and capital infrastructure until 2023. The GoC will provide this money to DFN to manage Edézhíe. Every year DFN and the Management Board will develop a workplan and budget that DFN and the GoC will approve. The GoC will also set aside funds for its own work in Edézhíe for research, monitoring and habitat management programs, to work with DFN, and to participate in the Management Board.

DFN will develop an Edézhíe Fund to support the costs of Edézhíe. DFN can fundraise money from donors to build the Edézhíe Fund. The GoC will match funds that DFN raises by October 2023, up to \$10 Million (needs federal Treasury Board approval). The GoC can also contribute additional funds to the Edézhíe Fund at any time. The Edézhíe Fund will create income from the investments. That income will help pay for management and operating costs for Edézhíe.

DFN and the GoC will review the funding agreements for Edézhíe in 2021, and then again when the Management Plan is reviewed.

Review and Amendment

DFN and the GoC will review the EEA every January to see how it is working. Within 8 years after Edézhíe is fully protected by the GoC and DFN, DFN and GoC will hire someone to do an independent evaluation of the EEA. The results will be reviewed together and changes will be made to the EEA if needed. This review will occur again every 10 years after. No changes will be made to the EEA at any time unless both DFN and the GoC agree. DFN and the GoC can also amend the EEA to match rights and benefits recognized for DFN through treaty, or agreement with the Crown, or by a court.