

Backgrounder

Tlicho Agreement - Highlights

| General

- The Tlicho Agreement will provide certainty with respect to Tlicho rights, title and obligations. The Tlicho agree not to exercise or assert any Aboriginal right, other than any rights set out in the Agreement, or any Treaty 11 right, other than rights respecting annual treaty payments and the payment of teachers' salaries.
- All laws of general application will continue to apply to Tlicho Citizens and the Tlicho Government.
- The Agreement is not intended to affect any Aboriginal or treaty rights of any other Aboriginal peoples.

Monfwi Gogha De Niitlee

- The traditional area of the Tlicho First Nation is "Monfwi Gogha De Niitlee", the area described by Chief Monfwi during the signing of Treaty 11 at Fort Rae on August 22, 1921. Subject to certain limitations, most of the rights of the Tlicho that are set out in the Agreement will apply in that part of "Monfwi Gogha De Niitlee" which is in the NWT.

Wekeezhii

- Over the years, Monfwi Gogha De Niitlee has been modified due to land claims settlements. In the Agreement, the modified area is called "Wekeezhii", which translates to "within the area". "Wekeezhii" defines the "management area" over which the Wekeezhii Renewable Resources Board and the Wekeezhii Land and Water Board will have authority.
- Wekeezhii is bounded, in the northeast, by Nunavut; in the northwest, by the Sahtu settlement area; in the southwest, by a line agreed to between the Tlicho and the Deh Cho in an overlap agreement; and in the southeast, by a line agreed to between the Tlicho and the Akaitcho Dene in an overlap agreement.

Tlicho Lands

- Subject to existing rights, the Tlicho Government will own a single block of approximately 39,000 square kilometres of land, including the subsurface resources, adjacent to or surrounding the four Tlicho communities. There will be a public right of access to Tlicho lands and waters overlying Tlicho lands. A person exercising this right of access could also harvest wildlife.

Financial

- The Tlicho Government will receive approximately \$100 million, which will be paid over a period of years. As well, it will receive a share of resource royalties received by government annually from the Mackenzie Valley.

Governance

- On the effective date, the Dogrib Treaty 11 Council, the Dogrib Rae Band, and the Wha Ti First Nation, Gameti First Nation and Dechi Laot'i First Nation bands will cease to exist and will be succeeded by the Tlicho Government.
- The Tlicho Government will have a wide range of law-making powers on Tlicho lands and over Tlicho Citizens off Tlicho lands. There will be certain types of laws the Tlicho Government cannot enact.
- The Tlicho Government generally will be tax exempt regarding its government activities, like other governments in Canada.
- Tlicho laws will not displace federal or territorial laws - Tlicho laws will be concurrent. In the case of conflict with a federal law, the federal law will prevail, to the extent of the conflict. In most instances, a Tlicho law will prevail over a territorial law, to the extent of the conflict.
- An intergovernmental services agreement between the Tlicho, GNWT and Canada will provide a single delivery system for health, education, child and family and other social programs and services to Tlicho Citizens and other persons in Tlicho communities. The first intergovernmental services agreement will be in effect for 10 years.

Public Government in a Tlicho Community

- There will be a public community government in each Tlicho community established by territorial legislation. A community government will have the power to enact laws relating to the standard "municipal" matters.
- A community government will be comprised of a Chief and a council of no fewer

than four and no more than 12 councillors. The Chief of a community government and at least half of the councillors will be Tlicho Citizens. In a community election, those nominees with the most votes will be elected as councillors provided that persons who are not Tlicho Citizens may fill no more than half of the council seats.

- An eligible voter can also run for office as a councillor in community elections.

Tlicho Community Lands

- Subject to existing rights, fee simple title to all lands within the new boundaries of Tlicho community governments will be transferred to the new Tlicho community governments.
- Third party interests with legal tenure will be protected. However there are some occupied lands for which the occupants do not presently have legal tenure. The parties are committed to working with the occupants to secure tenure immediately after the effective date.

Wildlife Harvesting

- Subject to certain limitations, Tlicho Citizens will have harvesting rights throughout Monfwi Gogha De Niitlee at all times of the year.
- Subject to certain limitations, such as small privately owned parcels that are fenced or posted, Tlicho Citizens will have the right of access to all lands in Wekeezhii for the purpose of harvesting wildlife.
- A developer will be liable for any losses or damage suffered by a Tlicho Citizen as a result of that developer's activities.
- A Renewable Resources Board will be established to manage wildlife in Wekeezhii. Excluding the chairperson, government will appoint half the members; the Tlicho Government will appoint the remainder, subject to any overlap agreement reached between the Tlicho and another Aboriginal group.

Mackenzie Valley Resource Management Act (MVRMA)

- The land and water regulation and environmental impact assessment provisions of the *MVRMA* will apply to all development activities in Wekeezhii, including those on Tlicho lands.
- At least one member of the Mackenzie Valley Environmental Impact Review

Board established under the *MVRMA* will be a nominee of the Tlicho Government.

- A Wekeezhii Land and Water Board will be established under the *MVRMA* to regulate land use and water use in Wekeezhii. The Land and Water Board will be a regional panel of the Mackenzie Valley Land and Water Board.
- Excluding the chairperson, government will appoint 50 percent of the members of the Wekeezhii Land and Water Board, and subject to any overlap agreement reached between the Tlicho and another Aboriginal group, the Tlicho Government will appoint the other 50 percent.

Subsurface Activities

- Persons involved in mining activities that require a land use permit or a water licence in Wekeezhii will have to consult with the Tlicho Government on a range of issues.
- Government has undertaken to develop measures to ensure that the proponent of a major mining project that will impact on Tlicho Citizens at the development or production stage will enter into negotiations with the Tlicho Government. The intent is to reach agreement on certain matters relating to the project including environmental impact, impact on wildlife harvesting, Tlicho employment opportunities, safety, health and hygiene.

Heritage Resources

- The Tlicho Government will be the custodian of heritage resources on Tlicho lands.
- All archaeological permits relating to Tlicho heritage resources will require conditions, including consultation with the Tlicho Citizens of the local Tlicho community or communities.
- Tlicho heritage resources that have been removed from the Northwest Territories can be returned to the Northwest Territories on a temporary or continuing basis.
- Government will record the location of Tlicho burial sites in Wekeezhii outside cemeteries. The Parties will develop procedures to protect Tlicho burial sites in Wekeezhii.
- In consultation with government, the Tlicho Government can name or rename lakes, rivers, mountains, and other geographic features and locations wholly within Tlicho lands and that new name will be recognized as the official name.

- Where a geographic feature or location is located wholly or partly outside Tlicho lands, government and the Tlicho Government will attempt to reach an agreement on the official name.

Water Rights

- Any person engaging in commercial activity on Tlicho land which requires the use of water will have the right to use water, subject to the provisions of the Agreement and legislation.
- The Tlicho First Nation would have the right to have waters, which are on, flowing through or adjacent to their land, remain substantially unaltered as to quality, quantity or rate of flow.
- The Wekeezhii Land and Water Board could issue a water licence authorizing a use of water which will substantially alter the quality, quantity or flow of water through or adjacent to Tlicho land, only if it determined that there would be no reasonable alternative to this use. In such circumstances, the licence holder must compensate the Tlicho Government for the loss or damage likely to be caused.

Future Land Claims Agreements - Land and Water Board

- The Tlicho Agreement recognizes that future land claim agreements can set up another land and water board with jurisdiction over part of Wekeezhii. The Agreement provides that the Mackenzie Valley Land and Water Board will make decisions in any area of overlapping jurisdiction, unless the new board and the Wekeezhii Land and Water Board agree that regulatory decisions are made by only one of them or jointly. Such agreement will be subject to approval by government.

Future Land Claims Agreements - Renewable Resources Board

- Like land and water management, the Tlicho Agreement recognizes that a future land claims agreement can set up another renewable resource board with jurisdiction over part of Wekeezhii.
- Any new board and the Wekeezhii Renewable Resources Board would make joint determinations.