

**Reviewed by LTC, Feb. 12, 2010**

## **CHAPTER PA: PROTECTED AREAS**

PA 1.0	GENERAL
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PA 3.0	IMPACT BENEFIT AGREEMENTS
PA 4.0	TRADITIONAL AND HARVESTING ACTIVITIES

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### **1.0 GENERAL**

- PA1.1 Protected Areas established in the Dehcho Settlement Area will include surface and subsurface lands.
- PA1.2 A Protected Area may not be established wholly or partly in the Dehcho Settlement Area without the consent<sup>1</sup> of the Dehcho Government.
- PA1.3 The boundaries of a Protected Area wholly or partly in the Dehcho Settlement Area may not be changed without the consent<sup>2</sup> of the Dehcho Government.
- PA1.4 The Dehcho Government will have first right of refusal<sup>3</sup> on tourism, recreational or other commercial authorizations issued for activities within protected areas located within the Dehcho Settlement Area.

### **PA2.0 DCRMA**

- PA2.1 Not less than 12 months prior to the establishment of a Protected Area in the Dehcho Settlement Area, the Dehcho Government and the government sponsoring authority will consult with the Dehcho Resource Management Authority.<sup>4</sup>
- PA2.2 Prior to the establishment of a Protected Area in the Dehcho Settlement Area, the Dehcho Government and the government sponsoring authority will jointly prepare a management plan, in consultation with the Dehcho Resource Management Authority. A management plan will address:

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<sup>1</sup> GNWT proposes duty to consult, not consent.

<sup>2</sup> GNWT proposes duty to consult, not consent.

<sup>3</sup> GNWT says problematic in overlap areas. Alternative wording?

<sup>4</sup> Will there be a DCRMA?

- (a) The protection of sites of cultural, spiritual or historic significance to the Dehcho Dene;
- (b) The protection of sites of archaeological significance to the Dehcho Dene or government;
- (c) The impact, mitigation and management of third-party dispositions;
- (d) Establishment of guidelines for research permits or other activities requiring a license, permit or authorization.
- (e) Public access and travel routes;
- (f) Wildlife issues of concern to either party;
- (g) Participation of the Dehcho Government in any related body or program pertaining to management, operation or administration of the protected area;
- (h) Tourism and recreation;
- (i) Other matters of concern to either party.

PA2.3 Each Protected Area in the Dehcho Settlement Area will establish a management body consisting of equal representation from the Dehcho Government and the government sponsoring authority.

PA2.4 The management body will oversee the implementation of the management plan and provide recommendations to the Dehcho Government and government sponsoring authority with respect to any matter affecting the Protected Area.

### **PA3.0 IMPACT BENEFIT AGREEMENTS<sup>5</sup>**

PA3.1 Prior to the establishment of a Protected Area wholly or partly in the Dehcho Settlement Area, the Dehcho Government and sponsoring government authority will conclude an Impact Benefit Agreement, that includes provisions pertaining to:

- (j) The impact of the protected area on any affected Dehcho Citizen or community, and any measures to address impacts;
- (k) Training and employment to ensure priority hiring and placement of Dehcho Citizens in employment and education opportunities;
- (l) Other impacts and benefits of concern to the Dehcho Government, community governments, or sponsoring government authority.

## **4.0 TRADITIONAL AND HARVESTING ACTIVITIES**

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<sup>5</sup> IBA is phrase usually used in context of major mining projects.

- PA4.1 The Dehcho Citizens' rights to all cabins, camps, and travel routes will continue in any Protected Area established wholly or partly in the Dehcho Settlement Area.
- PA4.2 Cultural and traditional activities, including harvesting activities, by Dehcho Citizens shall not be restricted, and the right to exercise those activities will continue in any Protected Area established wholly or partly in the Dehcho Settlement Area, including but not limited to:
- (a) Hunting of mammals and birds, including migratory birds in the spring;
  - (b) Trapping of fur-bearing animals;
  - (c) Fishing for freshwater and anadromous fish;
  - (d) Gathering of traditional Dehcho Dene foods;
  - (e) Gathering of plants used for cultural purposes;
  - (f) Cutting of trees for cultural purposes;
  - (g) Conducting, teaching, or demonstrating ceremonies of traditional, spiritual or religious significance;
  - (h) Seeking cultural and spiritual inspiration;
  - (i) Traveling into and within a Protected Area by motorized or non-motorized purposes for the above-stated purposes;
  - (j) Use of construction of shelter of facilities related to the pursuit of the above activities, but not including sponsoring government authority facilities.

**PA5.0 CONFLICT**

- PA5.1 Except as otherwise provided in the Dehcho Agreement, in the event of a conflict between Dehcho Law in relation to Protected Areas and federal or GNWT law, Dehcho Law will prevail to the extent of the conflict.