

ARTICLE XX - PROTECTED AREAS

In respect of protected areas outside of Dehcho Ndehe, but within the Dehcho Settlement area, Dehcho Agreement will provide that:

- 1) Protected areas shall include protection for surface and subsurface lands.
- 2) The boundaries and status of a protected area wholly or partly in the Dehcho Settlement Area may not be changed without the consent of the Dehcho Government.
- 3) Not less than 12 months prior to the establishment of a protected area the government sponsoring authority shall consult with the Dehcho Government and the Dehcho Resource Management Authority.
- 4) Prior to the establishment of a protected area wholly or partly in the Dehcho Settlement Area, the Dehcho Government and sponsoring government authority shall conclude an Impact Benefit Agreement with affected communities, that includes provisions pertaining to:
 - a) The impact of the protected area on any affected Dehcho citizen or community, and any measures to address impacts;
 - b) Training and employment to ensure priority hiring and placement of Dehcho First Nations in employment and education opportunities in connection with the protected area;
 - c) Other impacts and benefits of concern to the Dehcho Government, community governments, or sponsoring government authority.
- 5) The Dehcho First Nations' use of, and rights pertaining to all cabins, camps, and travel routes shall continue in any protected area established wholly or partly in the Dehcho Settlement Area.
- 6) The Dehcho First Nations shall have first right of refusal on tourism, recreational or other commercial authorizations issued within protected areas.
- 7) Cultural and traditional activities, including harvesting activities, by Dehcho First Nations shall not be restricted, and the right to exercise those activities shall 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;
 - b) Trapping of fur-bearing animals;
 - c) Fishing for freshwater and anadromous fish;
 - d) Gathering of traditional Dehcho First Nations foods;
 - e) Gathering of plants used for cultural or medicinal 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 essential to the pursuit of the above activities, but not including sponsoring government authority facilities;
 - k) Other activities consistent with the Dehcho Agreement.
- 8) Prior to the establishment of a protected area the government sponsoring authority shall prepare a management plan, in consultation with the Dehcho Government and the Dehcho Resource Management Authority. A management plan shall address:
- 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;
 - 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.
- 9) Each protected area shall be managed by a management body consisting of equal representation from the Dehcho Government and the government sponsoring authority, plus a chair jointly appointed by the Dehcho Government and the sponsoring authority.
- 10) The management body shall 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.
- 11) Except as otherwise provided in Dehcho Agreement, in the event of a conflict between Dehcho law in relation to protected areas and federal or GNWT law, Dehcho law shall prevail to the extent of the conflict.