

Dehcho Government Jurisdiction over Lands and Resources

Exclusive Jurisdiction: General

The Dehcho Agreement will provide that the Dehcho Government will have exclusive power to enact laws in relation to the following matters:

- (a) administration of Dehcho affairs and operation and internal management of the Dehcho Government;
- (b) management and administration of rights or benefits which are realized pursuant to the Dehcho Agreement by persons enrolled under the Dehcho Agreement, and which are to be controlled by the Dehcho Government; and
- (c) matters ancillary to the foregoing.

Jurisdiction on Dehcho Ndehe

The Dehcho Agreement will provide that the Dehcho Government will have jurisdiction in relation to the management, administration, government, control, regulation, use and protection of Dehcho Ndehe. This jurisdiction includes jurisdiction over foreshore and waterbeds where these areas form part of Dehcho Ndehe.

For clarity, jurisdiction on Dehcho Ndehe includes:

- a. the creation of interests in Dehcho Ndehe;
- b. procedures for the transfer or disposition of interests in Dehcho Ndehe;
- c. procedures for encumbering interests in Dehcho Ndehe;
- d. expropriation of interests in Dehcho Ndehe for community purposes;
- e. zoning and community land use planning;
- f. access to Dehcho Ndehe subject to article _ ;
- g. trespass on Dehcho Ndehe;
- h. negotiation of impact benefit agreements;
- i. surface and sub-surface resources, including royalties;
- j. renewable and non-renewable resources, including mineral claims;

- k. rivers, lakes and waters;
- l. deposit of waste, pollution control and enforcement;

The Dehcho Agreement will provide that the Dehcho Government may cause surveys to be made of Dehcho Ndehe in accordance with the *Canada Lands Surveys Act* and the *Canada Lands Surveyors Act*.

Renewable Resources:

The Dehcho Agreement will provide that the Dehcho Government will have jurisdiction in relation to renewable resources situated on, under or above Dehcho Ndehe, including protection, conservation, management, use, development, and disposition of renewable resources;

This jurisdiction includes:

- a. preservation and management of wildlife, including game, birds, fur bearing animals, and their natural habitat;
- b. preservation and management of fish and their natural habitat;
- c. hunting and trapping of wildlife; and
- d. preservation and management of the forest resource, including forest enhancement and pest control.

With respect to migratory birds, the Dehcho Government and Canada shall cooperate to establish appropriate co-management arrangements to address conservation concerns.

Non-Renewable Resources:

The Dehcho Agreement will provide that the Dehcho Government will have jurisdiction on Dehcho Ndehe in relation to non-renewable resources, including but not limited to:

- a. coal, native sulphur, construction stone, carving stone, limestone, soapstone, marble, gypsum, shale, clay, sand, gravel, volcanic ash, earth, ochre, marl or peat;
- b. all substances regulated under the *Territorial Coal Regulations*, the *Territorial Dredging Regulations* or the *Territorial Quarrying Regulations*;
- c. oil and oil shales;
- d. natural gas and includes all substances, other than oil, that are produced in association with natural gas;
- e. crude petroleum regardless of gravity produced at a well-head in liquid form; and

- f. any other hydrocarbons, including hydrocarbons that may be extracted or recovered from surface or subsurface deposits, including deposits of oil sand, bitumen, bituminous sand, oil shale and other types of deposits.

Without limiting the generality of the above, the jurisdiction referred to above includes the authority to make laws in relation to the non-renewable resources listed therein respecting:

- a. management, exploration, exploitation, use, development and disposition of those resources;
- b. issuance of permits and leases for development in accordance with the Dehcho Land Use Plan and disposition of those resources and regulation of conditions, including suspension and revocation of those permits or leases; and
- c. control of administrative functions including revenue collection in relation to permits or leases for exploration, development and disposition of resources.

Conflict of Laws

Except as otherwise provided in this Agreement, in the event of a conflict between Dehcho laws in relation to Dehcho Ndehe and other laws, Dehcho law shall prevail to the extent of the conflict.