

DÉLĪNĚ GOT'ĪNĚ GOVERNMENT

LANDS AND RESOURCES GOVERNANCE ACT

SEPTEMBER 1, 2016

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Preamble

Whereas:

- A. The DGG has Jurisdiction and Authority with respect to the management and exercise of rights and benefits provided under the SDMCLCA by DFN Citizens, including rights and benefits relating to harvesting of wildlife, plants and trees in the Délı̄ne District;
- B. The DGG shall manage lands and other assets it holds by virtue of being a DSO in accordance with the SDMCLCA and DFSGA;
- C. The DGG, as a public government, has Jurisdiction of a municipal nature in the Community of Délı̄ne, including land use planning, zoning and subdivision control as well as delivery of programs and services that may have an environmental impact on land and/or water;
- D. Great Bear Lake and our traditional territory within the Déline District will be managed in consideration of Denewà Ts'ı̄lı and the principles expressed in the Délı̄ne Got'ı̄ne ʔezadó, which guide the relationship that *Sahtúot'ı̄ne* have with the environment

the Délı̄ne Got'ı̄ne Government enacts as follows:

Citation

1. This *Act* may be cited as the *DGG Lands and Resources Governance Act*.

Application

2. This *Act* applies to all lands within the Délı̄ne District and their conservation, management and development. For greater certainty, this *Act* also applies to the DGG Settlement Lands, Parcels 180 and 181 listed in Schedule II of Appendix E of the SDMCLCA, which are outside of the Délı̄ne District and Sahtu Settlement Area.

Definitions

3. In this *Act*:

“**Authority**” means any power other than Jurisdiction;

“**Authorization**” means a right to access for the purpose of using or occupying DGG Settlement Lands, including for the use of water, in accordance with the SDMCLCA or the DFSGA;

“**Beneficiary**” means a person enrolled as a Délı̄ne participant in the enrolment register pursuant to Chapter 4 of the SDMCLCA;

“**Community of Délı̄ne**” means the area described in Schedule “B” of the DFSGA;

“**Délı̄ne District**” means the area described in Schedule “A” of the DFSGA;

“Dél̃ñe Final Self-Government Agreement” (“DFSGA”) means the Dél̃ñe Final Self-Government Agreement negotiated between the Dél̃ñe First Nation Band and the Dél̃ñe Land Corporation, the Government of the Northwest Territories and the Government of Canada;

“Dél̃ñe Got’̃ñe ʔeʔadó” means the Constitution of the Dél̃ñe First Nation, as amended from time to time;

“Dél̃ñe Got’̃ñe Government” (“DGG”) means the Dél̃ñe Got’̃ñe Government and its Institutions as outlined in the DFSGA and Part 1 of the *DGG Government Organization Act*;

“Dél̃ñe K’aowədó Kə” (“DKK”) means the body described in section 3.4.1(b) of the DFSGA and established by Part 1, Division 2 of the *DGG Government Organization Act*;

“Dene Gha Gok’ə Réhkw’i” (“DGGR”) means the body comprised of DFN Citizens who are Beneficiaries established in accordance with section 3.2.9 of the DFSGA and Part 1, Division 5 of the *DGG Government Organization Act*;

“Denewà Ts’̃l̃i” means maintaining a spiritual relationship with the environment as a true Denewà person;

“Department” means the Department of Lands, Resources and Environment established under this *Act*;

“Designated Sahtú Organization” (“DSO”) means a designated Sahtu organization pursuant to the provisions of Chapter 7 of the SDMCLCA;

“DFN Citizen” means a person who is a citizen pursuant to Chapter 5 of the DFSGA or pursuant to the *DGG Citizenship Act*;

“DGG Community Lands” means all those lands in the Community of Dél̃ñe for which the DGG holds fee simple title;

“DGG Lands” means both DGG Settlement Lands and DGG Community Lands;

“DGG Law” means laws of the DGG made pursuant to the Jurisdictions of the DGG set out in the DFSGA and regulations made pursuant to those laws;

“DGG Settlement Lands” means the lands whose title is vested in the DGG in accordance with section 21.2.1 of the DFSGA;

“Director” means the person appointed under section 9 of this *Act*;

“Effective Date” means the date on which the DFSGA comes into force, which is September 1, 2016;

“**Executive Committee**” means the body described in section 3.4.2 of the DFSGA and Part 1, Division 6 of the *DGG Government Organization Act*;

“**Jurisdiction**” means the power to make laws;

“**Residents**” means residents of the Délı̄ne District;

“**Sahtu Municipal Lands**” means the lands whose title is vested in the DGG in accordance with section 12.1 of the DFSGA;

“**Sahtúot’ı̄ne**” means Great Bear Lake People; and

“**SDMCLCA**” means the Sahtú Dene and Metis Comprehensive Land Claim Agreement.

Purpose

4. The purpose of this *Act* is to ensure, through sound governance and management, the continued stewardship of all DGG lands and resources, including the conservation and responsible development of all lands within the Délı̄ne District.

Jurisdiction

5. The DKK may make additional laws and policies as are necessary to fulfill the purpose of this *Act*.
6. The DKK will develop laws or policies for areas that it identifies as priorities for DGG Lands, in accordance with the SDMCLCA and Jurisdiction and Authority in the DFSGA, if possible within five years of the Effective Date.

Department of Lands, Resources and Environment

7. There is hereby established a Department to be called the Department of Lands, Resources and Environment, which shall be responsible for the administration of lands and resources as set out in the *Act* and as directed by the DKK.
8. The Department shall operate in the Délı̄ne District for the benefit of all Residents and Beneficiaries in a manner designed to further the purpose of this *Act* and to achieve the following objectives:
 - (a) to preserve and enhance all the land and resources within the Délı̄ne District as outlined in the SDMCLCA, the DFSGA, the laws of Canada or the Northwest Territories;
 - (b) to integrate the management and administrative functions of the DGG with respect to its rights and interests in all land and resources owned, controlled or co-managed within the Délı̄ne District as outlined in the SDMCLCA, the DFSGA, the laws of Canada or the Northwest Territories;

- (c) to manage and administer the development and use of DGG Community Lands in an efficient and responsible manner;
 - (d) to plan for and manage land use for all lands within the Community of Délı̨ne in accordance with approved community land use plans;
 - (e) to ensure *Sahtı̨ot'ı̨ne* language, culture, traditions, heritage, harvesting rights and traditional economy are taken into account when making decisions respecting DGG Lands and resources;
 - (f) to promote and manage sustainable economic activity related to or based on resources in the Délı̨ne District;
 - (g) to administer rights and interests on DGG Lands with respect and fairness and without discrimination or abuse; and
 - (h) to ensure that protection of lands, waters and resources, including the protection and enhancement of all living things, is considered in all decision-making of the DGG.
9. A Director shall be appointed by the DKK to manage and administer Department activities.
10. The Director shall have the following responsibilities:
- (a) for DGG Settlement Lands:
 - (i) recommend and administer DGG Laws and policies related to the use, management, administration, control, and protection of DGG Settlement Lands, including access, impacts and benefit matters;
 - (ii) work with and receive advice from the DGGR in all matters related to DGG Settlement Lands;
 - (b) for DGG Community Lands:
 - (i) recommend and administer DGG Laws and policies related to the use, management, administration, control, and protection of DGG Community Lands;
 - (ii) work with and receive advice from the DGGR on all matters related to Sahtu Municipal Lands in the Community of Délı̨ne;
 - (c) for lands within the Community of Délı̨ne:
 - (i) recommend and administer DGG Laws and policies related to land use planning, zoning and subdivision control;

- (d) for lands within the Délı̄ne District:
 - (i) provide recommendations to the DKK on environment and resource management matters for all lands in the Délı̄ne District;
 - (ii) work with the co-management bodies and government on all environment and resource management matters in the Délı̄ne District, as set out in the SDMCLCA, DFSGA, the laws of Canada or the Northwest Territories.

DGG Land and Resources Management

- 11. An Authorization is required from the DGG prior to accessing DGG Settlement Lands for the purpose of using or occupying DGG Settlement Lands and resources, including water.
- 12. For greater certainty, and subject to DGG Laws and policies, an Authorization under section 11 does not include access or use for traditional harvesting activities by Beneficiaries.
- 13. DGG Community Lands will be administered pursuant to regulations established pursuant to this *Act*.

Community Land Use Plan

- 14. A land use plan will be developed to guide future development within the Community of Délı̄ne.
- 15. The land use plan in section 14 is to be based on principles of sustainability and approved after considering the views of affected persons.

Amendment

- 16. This *Act* may be amended in accordance with DGG Law.

Commencement

- 17. This *Act* comes into effect on the date of its enactment.

Conflict

- 18. In the event that the provisions of this *Act* conflict with the provisions of the DFSGA, the provisions of the DFSGA prevail.
- 19. In the event that the provisions of this *Act* conflict with the provisions of the Délı̄ne Got'ı̄ne ʔeʔadó, the provisions of the Délı̄ne Got'ı̄ne ʔeʔadó prevail.
- 20. In the event that the provisions of the DFSGA conflict with the provisions of the Délı̄ne Got'ı̄ne ʔeʔadó, the provisions of the DFSGA prevail.

21. In the event that the provisions of the DFSGA conflict with the provisions of the SDMCLCA, the provisions of the SDMCLCA prevail.