

Overview of Legislation and Policies Pertaining to Regional Land Use Plans in the Yukon

Department of Energy, Mines and Resources, Yukon Government
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Note: This summary was prepared to assist Regional Land Use Planning Commissions and Commission staff to understand the policy and legislative context in which regional land use planning occurs. The summary will be updated by Yukon Government as required in order to remain current.

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1.0 Introduction

1.1 Purpose and Objectives

The report and attached tables describe the regulatory environment around land and resource management in the Yukon. The purpose of the report is to provide an overview of this environment to assist regional land use planning commissions in understanding the context in which land use plans are developed. The report identifies existing pieces of legislation, policies, best practices, guidelines and management plans from territorial, First Nations and federal governments and describes its relevance for regional land use planning.

1.2 Regional Land Use Planning in the Yukon

Land use planning is a systematic and integrated approach to managing various land uses within a specific region. Regional land use planning in the Yukon is governed by Chapter 11 of the Umbrella Final Agreement (UFA), and the individual Yukon First Nation Final Agreements; agreements between the Government of Canada, Government of Yukon (YG) and Yukon First Nations (YFNs). Chapter 11 of these Final Agreements deals specifically with regional land use planning, how regional land use planning processes are carried out, and it defines the process and players in Regional Land Use Planning in the Yukon. There are currently eleven Final Agreements in the Yukon.

Resource sectors relevant to land use planning include: forestry, heritage, mining, oil and gas, resource management and conservation, tourism, and transportation. In the Yukon, resource sectors are administered and regulated (in some cases jointly) by the governments of Yukon, First Nations and Canada. Regional land use plans must adhere to the regulatory environment while providing guidance on land and resource development within the planning region.

1.3 First Nation Final Agreements

Each Final Agreement is a treaty recognized under Section 35 of the *Constitution Act, 1982*, and as a result, takes precedence over other laws of general application. These Final Agreements are constitutionally protected treaties between Yukon First Nations, Canada and Yukon, and set out specific rights of the people of that Yukon First Nation.

The following eleven Yukon First Nations have Final Agreements in place:

- Champagne and Aishihik First Nations (1995);
- Teslin Tlingit Council (1995);
- First Nation of Nacho Nyak Dun (1995);
- Vuntut Gwitchin First Nation (1995);
- Little Salmon/Carmacks First Nation (1997);
- Selkirk First Nation (1997);
- Tr'ondëk Hwëch'in (1998);
- Ta'an Kwäch'än Council (2002);
- Kluane First Nation (2004);
- Kwanlin Dün First Nation (2005); and
- Carcross/Tagish First Nation (2006).

The three remaining Yukon First Nations that have not settled land claims are Liard First Nation, Ross River Dena Council and White River First Nation. They remain Indian Bands under the federal *Indian Act*¹.

The UFA and each Final Agreements are linked. All of the UFA provisions are found in each of the Final Agreements with extra provisions specific to each individual First Nation². The Chapters of the Final Agreements with relevance to Regional Land Use Planning include:

- Chapter 2 General Provisions
- Chapter 10 Special Management Areas
- Chapter 12 Development Assessment
- Chapter 13 Heritage
- Chapter 14 Water Management
- Chapter 16 Fish and Wildlife
- Chapter 17 Forest Resources
- Chapter 18 Non-renewable Resources
- Chapter 22 Economic Development Measures

The Final Agreements set out provisions for the establishment of several Boards and Councils to carry out the responsibilities required under these Agreements and to set out the management responsibilities of a number of specific areas outlined in the Chapters noted above. General requirements are outlined in the agreements concerning appointment of Board members, rules on board operations and management and their mandates.

1.4 Regional Land Use Planning Commissions

Regional Land Use Planning Commissions (RLUPC) are mandated under Chapter 11 of the Final Agreements and are responsible for preparing and recommending a regional land use plan. In accordance with the UFA:

- 11.4.1 – Government and any affected Yukon First Nation may agree to establish a Regional Land Use Planning Commission to develop a regional land use plan.
- 11.4.4 – Each Regional Land Use Planning Commission shall prepare and recommend to Government and the affected Yukon First Nation a regional land use plan within a timeframe established by Government and each affected Yukon First Nation.
- 11.5.1 – Regional land use plans shall include recommendations for the use of land, water and other renewable and non-renewable resources in the planning region in a manner determined by the Regional Land Use Planning Commission.

Currently, there are three planning regions that are active: North Yukon (approved and being implemented) and Peel River Watershed (recommended draft form) and Dawson (commission recently appointed).

1.5 Report Organization

This report summarizes the existing regulatory framework that pertains to regional land use planning in the Yukon. It provides a summary of territorial, First Nations and federal legislation, policies, guidelines and management plans that provide direction and guidance to land use planning as a whole, or in some instances, to particular geographic areas or resource values.

¹ Executive Council Office, Land Claims and Implementation Secretariat, <http://www.eco.gov.yk.ca/landclaims/>.

² Council of Yukon First Nation, <http://www.cyfn.ca/home>.

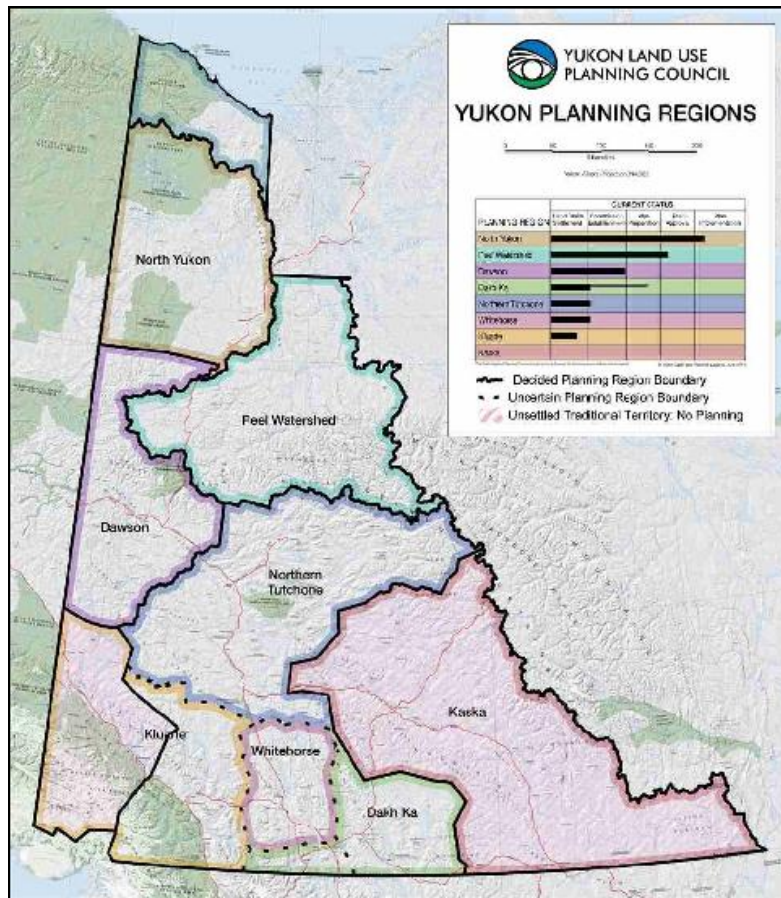
The intent of this report is to provide a broad overview of existing legislation applicable to land use planning in the Yukon. This overview report summarizes the purpose of the Acts, regulations, policies, guidelines and management plans and is not intended to be in detail. Readers should refer to each document itself for further detail and for updates. Summaries provided in this report do not provide full context, as this is a reference tool only.

The regulatory framework is presented according to the following resource and activity sectors, which are: forestry, heritage and culture, mining, oil and gas, resource management and conservation, tourism and transportation. However, a few pieces of legislation that are overarching and broadly applied in numerous activity sectors (e.g. *Waters Act, Yukon Environmental and Socio-economic Assessment Act*) are introduced separately first.

Within each sector, territorial legislation are listed based on hierarchy of importance and are then followed by regulations legislated under the Acts. Policies and guidelines, where available, are identified next and followed by First Nation legislation and any relevant policy / guideline documents. Federal legislation with application in the Yukon is provided in Section 11 of the report.

Each of the legislation identified in the report can also be tracked within the Matrices attached as an appendix to this report. The intent of the matrices is to demonstrate where (e.g. which planning regions) the legislation or policy applies.

Figure 1. Yukon Land Use Planning Regions



2.0 Cross-cutting Legislation

2.1 *Territorial Lands (Yukon) Act* Energy Mines and Resources, YG

The *Territorial Lands (Yukon) Act* (TLYA) came into effect on March 20, 2003 and effectively replaced the *Territorial Lands Act* that was administered by the Government of Canada. The TLYA is now administered by the Government of Yukon. The scope of this legislation applies to Crown Land in the Yukon and is the main tool in the management and administration of land uses and disposition in the Territory. Under TLYA, the key regulations pertaining to land dispositions, uses and development include:

- Territorial Land Regulation (dispositions and leases);
- Land Use Regulation (activities on Crown Land);
- Timber Regulation;
- Coal Regulation;
- Dredging Regulation; and
- Quarry Regulation.

Due to the Act's broad application to many resource sectors and related activities, its specific application to various activities is described in the resource sections below.

2.2 *Waters Act* Environment Yukon/Executive Council Office/Energy Mines and Resources, YG

The *Waters Act* came into effect on March 20, 2003 and effectively replaced the federally administered *Yukon Waters Act*.

The Yukon Government is responsible for the administration and control of water in the territory under the *Waters Act*. The Act regulates the use of all surface and ground water and the deposit of wastes into Yukon waters. Through the establishment of the Yukon Water Board under the Act, the Board is responsible for the issuance of water use licences for the use of water and/or the deposit of waste into water. Water licences are required and issued for a variety of undertakings, such as:

- placer and quartz mining;
- oil and gas;
- forestry;
- transportation;
- power generation;
- industrial uses; and
- conservation.

Due to the Act's broad application to many resource sector and related activities, its specific application to these sectors is described in the sections below.

2.3 *Yukon Environmental and Socio-economic Assessment Act (YESAA)*

Chapter 12 of the Yukon First Nations Final Agreements calls for the establishment by federal legislation of an assessment process that would apply on all lands of the Yukon: federal, territorial, First Nation and private. The federal legislation establishing this process replaced CEAA and applies to all lands in the Yukon. The Act came into effect in 2003.

The *Yukon Environmental and Socio-economic Assessment Act (YESAA)* establishes a process for assessing the environmental and socio-economic effects of a broad range of activities in Yukon. The activities assessed under this legislation that potentially affect land use planning throughout the territory cover the following areas and sectors (these activities are covered in the *Accessible Activities, Exceptions and Executive Committee Projects Regulations*):

- mining;
- industrial activities;
- oil and natural gas;
- energy and telecommunications;
- wildlife;
- transportation;
- nuclear facilities and nuclear substances;
- contaminants and waste;
- water;
- fisheries;
- air emissions;
- national parks, national parks reserves and national historic sites; and
- other (Schedule 1, YESAA)

The responsibility for assessments rests with an independent Yukon Environmental and Socio-economic Assessment Board and six Designated Offices located in communities throughout the territory. The assessment process also applies to projects that are triggered inside municipal boundaries.

3.0 Forestry

3.1 *Territorial Lands (Yukon) Act*

The administration and control of forest resources on Crown lands is primarily administered through the *TLYA* and the *Timber Regulation*. The Act governs timber harvesting activities on Crown lands in the Yukon, and sets out the requirement for obtaining a permit prior to cutting timber under Section 15. The precedence and need for *Timber Regulation* is outlined in Section 16, where the Commissioner has the ability to make the regulations regarding the issuance, terms and conditions, cancellation and fees for timber permits.

Specific provisions legislated under the *TLYA* that impact land use and forestry related activities are promulgated in the *Timber Regulation* and *Land Use Regulation*.

3.1.1 Timber Regulation

Pursuant to Section 16 of the *TLYA*, *Timber Regulation* applies to the cutting and removal of timber on Crown lands. This legislation is the mechanism whereby the Yukon Government administers and controls forest harvesting activities. Timber permit conditions are established in the Regulation.

Other forest harvesting related activities are also regulated by the *Timber Regulation*. For example, no cutting on territorial lands within 60 metres of public road or ordinary high water marks on a water body.

3.1.2 Land Use Regulation

The *Land Use Regulation* plays a role in regulating forest harvesting activities, specifically in relation to road access.

3.2 Waters Act Yukon Water Board

The use of water for forestry activities is subject to the *Waters Act*. The Yukon Water Board may issue Type A or Type B water licenses in accordance with the criteria set out in the *Waters Regulation* to use water and/or deposit waste. Terms and conditions of a license may be required by the Board relating to how water is used and waste disposal.

3.3 Forest Resources Act Energy Mines and Resources, YG

The *Forest Resources Act* received assent in December 2008, and will come into force January 31, 2011. This legislation was developed in collaboration with First Nations and the Yukon forest industry over several years. When the Act is implemented, it will replace the provisions dealing with Forestry and Timber harvesting in the *TLYA* and the *Timber Regulation*.

The *Forest Resources Act* ensures planning occurs prior to the harvesting of forest resources. When the Forest Resources regulation is in force, it will address the planning requirements to enable the development of sustainable forestry sector. Timber dispositions on public lands will be made under the Act in accordance with the regulation.

3.4 Teslin Tlingit Council Forest Harvesting Policy

The Forest Harvesting Policy is available from the Teslin Tlingit Council (TTC). For a copy contact the TTC Lands and Resources office.

3.5 Forest Resources Management Plans YFNs and Energy Mines and Resources, YG

Forest Resources Management Plans are a product of the First Nation Final Agreements (Chapter 17). Forest Resources Management Plans have not been developed for all YFN traditional Territories, however, the ones that are currently in effect are described below.

3.5.1 Champagne and Aishihik Traditional Territory Strategic Forest Management Plan (January 2005)

Jointly developed by the Yukon Government, Champagne and Aishihik First Nation (CAFN), and the Alsek Renewable Resource Council (ARRC), the Plan provides direction for sustainable forest management in the Champagne and Aishihik Traditional Territory. It is intended to provide clear framework and practical guidelines for forest managers and planners in a region where forestry continues to support a traditional subsistence way of life residents in the traditional territory.

The goals of the Plan reflect sustainable forest management, which are:

- functioning forest ecosystems;
- community sustainability and benefits;
- cooperative forest management; and
- building local human capacity.

3.5.2 Integrated Landscape Plan for the Champagne and Aishihik Traditional Territory (March 2006)

The Integrated Landscape Plan provides management priorities and guidelines for development and implementation of timber harvesting projects and site planning for the Champagne and Aishihik Traditional Territory. This document

is to be used together with the Strategic Forest Management Plan (SFMP). This Plan provides summary of timber inventory information, identifies management zones and sets out guidelines to assist implementing the SFMP.

3.5.3 Strategic Forest Management Plan for the Teslin Tlingit Traditional Territory

Jointly developed by the Yukon Government, the Teslin Tlingit Council, and the Teslin Renewable Resource Council (TRRC), the purpose of the Plan is to provide a sustainable forestry strategy within the Teslin Tlingit Traditional Territory. It is intended to contribute to a sustainable forest-based economy, while protecting and integrating ecological, traditional, resource, heritage and other community values. This plan is also intended to provide a clear framework and practical guidance for forest managers and planners. Issues, concerns, values and interests are established in the Plan and must be addressed prior to the commencement of forest resource development.

The five forest management goals in the Plan that address sustainable forest management within the Teslin Tlingit Traditional Territory are:

- conserve biological diversity;
- maintain forest ecosystem health and productivity;
- conserve and maintain soil and water resources;
- maintain and enhance multiple socioeconomic benefits; and
- maintain and enhance community sustainability.

3.5.4 Dawson Forest Resources Management Plan

This plan is in draft form and was developed by TH, YG, and Dawson Renewable Resources Council.

4.0 Heritage and Culture

4.1 First Nation Final Agreements

Heritage Resources found on First Nation Settlement Lands are owned and managed by the First Nation, pursuant to Chapter 13 of the First Nation Final Agreements. Furthermore, ethnographic heritage resources within a First Nation's traditional territory that are directly related to the culture and history of Yukon Indian People are also owned and managed by the First Nations. Exclusive of moveable ethnographic resources, heritage resources on non-settlement land are owned and managed by Yukon Government.

4.2 *Historic Resources Act* Tourism and Culture, YG

The *Historic Resources Act* addresses the preservation, development and interpretation of heritage resources in the Yukon. Heritage resources include historic sites, historic objects and any work or assembly of works of nature or of human endeavour that is of value for its archaeological, palaeontological, pre-historic, historic, scientific, or aesthetic features. In the Yukon, the two primary sources of authority for how historic resources are protected, used and managed are the First Nation Final Agreements (as mentioned above) and the *Historic Resources Act*.

The protection of historic sites is implemented through the issuance of historic resources permits under Section 28, whereby no activity that will alter the historic character of a site shall be carried out unless in accordance with the permit.

4.2.1 *Archaeological Sites Regulation*

Pursuant to Section 83 of the *Historic Resources Act*, the *Archaeological Sites Regulation* applies to all Crown lands and waters in the Yukon Territory, other than those within boundaries of a park under *Canada National Parks Act*; lands set apart as National Historic Site of Canada; and lands set out in the schedule. The Regulation controls access to, and recovery of, historic resources and to ensure the protection of historic resources.

4.3 *Placer Mining Act* Energy Mines and Resources, YG

A lease may be granted to prospect for the purposes of placer mining on lands that are under the administration and control of the Yukon Government. If, however, the lands may be required for a historic site, an order may be issued prohibiting entry on that land for the purpose of locating a claim prospecting for gold or other precious minerals or stones.

4.3.1 *Placer Mining Land Use Regulation*

The Regulation states that operations must not be carried out thirty metres of a known archaeological or palaeontological site unless indicated otherwise in writing. In addition, any sites containing archaeological objects, palaeontological objects or human remains or burial sites discovered in the course of carrying out an operation must be immediately marked and protected from further disturbance, and the discovery reported.

4.4 *Quartz Mining Act* Energy Mines and Resources, YG

Under the Act, any individual is entitled to enter, locate, prospect and mine for minerals on any vacant territorial lands. However, if any land in the territory may be required for a historic site, an order may be issued prohibiting entry on that land for the purpose of locating a claim or prospecting or mining for minerals.

4.4.1 Quartz Mining Land Use Regulation

The *Quartz Mining Land Use Regulation* provides detailed examination of how historic objects and burials grounds are protected. Activities must not be carried out within thirty metres of a known archaeological or paleontological site unless indicated otherwise by the First Nation. Furthermore, any sites containing archaeological objects, palaeontological objects or human remains or burial sites discovered during the exploration program must be immediately marked and protected from further disturbance.

4.5 Territorial Lands (Yukon) Act

The *Territorial Lands (Yukon) Act* applies on lands that are territorial lands. Under Section 21 of the Act, the Commissioner in Executive Council may set apart and appropriate territorial lands for the sites of places of burial grounds and historic sites.

4.5.1 Land Use Regulation

Pursuant to Section 21 of the *Territorial Lands (Yukon) Act*, the *Land Use Regulation* requires that no permittee shall, unless expressly authorized in their permit or in writing by an inspector, conduct a land use operation within thirty metres of a known monument or a known or suspected archaeological site or burial ground (Section 9). Furthermore, where in the course of a land use operation, a suspected archaeological site or burial ground is unearthed or otherwise discovered, the permittee shall immediately suspend the land use operation on the site, and notify the engineer or an inspector of the location of the site and the nature of any unearthed materials, structures, or artefacts (Section 15).

4.6 Yukon First Nation Legislation

4.6.1 Champagne and Aishihik First Nations Traditional Activities Protection Act

The CAFN *Traditional Activities Protection Act* prohibits individuals from taking, removing or bringing into their possession any documentary heritage resources found on CAFN Settlement Land, other than public records. Similarly, this provision applies to any moveable heritage resources, non-moveable heritage resources or non-public records found on Settlement Land. For the purpose of conserving and protecting CAFN Settlement Land resources, the First Nation government may withdraw Settlement Land from use and occupation, and designate the land for certain uses that are consistent with this Act.

4.6.2 Tr'ondëk Hwëch'in Land and Resources Act

Pursuant to the *Land and Resources Act*, no person shall disturb a burial site, a site of paleontological or archaeological interest, a historic site or a heritage site which may be found within the land, unless permitted under a law of the Tr'ondëk Hwëch'in.

4.6.3 Vuntut Gwitchin First Nation Land and Resources Act

This Act applies to all settlement land of Vuntut Gwitchin First Nation (VGFN). A function of this legislation is to protect and promote the culture, traditions, health and lifestyle of Vuntut Gwitchin as they relate to land and resources. The Act relates to land use and regional land use planning by requiring discoveries of heritage resources to be safeguarded and reported to VGFN. Heritage resources are protected under this legislation and may not be disturbed unless authorized by a permit.

4.7 Policies, Guidelines and Best Practices

4.7.1 Operational Policy for Heritage Resource Management

Pursuant to Chapter 13 of the UFA and the Yukon *Historic Resources Act*, the Operational Policy addresses ownership and management of moveable heritage resources and heritage sites. The document emphasizes Yukon Government as the responsible authority for management of non-ethnographic heritage resources on non-settlement lands. Heritage Sites designated under the *Historic Resources Act* are protected from activity or development impacts. If heritage sites and non-moveable heritage resources are not identified in the Final Agreements, then they are managed under the *Historic Resources Act*.

4.7.2 Guidelines Respecting the Discovery of Human Remains and First Nation Burial Sites in the Yukon (August 1999)

This document was prepared in accordance with UFA. Its purpose is to provide direction and information on the actions to take upon discovering a burial or grave site.

Government agencies and First Nations maintain an inventory of these sites so that land-use planning and development proposals do not disturb them. Many undiscovered sites are unmarked, which means that burial and grave sites could be damaged or destroyed unintentionally through land-use developments.

4.7.3 Historic Resources Best Management Practices (August 2006)

These Best Management Practices were developed for the protection of historic / palaeontological resources and management for geophysical exploration and advanced oil and gas projects. The objective is to protect and manage historic sites and resources, as well as protect burials outside of known cemeteries. Included are the legislative requirements for the protection of historic resources: *Historic Resources Act*, *Territorial Lands (Yukon) Act*, *Archaeological Sites Regulation*, and the *Oil and Gas Geoscience Exploration Regulations*.

4.7.4 Historic Resources Impact Assessment and Mitigation Requirements Related to Land Altering Developments

This policy document is to fulfill the mandate of preservation and protection of historic sites as identified by the UFA and the *Historic Resources Act*. The objective is to avoid unnecessary impacts on historic sites; preserve sites wherever possible; and to promote recovery of information and artefacts from sites that cannot be preserved.

4.7.5 Wilderness Tourism Best Management Practices for Heritage Resources

The Department of Tourism and Culture has developed the *Yukon Wilderness Tourism Best Management Practices for Heritage Resources* document to assist in protecting and preserving as yet undiscovered historic sites and artefacts that may be at risk from wilderness activities. Tourism and Culture recognises that an increase in wilderness tourism puts these unknown sites at risk. The objectives in the Best Management Practices guide are to protect and manage historic sites, artefacts and burial grounds outside of known documented areas; and to educate wilderness tourism operators on the identification and protection of heritage sites.

5.0 Mining

5.1 *Quartz Mining Act* Energy Mines and Resources, YG

The administration and regulation of hard rock (quartz) mining is covered under the *Quartz Mining Act*. Under the Act, individuals have the right to “enter, locate and prospect and mine for minerals on any vacant land under the control and administration of the Yukon Government and on land where the Government has the administration and control of the right to enter prospect and mine for minerals”. Exceptions to the rule are lands around a house; land used for cultivation; church and cemetery land; and land occupied for mining. The disposition of mineral rights, mineral claims and claims staking requirements are also addressed under this Act.

5.1.1 *Quartz Mining Land Use Regulation*

The *Quartz Mining Land Use Regulation*, enacted under Section 149 of the *Quartz Mining Act*, applies to active quartz mining claims or on which a mining lease has been granted. The Regulation set out the provisions for a range of surface and sub-surface activities, including the removal of timber and vegetation, structures, camps, fuel storage, use of access trails etc.

5.2 *Placer Mining Act* Energy Mines and Resources, YG

Similar to the *Quartz Mining Act*, the *Placer Mining Act* is responsible for the disposition and regulation of placer mining. The disposition and mining rights under this Act allows for miners to enter for mining purposes, locate, prospect, and mine for gold and other precious minerals or stones on any lands in the Yukon. The Act allows claims to be staked and then granted by the mining recorder.

The *Placer Mining Act* sets out conditions and regulations for placer land use operations.

5.2.1 *Placer Mining Land Use Regulation*

The *Placer Land Use Regulation*, enacted under Section 116 of the *Placer Mining Act*, applies to placer claims and placer leases. The Regulation sets out the provisions for a range of placer mining and related activities, including structures, camps, trenching, new access roads, fuel storage, etc.

5.3 *Waters Act*

The use of water for mining activities is subject to the *Waters Act*. The Yukon Water Board may issue Type A or Type B water licenses in accordance with the criteria set out in the *Waters Regulation* to use water and/or deposit waste. Terms and conditions of a license may be required by the Board relating to how water is used, waste disposal, required studies, and mine abandonment.

5.3.1 *Waters Regulation*

Placer and quartz mining activities subject to the *Waters Regulation* are defined and classified in Schedule 2 (Classification of Undertakings), and licensing criteria for placer and quartz mining activities are prescribed in Schedule 6 and 7 respectively. For example, placer prospecting that involves water use in excess of 300 cubic metres per day (66,000 imperial gallons) and waste deposits (sediment or effluent) into ground or surface water is not permitted without a water licence.

5.4 Territorial Lands (Yukon) Act

The definitions of “land” and “territorial lands” under the *TLYA* include mines, minerals and lands under the administration and control of the Commissioner. This expansive definition encompasses all mining activities, such as placer, quartz, coal, quarrying and dredging. The Act allows the Commissioner to make regulations for the leasing of mining rights on territorial lands, and the payment of royalties for such leases.

Three regulations enacted under the *TLYA* that are relevant to land use planning are *Land Use Regulation*, *Coal Regulation* and *Dredging Regulation*.

5.4.1 Land Use Regulation

This regulation is the primary regulation that governs surface activities on vacant public lands in the Yukon. It identifies activities and thresholds that require Class A and B Land Use Permits, which can affect mining activities. Activities where a land use permit may be required are: development of temporary access roads and trails, use of explosives, machinery for earth drilling, establishment of temporary camps, establishment of fuel storage facilities that exceed specified capacity.

5.4.2 Coal Regulation

The Coal Regulation sets out provisions for the exploration and staking of coal leases and permits. Territorial lands that are not available for staking are cemeteries; lands within municipal district, municipality or development area under the *Area Development Act*; land reserved for an Indian Reserve, national park, military or other public use; and land occupied for mining purposes.

5.4.3 Dredging Regulation

Pursuant to Section 21 of the *Territorial Lands (Yukon) Act*, a lease issued to a person is granted the exclusive rights to dredge for minerals in the submerged bed of any river. Terms and conditions of the lease are set out in the Regulation.

5.5 Policies and Guidelines

5.5.1 Yukon Mine Site Reclamation and Closure Policy

The Mine Site Reclamation and Closure Policy was developed for the purpose of establishing site reclamation and closure requirements for hard rock mines. Mine operators are required to plan, implement and fund mine site reclamation and closure by providing financial assurance during development, operation and closure of a mine. Exploration, prospecting and placer mining related activities are excluded.

The Reclamation and Closure Policy document is to be used as guidelines in implementing the *Quartz Mining Act* and the *Waters Act*. These guidelines require plans for progress reclamation, protection of water resources and post-closure monitoring and reporting.

5.6 First Nation Policy

5.6.1 Teslin Tlingit Council Settlement Land Quarry Policy

The Quarry Policy is available from the Teslin Tlingit Council (TTC). For a copy of this please contact the TTC Lands and Resources office.

6.0 Oil and Gas

6.1 *Yukon Oil and Gas Act* Energy Mines and Resources, YG

The Act requires licenses for exploration, drilling, pipelines, facilities and production activities associated with oil and gas. The *Oil and Gas Act* contains terms and conditions related to the activities described above.

Regulations were also established under the *Oil and Gas Act* to regulate oil and gas activities and also rights to oil and gas resources. Under Section 65, the Act provides for the regulations to set preconditions and conditions for licenses.

Regulations for Disposition, Drilling and Production, Geoscience Exploration, and License Administration were enacted pursuant to this Act.

6.1.1 *Disposition Regulation*

Oil and gas rights are made available through dispositions, which are granted by the responsible Minister through a competitive disposition process under the *Oil and Gas Disposition Regulation*. The Regulation establishes the rules regarding the issuance and management of rights in the Yukon, and sets out requirements for permits, leases, fees and rentals.

6.1.2 *Drilling and Production Regulation*

Pursuant to Section 65 of the *Oil and Gas Act*, the *Drilling and Production Regulation* regulates drilling operations, well operations, field facility construction and operations, and production. The Regulation contains terms and conditions for these activities as well as standards for minimizing environmental disturbances and construction activities.

6.1.3 *Geoscience Exploration Regulations*

The *Oil and Gas Geoscience Exploration Regulation* is responsible for the regulation of petroleum exploration activities, and specifies requirements for authorization, operation and reporting of all exploration activities in the Yukon. Geoscience involves all aspects of preliminary surface and near-surface exploration such as geological field studies, aerial magnetic and gravity surveys and seismic programs.

The *Geoscience Exploration Regulation* contains terms and conditions of the geoscience operation, environmental protection, equipment, procedures, tests and analysis. In addition, standards for minimizing environmental disturbances from water use and wastes are set out.

6.1.4 *Land Use Regulation (TLYA)*

If there is a conflict between a provision of the *TLYA Land Use Regulation* and the *Oil and Gas Act* or a Regulation under it, the provision of the *Oil and Gas Act* prevails.

6.2 *Highways Act* Highways and Public Works, YG

A permit is required for any works related to oil and gas within a highway right-of-way under the *Highways Act*. This applies to temporary activity (less than one year) within a highway right-of-way (ROW). Other permits and licences that may be required are a License of Occupation for any permanent facilities that are located within the ROW, and for erecting signs within a highway ROW.

Further information on the *Highways Act* is in Section 9 (Transportation) of this report.

6.3 *Parks and Land Certainty Act* Environment Yukon, YG

The *Parks and Land Certainty Act (PLCA)* governs the creation and management of parks in the Yukon. Oil and gas activities may be affected by the establishment and designation of a park under this Act. In accordance with Section 35 of *PLCA*, the production of oil and gas resources under a park may be, with the approval of the Commissioner in Executive Council, permitted from lands outside the park, if the production will not have an adverse effect on the park.

6.4 Guidelines and Best Management Practices

6.4.1 Oil and Gas Best Management Practices (BMPs)

The goals of the oil and gas BMPs are: to conserve wildlife and fisheries habitat, vegetation and surface soil, and to avoid sensitive landscape and habitats. Specific considerations are: preventing and minimizing permafrost degradation; restricting activities in wetlands to winter operating seasons; ensuring a healthy and vibrant Yukon trapping industry; protection of historic resources throughout the territory; use of “Low Impact Seismic” practices; and reduction in conflict with wilderness tourism operations.

- Other best management practices and brochures that guide oil and gas activities available through the Oil and Gas Management Branch relate to: Seismic Exploration; Historic Resources; and Wilderness Tourism.

Developing and improving best management practices are ongoing exercises by the Yukon Government in collaboration with industry, other governments and stakeholders.

6.4.2 Geoscience Exploration Guidelines

The Geoscience Exploration Guidelines are for entities conducting oil and gas geoscience exploration in the territory. Activities under geoscience exploration include geological operations, geophysical operations and test hole operations. The Guidelines require proponents to meet the requirements specified under the *Geoscience Exploration Regulation* and *Licence Administration Regulation*.

7.0 Resource Management and Conservation

7.1 *Wildlife Act* Environment Yukon, YG

The *Wildlife Act* pertains to the harvesting of wildlife. The Act administers hunting of terrestrial wildlife for non-subsistence purposes and hunting by those who are not beneficiaries of a Final Agreement. A permit or license is required under the legislation to hunt or trap game animals, game birds and fur bearing animals. Wildlife hunting and trapping in a wildlife sanctuary is prohibited. In addition, the *Wildlife Act* prohibits hunting and possession of protected wildlife, unless permitted.

The Act can establish a Habitat Protection Area where due to the sensitivity of the area to disturbance and/or importance of the area as habitat for a population, species or type of wildlife.

7.1.1 Wildlife Regulation

Pursuant to Section 147 of the *Wildlife Act*, the *Wildlife Regulation* determines the terms and conditions of the licenses and permits. License and permit holders who kills an animal are required to provide to a conservation officer the conditions of the permit. Furthermore, no person shall hunt wood bison, mountain goat, sheep, moose, caribou or bear unless the person has a valid hunting license and has obtained a seal for the appropriate species or type of big game animal.

7.2 *Environment Act* Environment Yukon, YG

The *Environment Act* ensures the management of the environment, preservation of biological diversity and promotes sustainable development in the Yukon. The Act is to also provide for integrated land use and natural resource planning and management in the Yukon by establishing regional, sub-regional and other land use, water, forest and wilderness management plans.

7.2.1 *Environment Act Regulations*

Permits are issued under nine regulations made pursuant to Yukon's *Environment Act* covering various activities having potential environmental impacts, such as the handling of special wastes, the application of pesticides and the management of contaminated sites.

The following is a general list of permits issued under *Environment Act* regulations and the types of activities for which permits may be required: Storage Tanks, Spills/Contaminated Sites, Special Waste, Solid Waste, Air Emissions. This is not an exhaustive list; each regulation contains intricacies which must be considered when determining whether a permit is required for a given activity. Contact the Environmental Programs Branch for information on permit requirements for specific activities, as well as application forms for all permits.

7.3 *Parks and Land Certainty Act* Environment Yukon, YG

Parks are established under this Act to implement obligations under settlement agreements and to provide for the protection and management of areas that are of territorial significance. Parks established may be an ecological reserve, a natural environment park, a wilderness preserve, a recreation park, or any other type of park prescribed in the regulations. No development, use, activity or occupation is allowed without authorization. In ecological reserves or wilderness preserves, no industrial development is permitted.

A management plan may provide for areas within a park to be designated as land use zones. In lieu of a management plan, under Section 25(1), a site plan may be prepared by the Minister for a recreation park. The plan shall describe any roads, facilities or other developments that exist within the park or that have been or may be permitted within the park, and address any other matter prescribed in the regulations.

7.4 Waters Act Environment Yukon, YG

The administration and control of all water rights in Yukon belongs to the Government of Yukon. Exceptions to this are waters in a National Park, protected areas for migratory birds and land under the administration of Environment Canada for conservation of wildlife pursuant to the *Canada Wildlife Act*. The regulation of water is based on the amount of water used by an individual and deposit of waste into water. This is regulated through the issuance of a license by the Yukon Water Board under the *Waters Act*. The Board may set conditions on a license relating to how the water is used, waste deposited, and studies to be conducted.

Pursuant to the Act, the Yukon government may take measures to prevent, counteract, mitigate, or remedy any resulting adverse effect on persons, property, or the environment, where a site has been temporarily or permanently abandoned. Regulations may be legislated under the Act to include: establishment of water management areas, water use classification, water quality and effluent standards, license specifics, waste specifics, sampling and etc.

7.5 Guidelines

7.5.1 Guidelines for Applying the Wildlife Act Provisions

The Guidelines for Applying the Wildlife Act Provisions were developed to establish procedures for implementing and managing *Wildlife Act's* Habitat Protection Areas (Section 187(1)) and specially protected wildlife. Under the Act, provisions for enabling Habitat Protection Areas and specially protected wildlife must meet the criteria set out in the legislation and these guidelines serve to formalize and outline the necessary steps, tasks and process required for implementation.

7.6 Yukon First Nation Legislation

7.6.1 Champagne and Aishihik First Nations Fish and Wildlife Act

The CAFN *Fish and Wildlife Act* regulates the subsistence harvesting of fish and wildlife for citizens and non-citizens within CAFN traditional territory. The Act prohibits subsistence hunting by non-citizens on Category A Settlement Land and developed Category B Settlement Land unless authorized by a license or proof of consent. An application to the First Nations Council must be submitted prior to any hunting activities on settlement land.

7.6.2 Champagne and Aishihik First Nations Traditional Activities Protection Act

The *Traditional Activities Protection Act* is to protect the culture, traditions, health and lifestyle of Champagne and Aishihik people and to ensure that information pertaining to these things is used respectfully and wisely. The Act, under Section 6, requires all development activities on settlement land to be permitted, unless engaged in activities in accordance with a right of access provided in the Final Agreement, or activities that are licensed or otherwise authorized or approved by another enactment.

7.6.3 *Ta'an Kwäch'än Council Lands and Resources Act* (in development)

This Act will apply to Ta'an Kwäch'än Council (TKC) settlement lands. The TKC office should be contacted for further detail.

7.6.4 *Ta'an Kwäch'än Council Land Use Policy*

This policy document covers the provision for land use activities in accordance with the Council's *Land and Resources Act*. The objectives of this policy are to:

- improve access to land and secure tenure;
- encourage the rational and sustainable use of land;
- improve productivity, income and living conditions;
- reduce land-related conflicts; and
- develop an efficient and effective system of land administration.

7.6.5 *Teslin Tlingit Council Fish and Wildlife Act*

The *Fish and Wildlife Act* regulates subsistence harvesting of fish and wildlife resources on TTC Settlement Land. The Act ensures the conservation and management of wildlife and their habitat and the integration of all aspects of renewable resource use and management. The Teslin Renewable Resources Council (TRRC) is established under this Act. The Act affects land use and land use planning within the traditional territory of the Teslin Tlingit Council by restricting subsistence harvest by non-Teslin First Nation citizens without consent, entry and use of Category A Settlement Land, and developed Category B Settlement Land for the purpose of hunting unless authorized by a license.

7.6.6 *Teslin Tlingit Council Settlement Land and Resources Act*

This Act ensures the protection and conservation of Settlement Lands and resources, and the protection of culture, traditions, health and lifestyle of Teslin Tlingit Council's citizens.

Pursuant to the Act, the Teslin Tlingit Land Management Committee is established to advise on all matters relating to maintaining land and resources, including a Register of Lands and Resources to contain copies of Certificates of Allocation, leases, licenses of occupation and permits; requiring licenses and authorizations for access and use of land; and granting the General Council to establish, amend or revoke resource management plans.

7.6.7 *Tr'ondëk Hwëch'in Fish and Wildlife Act*

Tr'ondëk Hwëch'in *Fish and Wildlife Act* regulates subsistence harvesting of fish and wildlife on TH Settlement Land. The Act requires Tr'ondëk Hwëch'in citizens harvesting fish or wildlife for subsistence within their traditional territory to carry proof of enrolment under the Final Agreement. For individuals enrolled under another Final Agreement, consent in writing under this Act is required to harvest fish and wildlife for subsistence within the Traditional Territory.

7.6.8 *Tr'ondëk Hwëch'in Land and Resources Act*

The Act applies to persons who hold or seek to exercise or acquire a right title or interest in or to minerals underlying Category B Settlement Land. Unless authorized under the Act, Section 4 prohibits access to, occupancy or use of

the land, acquire or hold a right or interest in, or to, the land. The Act prohibits development within Settlement land unless authorized.

7.6.9 *Tr'ondëk Hwëch'in First Nation Land and Resources Regulation*

The *Land and Resources Regulation* is available at Tr'ondëk Hwëch'in. For a copy of this please contact the TH Lands and Resources office.

7.6.10 *Vuntut Gwitchin First Nation Fish and Wildlife Act* (in development)

This Act will apply on VGFN settlement land and will regulate subsistence harvesting of fish and wildlife for members and non-members. The Act is currently in development and not enforced.

7.6.11 *Vuntut Gwitchin First Nation Land and Resources Act* (in development)

.This Act will apply on VGFN settlement land. This Act is currently in development and not enforced.

7.7 Conservation and Special Management Plans

7.7.1 Kluane Wildlife Sanctuary

The Kluane Wildlife Sanctuary is a part of the Kluane National Park Reserve that includes three areas: the Klutlan Glacier and Burwash Uplands, Jarvis River area northwest of Haines Junction and the Tatshenshini River area. These areas provide refuge for wildlife and are designated under the Yukon *Wildlife Act*.

7.7.2 Ddhaw Ghro Habitat Protection Area

Ddhaw Ghro is a 1,595 square kilometre area formerly known as the McArthur Wildlife Sanctuary. It is a designated Special Management Area under the Final Agreements of Selkirk and Nacho Nyak Dun First Nations. The Ddhaw Ghro area will also be designated as a Habitat Protection Area under the *Wildlife Act*.

Pursuant to the Selkirk First Nation Final Agreement, a Ddhaw Ghro steering committee was established to develop a five-year Management Plan for the Habitat Protection Area.

7.7.3 Lhutsaw Wetland Habitat Protection Area Management Plan

The Lhutsaw Wetland, formerly known as the Von Wilczek Lakes, is located along the North Klondike Highway south of Pelly Crossing, covering 31 square kilometers. Pursuant to Chapter 10 of the Selkirk First Nation Final Agreement, the wetlands was identified as a Special Management Area and will be designated a Habitat Protection Area under the *Wildlife Act*.

7.7.4 Nordenskiöld Wetland

The Nordenskiöld Wetland, an important waterfowl staging area, is an area of 76 square kilometres located in the Nordenskiöld River valley south of Carmacks. This wetland was identified as a Special Management Area under the Little Salmon / Carmacks First Nation Final Agreement and is designated a Habitat Protection Area.

7.7.5 Herschel Island Qikiqtaruk Territorial Park Management Plan (September 2006)

Herschel Island - Qikiqtaruk Territorial Park was established as a nature preserve in 1987 under the *Western Arctic (Inuvialuit) Claims Settlement Act* - The Inuvialuit Final Agreement (IFA). The Herschel Island Qikiqtaruk Territorial Park Management Plan was developed under *PLCA* where a management plan is required.

This Management Plan provides strategic direction for the period between 2006 and 2016. Since the first Plan's first completion in 1991, many changes have taken place that were not foreseen, including a rise in the number of visitors, resurgence of the oil and gas sector, impacts on the historic resources, and impacts to the visitor experience. The plan identifies the need for the development of other strategies or plans such as an operations manual, bear management strategy, interpretive strategy, training and development plan, and historic resources preservation plan that provide detailed prescriptive measure in order to effectively manage the resources.

7.7.6 Old Crow Flats Special Management Area Plan (August 2006)

This SMA was established pursuant to Chapter 10 of the VGFN Final Agreement. Included in the Plan are recommendations for heritage and historic resources; paleontological resources; water quality; fish; wildlife; forest; oil and gas resources; and mineral resources.

7.7.7 Ni'iinlii Njik (Fishing Branch) Ecological Reserve & Settlement Land Management Plan (2010)

The Fishing Branch Ecological Reserve was established pursuant to the Schedule B of Chapter 10 of the VGFN Final Agreement. The Ecological Reserve Management Plan for this area was jointly developed by the VGFN, the North Yukon Renewable Resources Council and the Department of Environment (Yukon). The purpose of this Management Plan is to implement the management principles for this area defined in the Final Agreement and to protect the cultural, historic and scientific significance found in this region and the diversity of its wildlife, particularly salmon and grizzly bears.

The Management Plan was first established in 2004 and was updated in 2010.

7.7.8 Ni'iinlii Njik (Fishing Branch) Wilderness Preserve & Habitat Protection Management Plan (2010)

Schedule B of Chapter 10 of the VGFN Final Agreement is not only limited to the Fishing Branch Ecological Reserve, but also extends beyond the Reserve's borders. Under the Yukon Protected Areas Strategy, the Ni'iinlii Njik Wilderness Preserve & Habitat Protection Management Plan was established to meet the intent of Schedule B and also expanded its boundaries beyond the Ecological Reserve for the purpose of habitat protection. This Management Plan protects the Fishing Branch River, lower Cody Creek watersheds, portions of Miner River, Cody Creek and Salmon Fork headwaters. The result of this Plan is the creation of a buffer to mitigate human activities that could affect the wilderness preserve values of the area.

The Ni'iinlii Njik (Fishing Branch) Wilderness Preserve and Habitat Protection Area Management Plan applies to the Wilderness Preserve that encircles the Ecological Reserve, and the Habitat Protection Area that abuts the Wilderness Preserve to the south and east. The primary function of the Plan is to outline the guidelines to be used when managing human activities within the Wilderness Preserve and Habitat Protection Area. The Plan highlights the key values that are to be considered when decisions are made affecting these areas. Similar to the Ecological Reserve and Settlement Land Management Plan, this Plan was first established in 2004 and was updated in 2010.

7.7.9 Nisutlin River Delta National Wildlife Area

The Nisutlin River Delta National Wildlife Area was established under the Teslin Tlingit Council Final Agreement and the *Canadian Wildlife Act*. As a major waterfowl staging area, this area attracts thousands of Trumpeter and Tundra Swans, Canada Geese and ducks each year, and is also a rich food source and habitat for fish, moose and other animals.

This National Wildlife Area is managed by Environment Canada under the *Canada Wildlife Act*.

7.7.10 Horseshoe Slough Management Plan

The Horseshoe Slough is a 79 square kilometer slough at the mouth of No Gold Creek, located in the Traditional Territory of the Nacho Nyak Dun First Nation. This area is considered regionally significant for waterfowl and has been designated a Habitat Protection Area under the *Wildlife Act* as described in the Nacho Nyak Dun Final Agreement.

The Nacho Nyak Dun Final Agreement, the Nacho Nyak Dun First Nation, Government of Canada and the Government of Yukon developed the Horseshoe Slough Management Plan to provide resource and land use recommendations for hunting, fishing, trapping, woodcutting, mining, oil and gas and roads.

7.7.11 Bonnet Plume Canadian Heritage River Management Plan (February 1998)

The Bonnet Plume Canadian Heritage River Management Plan applies to the entire drainage basin from the headwaters to the junction of the Peel River 230 kilometres to the northwest. Pursuant to Chapter 13 of the Nacho Nyak Dun First Nation Final Agreement, the Plan addresses the development, management and use of the Bonnet Plume River for conservation and recreational use.

7.7.12 Managing the Tatshenshini River as a Canadian Heritage River (2004)

The 45-kilometre Yukon section of the river was nominated as a Canadian Heritage River on June 7, 1998.

Given the various land use activities occurring in this area, the vision of the management strategy is based on protecting the river's unique and exceptional cultural, natural and recreational heritage values.

7.7.13 Teslin Integrated Fish and Wildlife Management Plan

The TRRC, together with Teslin Tlingit Council and Yukon Government, began the development of an integrated fish and wildlife management plan in 1997. This plan addresses:

- key wildlife populations
- harvest (monitoring, enforcement, cow moose hunting, outsider harvesting, funding opportunities from hunts);
- habitat management

7.7.14 Integrated Wildlife Management Plan – Ross River Traditional Territory

The Ross River Dena Council (RRDC) and Environment Yukon developed an Integrated Wildlife Management Plan for the Ross River Traditional Territory (RRTT). The purpose of the Integrated Wildlife Management Plan for RRTT is

to provide protection for wildlife, to provide some harvest opportunities to the general population and to guarantee sustainable harvests for the Ross River Dena while permitting safe levels of development to proceed.

7.7.15 Little Salmon / Carmacks Community-Based Fish and Wildlife Management Plan (2004)

Pursuant to the Little Salmon / Carmacks First Nation (LSCFN) Final Agreement, a Fish and Wildlife Management Plan involving the First Nation, the Carmacks Renewable Resources Council (CRRC) and Yukon government was developed to address local concerns about fish and wildlife in the LSCFN traditional territory. This plan coordinates the management of fish and wildlife from 2004-2009 in the traditional territory, and addresses specific issues relating to wildlife species and impacts from land use activities.

7.7.16 Mayo Fish and Wildlife Management Plan (2002-2007)

This is the third community-based fish and wildlife management plan for the Nacho Nyak Dun Traditional Territory. Developed by a review team from Nacho Nyak Dun First Nation, Mayo District Renewable Resources Council and the Yukon Government, this Plan is intended to be a guide for the management of fish and wildlife populations, habitat and harvest practices in the traditional territory. The Plan addresses community concerns about moose, caribou, bears, wolves, and fish populations, along with habitat, harvest and wildlife viewing. Concerns are grouped by species or common topic in the Plan, and the solutions reflect the discussions that occurred in the planning workshops.

7.7.17 North Yukon Fish and Wildlife Management Plan

The goal of the integrated plan is to address community concerns based on a balanced presentation of both scientific and traditional knowledge. The Plan was designed as an operational guide for the management of fish and wildlife in the VGFN traditional territory. Included in this plan are concerns raised and solutions with specific action items in relation to wildlife species monitoring, habitat assessment and land use activities such as hunting and trapping.

8.0 Tourism

8.1 *Environment Act* Environment Yukon, YG

The *Environment Act* defines wilderness as a natural resource with intrinsic, ecological and economic value, and shall be considered as such in the establishment and implementation of a resource management plan. The Act enables the Commissioner in Executive Council to establish, amend, or revoke wilderness management areas (WMA) for the purpose of preserving the wilderness resource in the Yukon. Wilderness values are a key consideration to Yukon tourism. There are currently no provisions in place to implement WMAs.

8.2 *Wilderness Tourism Licensing Act* Tourism and Culture, YG

The *Wilderness Tourism Licensing Act* regulates the wilderness tourism industry for the purposes of sustaining wilderness quality of Yukon lands and waters; licensing requirements; and enhancing the quality of the wilderness tourism sector.

The Act sets out the legal requirements for operators to obtain a license and enables the Commissioner to make regulations on tourism activities by establishing requirements for low impact camping and waste disposal, limits and thresholds for types of wilderness tourism activities for conservation; and consultation obligations with tourism industry, Yukon and First Nation governments and other affected parties.

8.2.1 Wilderness Tourism Licensing Regulation

Pursuant to Section 14 of the *Wilderness Tourism Licensing Act*, the *Wilderness Tourism Licensing Regulation* sets out licensing requirements for all wilderness tourism activities. Terms and conditions of the license requires the operator, employee and guide to comply with the Act and its regulations and all applicable federal, territorial and First Nation enactments during the course of a wilderness tourism activity. This means that all wilderness tourism activities must abide by legislation and regulation relating to other land use activities.

At the time of this writing, public consultation is underway for proposed changes to the *Wilderness Tourism Licensing Act* and Regulation.

8.3 *Wildlife Act* Environment Yukon, YG

For tourism, the *Wildlife Act* deals with the acquisition and management of Outfitting Concessions. Until the Big Game Outfitting policy came into effect, guide outfitters built infrastructures under provisions of the *Wildlife Act*. Guide outfitters now have the option of obtaining tenure for infrastructure established.

8.4 Guidelines and Best Practices

8.4.1 Best Management Practices for Oil and Gas related to Wilderness Tourism

This is a guide to the Oil and Gas industry that promotes BMPs to reduce potential conflict with Wilderness Tourism in the territory.

8.4.2 Yukon Wilderness Tourism Best Management Practices for Heritage Resources

The *Yukon Wilderness Tourism Best Management Practices for Heritage Resources* is to protect and preserve the territory's historic sites and artefacts. This document provides back-country tourism industry with assistance in the identification and protection of the Yukon's heritage resources. The objectives of the Best Management Practices guide are to protect and manage historic sites, artefacts and burial grounds outside of documented areas, and to educate operators on the identification and protection of these sites.

In order to achieve these objectives they have outlined the best management practices that back-country tourist operators and their clients can perform to help.

9.0 Transportation

9.1 *Highways Act* Highways and Public Works, YG

Public roads are regulated under the *Highways Act*. Under the Act, a highway includes: land used as a highway, land surveyed for use as a highway, and land designated by the Commissioner as a road allowance. A bridge or other public improvement to a highway, and an ice road are also included within the definition of a highway under this Act.

Under the Act, the Minister has the power to limit access on public roads. Most land based activities and developments require the benefits of road access, and with each new road construction increases the likelihood of further land use activities. Roads built by developers for their own purposes typically remain private; otherwise, roads are designated as public roads unless access is specifically restricted by the Minister.

10.0 Federal Legislation

10.1 *Canada Wildlife Act* Environment Canada

The *Canada Wildlife Act* allows for the creation, management and protection of National Wildlife Areas. The purpose of wildlife areas is to preserve habitats critical to migratory birds and other wildlife species. Section 9 authorizes the Minister to lease, purchase or acquire any lands for the purpose of research, conservation and interpretation in respect of migratory birds or other wildlife.

10.2 *Canadian Environmental Assessment Act* Environment Canada

The *Canadian Environmental Assessment Act* applies to development projects and activities in National Parks and may apply to transboundary projects that require environmental assessments. There are a very limited number of other specific instances where CEAA may apply, but the vast majority of environmental assessments in Yukon, fall under the *Yukon Environmental and Socio-Economic Assessment Act (YESAA)*.

10.3 *Fisheries Act* Fisheries and Oceans

Fisheries and fish habitat are managed under the federal *Fisheries Act* and its Regulations. Under the Act, fish habitat is defined as “spawning grounds and nursery, rearing, food supply and migration areas on which fish depend direct or indirectly to carry out their life processes”. The *Fisheries Act* was also established to manage and protect the anadromous fisheries resources, and applies to all fishing zones, territorial seas and inland waters. The Act prohibits any unauthorized killing of fish other than fishing (Section 32) and any work that results in harmful alteration, disruption or destruction of fish habitat (Section 35).

10.4 *Migratory Birds Convention Act* Environment Canada

The *Migratory Birds Convention Act* regulates the hunting of migratory birds and ensures the conservation of migratory bird population through the establishment of migratory bird sanctuaries. All activities affecting migratory birds require a permit. Under the Act, no person or vessel shall deposit a substance that is harmful to migratory birds, or permit such a substance to be deposited, in waters or an area frequented by migratory birds (Section 5.1).

10.5 *Navigable Water Protection Act*

The *Navigable Waters Protection Act* is to protect the public right of navigation. It is to ensure that works constructed in navigable waterways are reviewed and regulated in order to minimize the overall impact upon navigation. The Act includes provisions for the removal of unauthorized works or obstructions that render navigation so difficult it proves to be considered dangerous.

10.6 *Species at Risk Act* Environment Canada

The *Species at Risk Act (SARA)* is aimed at preventing at-risk wildlife species in Canada from disappearing; the recovery of wildlife species; and managing species of special concern. *SARA* gives the federal government ability to protect the habitat of one or more individuals of a species listed as endangered or threatened.

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Appendix A

Forestry Legislation and Policy

Appendix B

**Heritage and Culture Legislation
and Policy**

Appendix C

Mining Legislation and Policy

Appendix D

**Oil and Gas Legislation and
Policy**

Appendix E

**Resource Management and
Conservation Legislation and
Policy**

Appendix F

Tourism Legislation and Policy

Appendix G

**Transportation Legislation and
Policy**

Appendix H

**Federal Legislation and
Policy**