

Summary of Land Management Authorities within Yukon Municipalities

*Reference Guide for Municipal Officers and Yukon
Government Lands Officers*

*Produced in collaboration between Yukon Government and the Association
of Yukon Communities*

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YG Photo: Haines Junction, Yukon

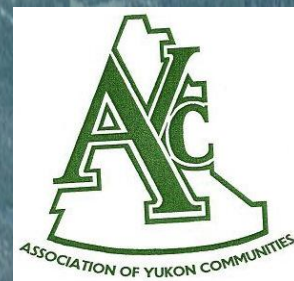


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Overview

Land management responsibilities are shared between governments and between departments. Four jurisdictions administer land in Yukon:

The **Yukon government** controls the majority of vacant Yukon land in the territory and administers zoning regulations through the *Area Development Act* and subdivision through the *Subdivision Act* and *Municipal Act*¹.

Each **Yukon First Nation** government controls its own settlement lands and is responsible for land-use authorizations and disposition of interests on its settlement lands².

The **eight municipal governments** in Yukon (Whitehorse, Dawson City, Mayo, Teslin, Carmacks, Watson Lake, Haines Junction, and Faro) have land responsibilities, including community planning, development and subdivision approval related responsibilities.

The **Government of Canada** controls lands within the three national parks, Kluane National Park, Ivvavik National Park and Vuntut National Park, and the Nisutlin River Delta National Wildlife Area.

Note: Throughout this document, the term “Yukon land” refers to land under the administration and control of Yukon. It is often also referred to as “public land,” “crown land,” and “Crown land.”

¹ Only the City of Whitehorse and City of Dawson have subdivision approval authority. Yukon government is currently the subdivision approval authority in all other municipalities.

² First Nations control surface and subsurface rights on Category A land, but only surface rights on Category B land.

Roles & Responsibilities within Municipalities

The Yukon government (YG) manages non-settlement land (or public land) outside of municipal boundaries³. In areas where there is no municipal authority, or “unincorporated Yukon,” YG has authority for subdivision, development, disposition and planning. Within municipal boundaries, both Yukon government and municipal governments have a role to play. Municipal governments’ main land related responsibilities are outlined in Yukon’s *Municipal Act*. The act outlines three main areas of land related responsibilities for municipal governments:

- Planning
- Subdivision Approval
- Development

Planning

(Municipal Act)

Municipal governments are responsible for land use planning, including creation of Official Community Plans and zoning bylaws for land within municipal boundaries.

Highlights

- **Official Community Plans** guide aspects of land planning and management including land use, zoning, and development.
- **Zoning Bylaws** establish districts, areas and zones in the municipality that guide land use and development activities.
- **Joint Development Plans** may be developed by municipalities in collaboration with a First Nation or Yukon government in order to plan for future land use and development in areas of land with shared jurisdiction.

Outside municipal boundaries, the Yukon government works with communities to create local area plans and area development regulations.

Subdivision Approval

(Subdivision Act and Municipal Act)

Subdivision refers to any time a new surveyed parcel of land is created. Subdivision approval is required when:

- a parcel is divided into more than one parcel
- a parcel is created out of vacant Yukon land
- two or more parcels are consolidated into a single parcel
- an existing parcel is enlarged or reconfigured
- condominiums are created

Highlights

- A private developer, property owner or municipality may make applications for subdivision approval to the appropriate authority.
- Yukon (Land Planning Branch, EMR) is the subdivision approval authority in all municipalities that have not enacted a bylaw otherwise.
- Only Whitehorse and Dawson City have subdivision approval authority for lands within their respective municipal boundaries.
- All municipal governments may draw down subdivision approval authority as per the *Municipal Act*.
- With subdivision approvals in place, a municipal government may enter into a Land Development Agreement with the land developer that outlines how development will occur, and the applicable development fees and charges.

³ Except National Parks under Canada’s jurisdiction

Development

(Municipal Act)

- Municipalities have authority under the *Municipal Act* to undertake land development projects that adhere to Official Community Plans, zoning bylaws and other requirements specific to the project.
- Municipal governments may enter into joint development agreements with private land owners, developers, First Nation governments, or the Yukon government in order to finance the development and sell properties.
- All land use related permitting and development undertaken by Yukon government within a municipal boundary is also subject to municipal zoning bylaws and the Official Community Plan. Section 5 of the *Municipal Act* states that the Yukon government is bound by the bylaws of a municipality, unless otherwise established by Order in Council (see s.5 *Municipal Act*).
- Land use and development activities within municipal boundaries are subject to a development application pursuant to the *Municipal Act*. The municipality will review the application in relation to the Official Community Plan and zoning bylaw in considering issuing a development permit or not. Certain development activities may also be subject to an assessment under the *Yukon Environmental and Socio-Economic Assessment Act* (YESAA).

Municipal Act – Overview

Yukon's *Municipal Act* outlines municipal authorities for land management and municipal responsibilities and jurisdiction (s.277-327). The act organizes this under the broad headings of Planning and Subdivisions.

Please note that the following information is only intended to provide an overview of the legislation and to serve as a guide. Please see Yukon's *Municipal Act*.

Official Community Plans (s.277-285)

- An OCP deals with land use designations and enables a municipality to plan for land use, zoning, and development.
- An OCP must address:
 - ~ current and future land use and development
 - ~ municipal services and facilities
 - ~ environmental matters
 - ~ utility and transportation systems
 - ~ regular review of the OCP and Zoning Bylaws
 - ~ public consultation on the OCP
 - ~ Ministerial review of process for adopting Plan
- If a previously enacted zoning bylaw varies from the provisions of an adopted OCP, the OCP takes precedence. The Council has two years to adopt or amend the zoning bylaw from the time an OCP is adopted.
- A plan can be amended through the same public review process as it was adopted.

Joint Development Plans (s.286)

A municipality may, through bylaw, agree to enter into a joint development plan with another government to plan for future land use, the manner and proposals for future development, or any matter related to the physical, social or economic development of a land within the jurisdiction of the municipality and the other government as necessary.

Zoning Bylaws (s.287-297)

- When inquiring about vacant Yukon land within a municipality, clients should first refer to the applicable municipal zoning bylaws and OCPs.
- Municipalities have authority to enact zoning bylaws that prohibit, regulate, and control use and development of land and buildings in the municipality.
- Zoning bylaws may establish districts, areas, or zones in the municipality and establish regulations addressing:
 - ~ Use of land, buildings, or other structures
 - ~ Location of commercial, industrial, residential, or other types of undertakings or structures
 - ~ Class of use of land or buildings
 - ~ Size of lots or parcels and minimum area of land required for use
 - ~ Density of population or intensity of development
 - ~ Buildings land uses in areas of risk or sensitivity

- ~ Location, height, number of stories, area and volume of buildings and structures
- ~ Percentage of a lot or parcel of subdivided land that may be built on and size of yards and other open spaces
- ~ Location of parking facilities on land not part of a public highway
- ~ Campgrounds, trailer parks and other such developments
- ~ Building design guidelines, such as for heritage consideration
- ~ Removal of soil, gravel, sand, silt, aggregate, or other surface materials
- ~ Cutting of trees
- ~ Lighting of land, buildings or other things
- ~ Designate business improvement areas
- ~ Designate district control districts
- Zoning bylaws may provide for a system of permits for development and land use, and may prescribe the terms and conditions under which a permit may be issued, suspended, or revoked
- Zoning bylaws may allow for temporary permits to allow for the use of land, buildings or structures in a zone, area, or district, including special conditions of use that may be determined by municipal council in each case.
- Municipal zoning bylaws supersede *Area Development Act* Regulations where enacted.
- Municipal zoning must conform to an existing OCP.
- Municipal governments, the Yukon government, and citizens may not carry out development that is contrary to a zoning bylaw. Development, land uses or changes require a development or use permit (if required by Bylaw).
- A municipality may not deny an application for a development permit if the application conforms to the zoning bylaw and its terms and conditions, however, even if a land use meets the zoning requirements, the municipality may impose terms and conditions on that development.

Approval Authority

- The Yukon government is the subdivision approving authority until such time as a municipal council adopts a bylaw to control subdivision approval authority.

Development (326-327)

- After requirements for a proposed subdivision plan are approved by the appropriate authority and all other conditions are met, the municipality may enter into a Land Development Agreement with a private land owner, developer, Yukon government, or First Nation government.
- Development costs may be imposed on the subdivision and building permit applicants.
- A development fee cannot be charged if the plan of subdivision or development does not have new capital costs to the municipality.
- The Yukon government does not pay a development cost charge if it has contributed to the infrastructure costs, except if outlined in a development agreement.

- Land use for the purpose of development within municipalities not related to subdivision or buildings may also require development permits (municipal or under the Land Use Regulations). EMR does not process land use permits within municipalities without a parallel municipal development permit application.

Departmental Roles & Responsibilities

The following departments within Yukon government have responsibilities related to land management in the territory:

- ~ Energy, Mines & Resources
- ~ Community Services
- ~ Highways & Public Works
- ~ Justice
- ~ Environment
- ~ Development Assessment Branch (within Executive Council Office)

Department of Energy, Mines & Resources

Energy, Mines & Resources is generally responsible for local area planning and zoning; subdivision; Yukon land and agricultural land disposition and leasing; issuing land use permits; and quarry lease administration. EMR is also responsible for the planning of Yukon forests and for issuing rights to forest resources on public land.

Land Planning

(*Area Development Act* and *Subdivision Act*)

The Land Planning Branch has been located within EMR Sustainable Resources since April 1, 2009.

- Coordinates local area planning and creation of comprehensive zoning regulations in rural communities (outside of municipalities) in collaboration with residents and local advisory councils.
- Identifies areas suitable for planned development, in collaboration with communities, municipalities, First Nations, and other branches
- Assesses the feasibility of planned residential development on Yukon land in communities
- Processes individual development applications to amend zoning under the *Area Development Regulations* (except *Dempster Highway Development Area Regulations*).
- Processes individual development permit applications in accordance with an area development regulation and conducts inspections not covered in the *Building Standards Act and Regulations*
- Investigates and enforces complaints of non-compliant land uses within zoned development areas
- Reviews and makes decisions on subdivision applications on Yukon land and privately titled land, in all municipalities except Dawson City and Whitehorse.
- Consults the public on all planning and zoning-related matters (new planned development, new local area plans and zoning, plan amendments, re-zoning, and subdivision).
- Maintains land tenure mapping related to planning and zoning and provides mapping services to community groups and the public.
- Assists communities outside of municipalities with local area planning and zoning, including plan amendments.
- Works with First Nations and municipal governments on planning and zoning issues. Municipalities plan within their boundaries, but Land Planning assists when requested including technical review of OCPs.

Agriculture Branch

(Agriculture Policy and Grazing Policy)

- Agriculture Branch can provide advice and services to municipalities on many aspects of agricultural land development.

- Agriculture Branch reviews and makes disposition decisions on Agriculture and Grazing applications. Agriculture Branch land sales are now restricted to land outside municipalities because it is not possible to apply *Subdivision Act* restrictions on subdivision of agriculture lands within municipalities.
- Carries out work relating to Agricultural land and grazing lease disposition and development (e.g. policy & legislation development, inspections and enforcement, soil and vegetative assessment, farm development plans, land development recommendations).
- Provides advice to clients on land use, water and irrigation development, range improvement recommendations and grazing management plans.
- Provides extension services including farm visits, seminars, conferences, newsletters, research publications and workshops.

Land Management Branch

(Lands Act, Territorial Lands (Yukon) Act)

- Agent for YG departments on land requirements (purchases/reserves, legal surveys, etc.).
- Maintains an inventory of government land holdings.
- Facilitates municipal land transfers and supports municipal land administration.
- Monitors use of public lands by issuing of land use permits for a variety of uses (e.g., site clearing/earth work, new roads/trails, geotechnical studies, NWT/YECL work).
- Manages unauthorized use of Yukon land (trespass, unauthorized occupants, etc.).
- Issues quarry permits.
- Manages and facilitates new private quarry development.
- Sells developed lots to the public (lotteries and counter sales).
- Coordinates spot land applications for commercial, industrial and residential use, and enlargements to titled properties.
- Maintains YG non-titled Yukon land registry including leases, licenses and agreements for sale.
- Maintains digital land and land use mapping information for branch, government, industry and public use.
- Implements obligations in the final agreements related to land exchanges, map reviews, Settlement Land Committee, land withdrawals for Special Management Areas and Heritage Sites, and administration of encumbering rights.
- Implements the “Land Development Protocol” signed by the Yukon government and the City of Whitehorse with regard to raw land sales and spot applications.

Forest Management Branch

(Forest Resources Act & Regulations)

- Conducts forest management planning (includes forest inventory and timber supply analysis).

- Does operation planning, permitting and tenures (issuance of land use rights).
- Responsible for forest stewardship activities (e.g., research and monitoring, silviculture, forest health, climate change).
- Supports and develops forest industry.
- Conducts fuel abatement activities.

Mineral Resources

(Placer and Quartz Act, Mining Land Use Regulations)

- Responsible for the disposition, administration and regulation of mineral resources within Yukon.
- Issues mineral rights including quartz and placer claims and leases.
- Issues mining land use authorizations for mineral exploration and related land use activities.
- Issues quartz mining licenses for producing mines.
- Promotes investment in responsible resource development while ensuring that resources are managed wisely.
- Provides information and advice to the mining industry, communities, and governments.

Oil & Gas Management

(Oil and Gas Act)

- Responsible for the disposition, administration and regulation of oil and gas resources within Yukon.
- Is linked with the *Territorial Land Use Regulation* permitting process.

Regional Land Use Planning / Corporate Policy and Planning

- Fulfills obligations for regional land use planning under Chapter 11 of the Umbrella Final Agreement and First Nation Final Agreements.
- Works on regional land use plans with the Yukon Land Use Planning Council and regional land use planning commissions, including approval of work plans, budgets and funding.
- Coordinates Yukon government responses on regional land use plans, including managing the review and approval process for final plans.
- Manages nominations and appointments to the Yukon Land Use Planning Council and regional land use planning commissions.
- Regional land use plans do not apply on lands within municipal boundaries or areas with local area plans. However, when local area plans and OCPs are developed, approved regional land use plans should be consulted for land use consistency on adjacent lands. Regional land use plans may apply on settlement land upon approval by the affected First Nation.

Client Services and Inspections

- Provides field services to various branches within EMR (storefront) by providing information, receiving applications and collecting fees.
- Issues various types of permits on behalf of departments (e.g. Energy,

- Conducts inspections on various land applications, recommends decisions,
- Mines & Resources –Timber Permit, Community Services –Burning Permit).
- Mitigations and terms/conditions for permits.
- Conducts and inspects land and mining dispositions.
- Monitors and enforces compliance on behalf of departments including mining, lands and water use.
- Provides community link for EMR.
- Inspects and enforces unauthorized occupation of land.
- Conducts water quality research in cooperation with other departments and governments.

Department of Community Services

(Municipal Act)

Community Services' primary responsibilities relating to land management in the territory include land development, and property assessment for the purpose of taxation.

Property Assessment and Taxation (Assessment and Taxation Act)

- Provides property appraisal services for Government of Yukon.
- Sets and collects taxes on property outside of municipal boundaries.
- Provides property assessment services for 9 taxing authorities.
- Administers the following programs:
 - ~ Home Owner Grant Program.
 - ~ Senior Property Tax Deferral Program.
 - ~ Rural Electrification and Telecommunication Program.
 - ~ Rural Domestic Water Well Program.
- Maintains mapped inventory of titled lots.
- Maintains electronic database of all titles and agreements/leases (Property Assessment Taxation Title System).

Community Infrastructure Branch

- Plans and develops municipal infrastructure in unincorporated communities.
- Develops policies, standards, guidelines, and operational programs.
- Assists incorporated communities and First Nations with municipal infrastructure issues.
- Assists in the planning, design and construction of lots within and outside of municipalities.
- Develops and restores quarries (project specific)

Building Safety

(Area Development Act)

- Administers zoning for structures under the *Area Development Regulations*⁴ and *Building Standards Act & Regulations* through development permits building permits and inspections. Includes permitting for the maintenance, alteration, repair and removal of buildings.
- Issues permits for and inspects buildings, plumbing, electrical, boiler and pressure vessels, gas, and elevating devices.

Protective Services – Wildland Fire Management

- Responsible for the protection of Yukon communities, people, infrastructure, private property and identified resources from the threat of unwanted wildfires within Yukon.
- Manages preparedness, response and recovery related to wildfire.
- Issues, monitors and enforces burning permits from April 1 to September 30 on private and Yukon lands under the *Forest Protection Act* and *Regulations*.
- Administers, oversees and monitors FireSmart plans and projects designed to reduce or minimize impacts of wildfires on both Yukon and private lands.

Operations and Programs

- Manages 20 public solid waste disposal facilities in unincorporated communities and unorganized areas.
- Manages four water supply facilities with water delivery services in Old Crow, Carcross, Ross River and Keno.
- Manages four water supply facilities at Tagish, Marsh Lake Firehall, Klondike Valley Firehall and Army Beach.
- Monitors drinking water quality at all eight water supply locations.
- Manages nine sewage treatment facilities in unincorporated communities.
- Manages annual mosquito control program including training of local applicators.
- Provides education and enforces the *Animal Protection Act* and *Dog Act*
- Manages pedestrian bridges in Ross River and Carcross, boat dock and launch in Carcross and coordinates street light installation in unincorporated communities.

Yukon Housing Corporation

The Yukon Housing Corporation's primary responsibilities relating to land management include financing of surveyed lots, and administering agreements for sale for planned lots sold by Yukon government.

⁴ except *Dempster Highway Development Area Regulations*

Department of Highways & Public Works

Highways & Public Works is responsible for roads and transportation corridors in Yukon. The *Highways Act* and *Municipal Act* have specific sections one jurisdiction of highways within municipalities.

Transportation Engineering & Maintenance

(Highways Act)

- Issues permits for:
 - ~ work within maintained and non-maintained ROW's.
 - ~ access to Controlled Highways
 - ~ all new road construction
 - ~ all highway surveys
- Approvals EMR for contractor access to H&PW pits

Property Management

(Asset Control Management Board Directive)

- Tenders or sells building improvements remaining on cancelled or lapsed leases and land turned back to Yukon by purchasers.

Aviation Branch

(Territorial Lands (Yukon) Act and Lands Act)

- Responsible for the administration, operation, planning and development of four airports and 25 aerodromes owned by the Yukon government.
- Reviews and decides on the disposition of Yukon government airport/aerodrome lands (lease/license only) and authorizes temporary uses.
- Sets terms and conditions of all airport/aerodrome leases/licenses.

Supply Services

(Management of Capital Assets and Disposal of Surplus Public Property Management Board Directive)

- Arranges for the disposal of properties acquired by the Yukon government from time to time in the course of other program activities.

Department of Justice

Land Titles Office

(Land Titles Act and Condominium Act)

- Registers all titled land and interests or encumbrances against it within Yukon.
- Files and registers all survey plans within Yukon.
- Responsible for the safekeeping of all registered land related instruments including survey plans.
- Provides information to the public regarding titled property.

Department of Environment

Conservation Officer Services

(Wildlife Act)

- Carries out enforcement and compliance of environmental legislation.
- Provides hunter education.
- Supports resource management.
- Promotes public safety relating to wildlife.
- Provides environmental education to staff and general public.
- Coordinates environmental youth camps/projects and activities.
- http://www.environmentyukon.gov.yk.ca/branches/conservation_officer_services.php

Environmental Programs

(Environment Act)

Environmental Affairs Section

- Identifies impacts and mitigation for project proposals (land, mining, agriculture, forestry) and coordinates departmental recommendations through the YESAA process.

Monitoring and Inspections Sections

- Verifies compliance with the *Environment Act* and *Regulations*, permits, orders, and directions.
- Assists communities or interested groups in conducting household hazardous waste collections.
- Collects commercial special wastes (used oil, antifreeze, solvents, batteries, etc.) and sends them for appropriate treatment.
- Tracks all shipments of special waste transported through a manifest database system.
- Responds to spills and other environmental emergencies.

Standards and Approvals

- Regulates, permits, monitors and inspects the following land based activities: contaminated sites, special waste, spills of hazardous substances, solid waste, used tires, recycling, pesticides, littering, other land based activities that may have a impact on air quality or the ozone layer.
- http://www.environmentyukon.gov.yk.ca/branches/environmental_programs.php
- http://www.gov.yk.ca/legislation/legislation/page_e.html

Fish & Wildlife Branch

(Wildlife Act)

- Conducts research and monitoring exercises.
- Develops strategies for harvest management and allocation.

- Carries out habitat and wildlife management and protection.
- Provides wildlife viewing programs.
- Participates in land use planning initiatives.
- Helps develop management plans for habitat protection areas (HPAs) that are managed together with lands programs and First Nations.
- http://www.environmentyukon.gov.yk.ca/branches/fish_wildlife.php

Parks Branch

(Parks and Land Certainty Act)

- Plans and manages a system of territorial parks including natural environment parks, ecological reserves, wilderness preserves, campgrounds and recreation sites, throughout the territory.
- Manages Canadian Heritage Rivers.
- Prepares park management plans.
- Administers the *Wilderness Tourism Licensing Act*.
- Provides interpretive programming.
- <http://www.environmentyukon.gov.yk.ca/parksconservation/parks.php>
- Enforces the *Parks and Certainty Act* in Yukon campgrounds and parks.
- Administers and issues park permits

Water Resources Branch

- Provides water-related strategic planning, policy development and implementation
- Conducts ongoing regional water quality/quantity monitoring and research
- Conducts geotechnical inspections
- Enforces and ensures compliance of the *Waters Act* and water licences
- Administers water licence security deposits on large development projects to ensure proper reclamation and closure
- Provides expert water quality, hydrology and geotechnical advice regionally and nationally including:
 - ~ providing advice to project proponents, environmental assessors and regulators
 - ~ collecting water data to report on state of the environment and to supplement baseline data used in impact assessments
 - ~ collecting snow and hydro-meteorological data and issuing flood forecasts
- Shares responsibility for managing Yukon waters with five other Yukon government departments including:
 - ~ Health & Social Services (drinking water & private sewage disposal);
 - ~ Highways & Public Works (water & sewage provision in unincorporated communities);

- ~ Energy, Mines & Resources (regulate placer mining activities);
- ~ Executive Council Office, Water Board Secretariat (water licensing process);
- ~ Community Services (project management services for community infrastructure).
- <http://www.envi.gov.yk.ca/monitoringenvironment/aboutwaterresources.php>

Dempster Highway Development Permits

- Administers the *Dempster Highway Development Area Regulations*, including the issuance of related permits under those regulations.

Executive Council Office

Development Assessment Branch

- The Development Assessment Branch (DAB) provides corporate guidance and leadership to Yukon government departments carrying out their responsibilities under the *Yukon Environmental and Socio-Economic Assessment Act* (YESAA).
- Assists Yukon government departments in fulfilling their roles under YESAA, represents Yukon government as decision body on major projects, and provides policy guidance for YESAA implementation issues. DAB is also responsible for fulfilling residual environmental assessment responsibilities under the previous assessment regime, the *Environmental Assessment Act* (EAA).

YESAA & Municipalities

- Yukon government is the decision body under YESAA for a project where a municipal government is the proponent for the project, has the power to issue an authorization or grant an interest in land required for the project to be undertaken, or has received an application for financial assistance for the project.⁵
- As the decision body, the Yukon government must be aware of the *Municipal Act* and any applicable official community plan or municipal by-law when issuing a decision document. Early involvement by a municipality in an assessment will help.
- YESAA does not explicitly require consultation with municipalities; rather, it is a best practice. Ultimately, the Yukon government should try to ensure that decisions conform to *Municipal Act*-mandated land management responsibilities within municipal boundaries.
- Municipalities and Yukon government have distinct roles and responsibilities under the YESAA:

Assessment stage

- During the assessment stage, both Yukon government and municipalities can offer comments, expert advice and desired direction for projects within municipalities.

⁵ YESAA s. 2 (1)

- Once the Yukon government has determined it is a decision body for a project within a municipality, lead departments are encouraged to contact the municipal government notifying them that a project has been received and is under assessment.
- Lead departments are encouraged to ask municipalities about issues regarding the project and to ‘flag’ these concerns early in the assessment process.

Decision making stage

- Municipalities do not have a formal role in the decision making stage.
- When issuing a decision document, Yukon government must be cognizant of the bylaws of the municipal government that may affect the project.
- The municipal government cannot undertake the project, or enable the project to be undertaken until the Yukon government has issued its decision document⁶.
- The municipal government must implement the decision document issued by the Yukon government (to the extent of their authority under its bylaws).
- Lead departments should seek comments from municipalities with regard to the assessment recommendation. Municipalities do not have a formal decision making role under YESAA. It is good practice to ensure that a municipal government that is required to implement a decision document actually has the ability to implement a decision document.

Regulatory stage

- Municipalities remain the regulator for lands managed by them.
- Upon issuance of a decision document allowing a project to be undertaken, a municipal government must notify YESAB⁷ whenever it issues any authorization, grants any interest in land, or provides any financial assistance required for the project to be undertaken⁸.

How are municipalities participating in YESAA on their own behalf?

- Municipalities remain the regulator for lands under municipal jurisdiction
- Municipalities can set up a YESAB On-line Registry (YOR) profile to receive notification of any projects in their areas
- As a proponent of a project, a municipality will need to follow the criteria and processes as identified in YESAA and the YESAB Rules.

⁶ YESAA s. 83 (1)

⁷ Yukon Socio-Economic Assessment Board

⁸ YESAA s. 89

First Nation Lands in Yukon Municipalities

The following summarizes land management / self-government powers for First Nation settlement land within Yukon municipalities. Please contact Land Claims Implementation Secretariat for more information.

First Nations are generally responsible for land use authorizations and disposition of interests on their Settlement Lands. First Nation governments have the right to enact laws in relation to use, zoning and development of Settlement Land; however these rights are somewhat limited if Settlement Lands are within municipal boundaries.

There are two different “models” regarding the exercise of land based self-government powers within municipalities:

Restricted Model

Six settled First Nations have agreed not to exercise their land-based powers on most of their settlement land parcels within municipalities. In these communities, land use and development of settlement land parcels will comply with the existing municipal zoning, planning and public health and safety bylaws. These First Nations are Little Salmon/ Carmacks First Nation; Teslin Tlingit Council; Champagne and Aishihik First Nations; First Nation of Na-Cho Nyäk Dun; Tr’ondëk Hwëch’in and Ta’an Kwä’chän Council.

Kwanlin Dun First Nation (KDFN) Model

The KDFN land-based powers inside the City of Whitehorse are divided into two categories:

- a. Public Health & Safety - KDFN will adopt YG or City of Whitehorse laws in relation to public health and safety.
- b. Planning, Zoning & Land Development - KDFN’s ability to exercise law making powers with respect to planning, zoning and development depend on specific designations of particular parcels. Some KDFN parcels within the City of Whitehorse are similar to the Restricted Model noted above. KDFN has limited self-government planning and zoning powers on some other parcels. There are also some KDFN parcels where all self-government powers can be exercised.

All the specific parcel designations are defined in the KDFN Self-Government Agreement.

City of Whitehorse - Yukon Government Land Development Protocol Agreement

The Land Development Protocol Agreement was signed in 2006 by the Yukon government and the City of Whitehorse to clarify roles and responsibilities for land development for public understanding, and to facilitate the orderly and efficient provision of land for development in the City.

Highlights of the Protocol

- Identifies areas within the boundaries of the City of Whitehorse designated for development within the City of Whitehorse Official Community Plan (OCP) and provides a timetable for such development.
- Requires planning, engineering and technical studies and an environmental assessment prior to presenting a plan of subdivision for consideration by the City subdivision approval authorities.
- Requires all public consultations to be conducted in a manner consistent with those done by the Yukon government.
- Provides for land development agreements with the Yukon government, as determined necessary, and on a case by case basis.
- Requires the City and the Yukon government to identify a clear public process for lot sales, which requires the City to assume the role of agent responsible for the counter sales of developed land within the City of Whitehorse.

Any land use permit that is issued by the Land Management Branch within Whitehorse or Dawson City boundaries also requires a development permit to be issued by the municipality.

Chart 1: Subdivision of Land within Municipal Boundaries

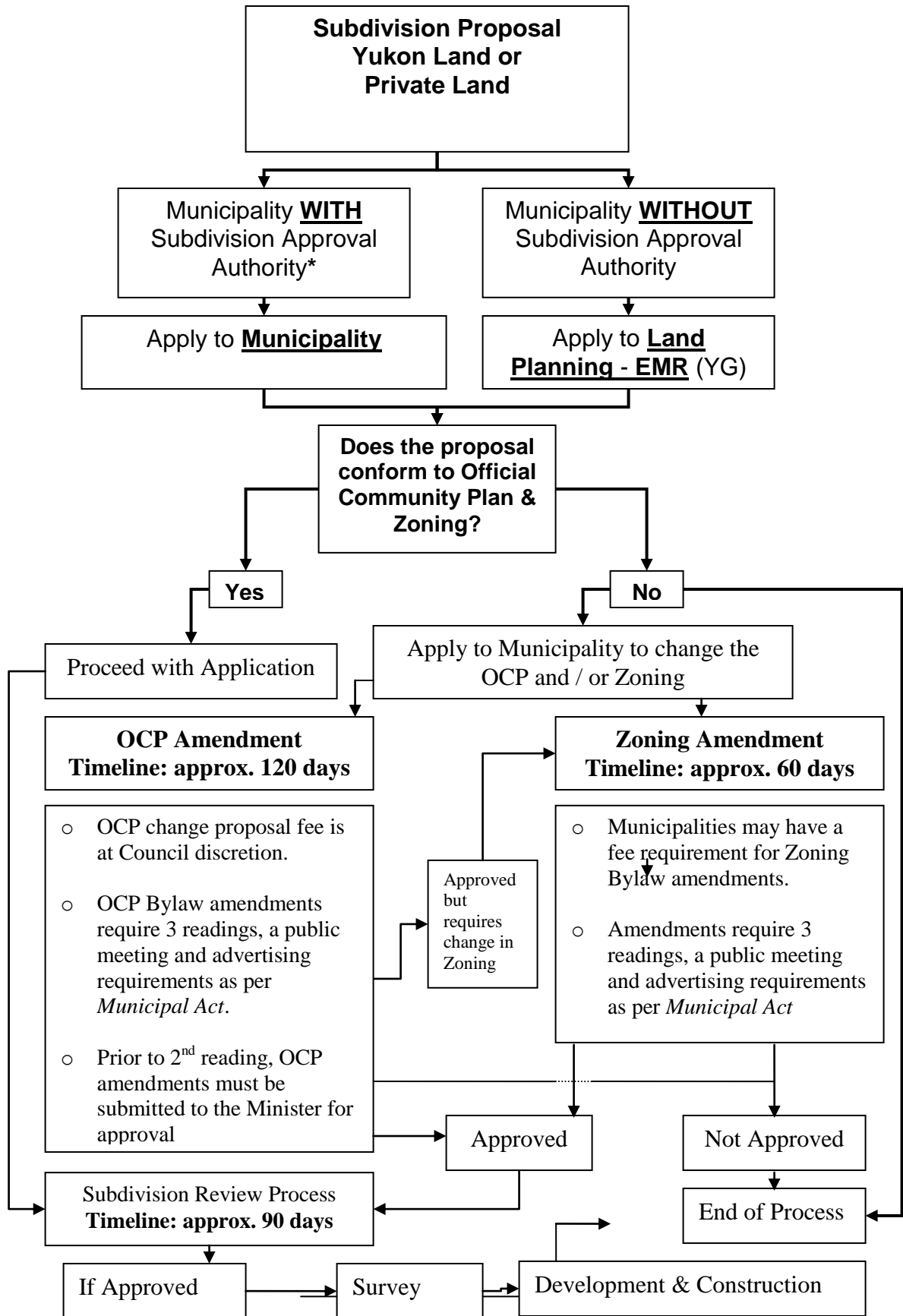


Chart 2: Land Management Authorities in City of Whitehorse

Municipal	Canada	Yukon Water Board
<ul style="list-style-type: none"> ▪ OCP ▪ Zoning ▪ Subdivision Approval ▪ Development Permits ▪ Business License ▪ Building & Plumbing Permits ▪ Burning Permits 	<ul style="list-style-type: none"> ▪ Explosives & Blasting Related ▪ Affecting Fish Habitats & Navigable Waters ▪ Species at risk ▪ Rail ▪ Transport of Dangerous Goods related permits 	<ul style="list-style-type: none"> ▪ Water Use License

Government of Yukon				
Energy, Mines & Resources	Community Services	Highways & Public Works	Environment	Health & Social Services
<ul style="list-style-type: none"> ▪ Land Use Permits ▪ Quarry Permits ▪ Quartz & Placer Mining Authorizations ▪ Oil & Gas Related ▪ Timber, Firewood, & Burning Permits ▪ Process Land Applications ▪ Manages lotteries of Yukon land and counter sales 	<ul style="list-style-type: none"> ▪ Electrical permits ▪ Gas Related Permits ▪ Storage Tank / fuel System Permits ▪ Planned lot development 	<ul style="list-style-type: none"> ▪ Airport Property Permits ▪ Right of Way related permits ▪ Access Road related permits ▪ Management of lands within aerodrome / airport reserve ▪ 	<ul style="list-style-type: none"> ▪ Air Emissions ▪ Territorial Park land use & development ▪ Environment Act etc. 	<ul style="list-style-type: none"> ▪ Sewage Disposal System Permits

Notes:

1. The above chart is a summary only, not an exhaustive list of responsibilities.
2. All activities that are issued permits within a municipality, including development permits, EMR land use permits and Community Services building-related permits must conform to the municipal Official Community Plan (OCP) and zoning bylaws and may be subject to YESAA. (See www.bizpal.gov.yk.ca for a list of permits)
3. Land use permits are issued only if a parallel City development permit is issued.
4. Land applications are processed only if the planning department supports the application.

Chart 3: Land Management Authorities in Municipalities
(Excluding Whitehorse)

Municipal	Canada	Yukon Water Board
<ul style="list-style-type: none"> ▪ OCP ▪ Zoning ▪ Development Permits ▪ Business License <p>Dawson:</p> <ul style="list-style-type: none"> ▪ Subdivision Approval 	<ul style="list-style-type: none"> ▪ Explosives & Blasting Related ▪ Affecting Fish Habitats & Navigable Waters ▪ Species at risk ▪ Rail ▪ Transport of Dangerous Goods related permits 	<ul style="list-style-type: none"> ▪ Water Use License

Government of Yukon				
Energy, Mines & Resources	Community Services	Highways & Public Works	Environment	Health & Social Services
<ul style="list-style-type: none"> ▪ Land Use Permits ▪ Disposal of Yukon land, public land lotteries, applications for Yukon land ▪ Subdivision Approval** ▪ Quarry Permits ▪ Quartz & Placer Mining Authorization ▪ Oil & Gas related ▪ Timber, Firewood & Burning Permits 	<ul style="list-style-type: none"> ▪ Building, Plumbing, Electrical, Gas & Propane related ▪ Heating related ▪ Storage Tank / fuel System Permits ▪ Planned lot development 	<ul style="list-style-type: none"> ▪ Airport Property Permits ▪ Management of lands within aerodrome / airport reserve ▪ Right of Way Permits ▪ Access Road Permits ▪ Road Closures 	<ul style="list-style-type: none"> ▪ Air Emissions ▪ Territorial Park land use & development ▪ Environment Act etc. 	<ul style="list-style-type: none"> ▪ Sewage Disposal System Permits

**Whitehorse & Dawson are the only municipalities with subdivision approval powers; Land Planning Branch, EMR processes subdivision applications for all other municipalities

Notes:

1. The above chart is a summary only, not an exhaustive list of responsibilities.
2. All activities that are issued permits within a municipality, including development permits, EMR land use permits and Community Services building-related permits must conform to the municipal Official Community Plan (OCP) and zoning bylaws and may be subject to YESAA. (See www.bizpal.gov.yk.ca for a list of permits)
3. Land use permits are issued only if a parallel City development permit is issued.

Chart 4: Land Management Authorities in Unincorporated Communities

Canada	Yukon Water Board
<ul style="list-style-type: none"> ▪ Explosives & Blasting Related ▪ Affecting Fish Habitats & Navigable Waters ▪ Species at risk ▪ Rail ▪ Transport of Dangerous Goods related permits 	<ul style="list-style-type: none"> ▪ Water Use License

Government of Yukon				
Energy, Mines & Resources	Community Services	Highways & Public Works	Environment	Health & Social Services
<ul style="list-style-type: none"> ▪ Land Use Permits ▪ Disposal of Yukon land, public land lotteries, applications for Yukon land ▪ Quarry Permits ▪ Quartz & Placer Mining Authorization ▪ Timber, firewood & burning permits ▪ Local area plans ▪ Zoning ▪ Subdivision approval ▪ 	<ul style="list-style-type: none"> ▪ Development Permits ▪ Electrical, Gas & Propane related ▪ Heating related ▪ Storage tank / fuel system Permits ▪ Planned lot development 	<ul style="list-style-type: none"> ▪ Airport Property permits ▪ Right of Way permits ▪ Access road permits 	<ul style="list-style-type: none"> ▪ Air emissions ▪ Territorial Park land use & development ▪ Environment Act etc. 	<ul style="list-style-type: none"> ▪ Sewage disposal system permits

Notes:

1. The above chart is a summary only, not an exhaustive list of responsibilities.

Contact Information

Yukon Government

Energy Mines & Resources

Land Management Branch

Tel: 867-667-5215

www.emr.gov.yk.ca/lands/index.html

Community Services

Community Affairs Branch

Tel. 867-667-5811

http://www.community.gov.yk.ca/cd/community_affairs.html

Yukon Environmental & Socio-economic Assessment Board

YESAB Head Office

Tel: 867-668-6420

Toll Free - 1-866-322-4040

<http://www.yesab.ca/index.html>

Dawson City Designated Office

Bag 6050, Dawson City, Y0B 1G0

Telephone - 867-993-4040

Fax - 867-993-4049

Teslin Designated Office

PO Box 137, Teslin, Y0A 1B0

Telephone - 867-390-4040

Fax 867-390-4049

Haines Junction Designated Office

PO Box 2126, Haines Junction, Y0B 1L0

Telephone - 867-634-4040

Fax - 867-634-4049

Watson Lake Designated Office

PO Box 294, Watson Lake, Y0A 1C0

Telephone - 867-536-4040

Fax - 867-536-4049

Mayo Designated Office

PO Box 297, Mayo, Y0B 1M0

Telephone - 867-996-4040

Fax - 867-996-4049

Whitehorse Designated Office

7209B-7th Avenue, Whitehorse, Y1A 1R8

Telephone – 867-456-3200

Fax – 867-456-3209

Association of Yukon Communities

Association of Yukon Communities

#15, 1114 - 1st Ave.
Whitehorse, Yukon
Y1A 1A3
Phone: (867) 668-4388
Fax: (867) 668-7574
Email: ayced@northwestel.net
Website: <http://www.ayc-yk.ca/>

Municipalities

The Village of Carmacks

Box 113
Carmacks, Yukon
YOB 1C0
Phone: (867) 863-6271
Fax: (867) 863-6606
Email: carmacks@northwestel.net
Website: www.carmacks.ca

City of Dawson

Box 308
Dawson City, Yukon
YOB 1G0
Phone: (867) 993-7400
Fax: (867) 993-7434
E-mail: cityofdawson@cityofdawson.ca
Website: www.cityofdawson.ca

Town of Faro

Box 580
Faro, Yukon
YOB 1K0
Phone: (867) 994-2728
Fax: (867) 994-3154
E-mail: cao-faro@faroyukon.ca
Website: www.faroyukon.ca

The Village of Haines Junction

Haines Junction
Box 5339
Haines Junction, Yukon
YOB 1L0
Phone: (867) 634-7100
Fax: (867) 634-2008
E-mail: vhj@yknnet.ca
Website: <http://www.hainesjunctionyukon.com>

The Village of Mayo

Box 160
Mayo, Yukon
YOB 1M0
Phone: (867) 996-2317
Fax: (867) 996-2907
E-mail: mayo@northwestel.net
Website: <http://www.yukonweb.com/community/mayo>

The Village of Teslin

Box 32
Teslin, Yukon
YOA 1B0
Phone: (867) 390-2530
Fax: (867) 390-2104
E-mail: info@teslin.ca
Website: <http://www.teslin.ca>

Town of Watson Lake

Box 590
Watson Lake, Yukon
YOA 1C0
Phone: (867) 536-8000
Fax: (867) 536-7522
E-mail: cdo@watsonlake.ca
Website: <http://www.watsonlake.ca>

City of Whitehorse

2121 2nd Avenue
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Fax: (867) 668-8384
E-mail: cityclerk@whitehorse.ca
Website: <http://www.city.whitehorse.yk.ca>