

# Discussion Paper: A New Yukon Public Lands Act

**Government of Yukon**  
**March 2022**

## 1. Introduction

A new Yukon Public Lands Act is being created to replace the existing legislation. The Government of Yukon is interested in how you use public lands.

This discussion paper provides some background, summaries of issues and questions to receive input and to inform in the development of a proposed new legislation.



## Background

- Since 2003, the Government of Yukon has been responsible for administering two separate legislative regimes for two sets of public lands. These acts have not been extensively reviewed since the 1980s.
- Modernizing our legislation is necessary to streamline and enhance land management processes and long term planning.
- Our current legislation also does not recognize Yukon First Nation's Final Agreements and does not contain provisions that support land claim and self-government implementation.
- The Yukon is over 482,000 square kilometers. Much of this is public land or First Nation settlement land. Of this, 0.06% of Yukon land is under private title.



## 2. A new Yukon Public Lands Act

The goal is to develop a modern Yukon Public Lands Act that provides a new approach to management of surface land rights and prioritizes a cohesive approach to land management in the Yukon. It is also necessary to recognize First Nation Final Agreements in the spirit of co-operation in the day-to-day management of land under the new act.

### Guiding principles

**Efficient:** Harmonizes with existing resource management legislation and processes, including regional and local area land use planning

**Pro-active and adaptive:** Flexible for the future needs but precise enough to provide clarity to continue to meet existing land needs for all Yukoners

**Cooperative and collaborative:** Incorporates shared values with First Nations and considers opportunities for collaborative management, capacity building and cost sharing opportunities.

**Innovative:** Develops a new set of tools to address current issues and provide flexibility to meet future challenges.

**Equitable:** Supports fairness and the consideration of all Yukoners. The new Yukon Public Lands Act should be adaptive, comprehensive, clear and achievable.

To achieve the goal of modernizing the operations of land management in the Yukon, the new act will incorporate streamlined administration and best practices to include cooperation and joint administrative initiatives with other governments.



### Question:

- What are the most important goals or priorities that should be considered in the vision for the Yukon Public Lands Act?

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### 3. Buying and selling

#### Background

Dispositions refers to land sales, leasing, easements, land transfers and associated application and review processes. Planned lot development is another important aspect of dispositions. How dispositions are managed impacts the full spectrum of potential land use activities and occupations on all public land, within communities and in the back country.

The scope of a new Yukon Public Lands Act will be broad and complex. A comprehensive statute will need to balance a variety of community needs and values. This includes effective planning and sustainable management in planned lot development that considers settlement lands and adjacent areas.



#### Quick facts:

- The Land Management Branch processes a wide range of applications per year, from quarry permits to applications for licenses, leases or title to land.
- The Yukon's population continues to grow, with much of the pressure in and around areas such as Dawson City, Carmacks and Whitehorse for planned lots.

#### Questions:

- What future needs and opportunities need to be considered for managing land in Yukon communities and municipalities?
- What role do the public lands play in the economic, social, cultural and lifestyle health of you and your family in your community or municipality?
- What other factors are important to consider when public lands are in discussion for sale or lease?
- How can we encourage and support private and First Nation land development opportunities?

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## 4. Sustainable land use for remote public lands

Remote public lands are essential to culture, livelihood, health and economy for all Yukoners. Remote land use by Yukoners represents a wide variety of commercial, non-commercial and recreational uses that need to be accounted for in the way our land is managed.

Remote public lands refer to all land outside planned and zoned communities. Remote public land use activities can include lodges and adventure guiding, infrastructure like communication towers, remote heavy industry (e.g. mining or oil and gas) or renewable energy infrastructure.

Often one type of remote public land use will affect another, like a new dwelling introducing a no hunting zone.

A modern lands act must consider clear standards for the way that property rights to land are allocated, transferred, used, or managed and whether land rights are short-term or long-term. Land rights can include a variety of temporary and more permanent measures to authorize the use and occupation of public lands.

### Quick facts:

- An individual can temporarily camp on public land for recreation without a permit as long as it is not a person's permanent residence.
- At present, there are approximately 500 unauthorized occupants located on public land throughout the Yukon.
- Trails can be created on public land without an authorization if they are 1.5 metres or less (and if no trees are cut).
- Overlapping interests on remote public lands are common, such as trapping and outfitting or with mining and tourism.

### Questions:

- What are the most important ways access to remote public land supports your lifestyle?
- What needs to be considered to make sure remote public lands can best serve your needs?
- What needs to be considered to make sure remote public lands can continue to be accessible to all Yukoners?
- Do you have any specific concerns about how remote public lands are currently used or comments about how it should or should not be used?
- How do we support continued access to a wide variety of commercial and recreational uses on remote public land and manage conflict between adjacent land uses?

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## 5. Environmental and heritage protection

### Background

Environmental conservation, management and planning within a new Yukon Public Lands Act must be appropriately integrated with other related legislation and regulations. Heritage conservation is affected by land use and disposition, and may influence land use considerations in the Yukon.



### Quick facts:

- Under the *Historic Resources Act* archaeological and paleontological objects with historic, cultural and paleontological significance, as well as artifacts over 45 years old, are considered protected historic, cultural and paleontological objects on public lands.
- With the growth in Yukon's population and related increase in the use of public land, concern has grown about the adverse effects of trails and roads and the number of land users.
- The development of the off road vehicle and resource road regulation, regional and local area planning and the creation of habitat protection areas, have all assisted in responding to concerns raised on protection of the Yukon's environment, and will complement regulations from a new Yukon Public Lands Act.
- There are over 3,500 documented historic sites in the Yukon, these include cabins, caches, heritage trails, graves, bridges and abandoned historic objects found on the landscape.

### Questions:

- What approaches could be considered to make sure Yukon's remote public lands are adequately protected from environmental impacts and accessed responsibly now and into the future?
- Do you feel newly created roads in remote public lands are adequately managed to protect the environment? If not, are there solutions to address this issue?
- What barriers do you see to protecting heritage resources on Yukon land?

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## 6. Submitting comments

Please complete our survey at [Yukon.ca/lands-act](https://www.yukon.ca/lands-act)

Or provide written comments online or by mail to the Department of Energy, Mines and Resources here:

Mailing address: Michael Draper  
Legislation Advisor and Negotiator  
Energy, Mines and Resources - Government of Yukon  
320-300 Main St. (3rd Floor Elijah Smith Building)  
Whitehorse, Y1A 2B5

Phone Whitehorse: (867) 667-3185  
Outside Whitehorse 1-800-661-0408 (ext. 3185)  
Email: [Michael.Draper@yukon.ca](mailto:Michael.Draper@yukon.ca)

Be sure to return your comments by **April 30th, 2022**. All information you submit is confidential. The input you provide is protected by the Access to Information and Protection of Privacy Act and the Statistics Act. If you experience difficulties returning comments or have questions, please contact:

Michael Draper  
Legislation Advisor and Negotiator  
Energy, Mines and Resources - Government of Yukon  
Phone Whitehorse: (867) 667-3185  
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Email: [Michael.Draper@yukon.ca](mailto:Michael.Draper@yukon.ca)

Feel free to add comments, skip questions or flag topics you feel are important. This document cannot represent the complexity or depth of land management issues but is intended to solicit a variety of perspectives and experiences from interested parties to contribute to a robust and co-operative policy development process.



## 7. Next steps

Feedback on the discussion paper will inform the proposed approach to drafting a new lands act and ensure that the new legislation serves the best interests of Yukon First Nations and all Yukoners.

We will summarize all of the input gathered through this engagement in a What We Heard report.

Thank you for taking the time to help us improve land management in the Yukon.

