

TRAPPING CABIN

Land Application Policy

OBJECTIVE

To facilitate provision of land for trapping cabin purposes.

PURPOSE

This policy provides direction for the review of applications for trapping cabin sites.

Trapping concession holders are required to apply for a lease or licence under the policy if they are:

- Using trapping cabins built on or after September 1, 1980, or are;
- Acquiring an interest in an existing trapping concession, including a cabin built before September 1, 1980 that doesn't have any tenure.

For trapping cabins built prior to September 1, 1980 (not being reconstructed), the original trapping concession holder may inform the Manager, Lands Client Services as to the location of their facilities for reference during land use and land disposition review processes. The responsibility for keeping this information current and on file rests with the trapper. Tenure for pre-1980 cabins is recommended to assist concession holders in protecting their interests.

At the time of transfer of the trapping concession, all cabins, including cabins built before September 1, 1980, must be leased or under a licence.

BACKGROUND

Prior to 1980, the absence of a trapping cabin policy and the remote nature of trapping and generally low value of the cabins meant that government did not require that trapping cabins be authorized under any form of tenure.

With increasing use of back country areas for public recreation and commercial wilderness activity, there is growing need to specify conditions

under which land uses, including construction of cabins in support of trapping, may be authorized in order to facilitate integrated resource management and to avoid conflicts among resource users. Further, many trapping cabins being built have significant value; tenure over cabins helps trappers protect their assets and interests.

Land tenure for trapping cabins is issued under the authority of the *Territorial Lands (Yukon) Act* and the *Lands Act*. Land tenure for trapping is conditional on trapping concessions issued under the *Wildlife Act* remaining valid in accordance with the *Wildlife Act* and associated regulations.

DEFINITIONS

Trapping Concession: A designated area on which an exclusive opportunity to harvest furbearers for commercial purposes is granted under the Wildlife Act. References to a “concession” or “trapline” shall be afforded the same meaning as a “trapping concession” pursuant to the Wildlife Act.

Base Camp: A trapping cabin that is the main staging location for a trapping concession.

Line Cabin: A trapping cabin that is ancillary to a base camp, and is used for temporary accommodation, storage, and fur processing while carrying out trapping activity. For the purpose of this policy, line cabins shall also refer to any ancillary structures associated with a line cabin site, such as outhouses, caches, and sheds. New line cabins and all other new remote structures must meet any applicable requirements of the Building Standards Act and Regulations. Line cabins built after April 1, 2009 that are supported through a public review process and legitimately needed for operational purposes shall be up to 30 square metres in recognition of trapper’s needs. The total area of the line cabin and other buildings on a line cabin site shall not exceed 40 square metres.

Lease: A lease is a contract that grants the lessee the temporary right to possess, use and enjoy a site for a specified use and period. It is the common form of land tenure that authorizes use of land for resource commercial operations, such as trapping and big game outfitting, where permanent facilities such as cabins are being constructed.

Licence: A licence is a contract that conveys an authorization to carry out specified activities, but does not provide exclusive use of the land to the licensee.

Planning Scheme: A regional plan; sub-regional plan; district plan; community plan; local area plan; or land use policies and regulations made under the *Area Development Act*, the *Highways Act*, the *Lands Act* or the *Territorial Lands (Yukon) Act*. Also includes Special Management Area plans created to fulfill obligations under the appropriate First Nation Final Agreement, Habitat Protection Areas under the *Wildlife Act*, and Parks under the *Parks and Land Certainty Act*.

PRINCIPLES

1. Land tenures must comply with existing and proposed planning schemes.
2. Land tenure for trapping is conditional on trapping concessions having been provided through the *Wildlife Act* and *Trapping Regulations*. If a concession is cancelled under the *Wildlife Act* or associated regulations, the lease and licence may be revoked or cancelled. The land tenure is only valid if the concession is valid.
3. Land tenures under this policy do not imply a title or ownership of the land under the lease or licence. They shall remain tied to the trapping concession and are not assignable, except to the holder of a trapping concession. When a trapping concession is transferred the assignment of the lease or Licence by the Land Management Branch is separate from any transaction between the seller and purchaser of cabins or other assets related to the concession transfer.
4. At the time of transfer of the trapping concession, all cabins, including cabins built before September 1, 1980, must be leased or under a license.
5. Land tenures under this policy do not imply an interest or allocation of fish or wildlife resources.
6. Land tenures are only authorized in an amount reasonably necessary to satisfy the purpose for which the land is needed.
7. Land required for public recreation and multiple use of land and natural resources will normally be retained for public use rather than alienated for private use.
8. Leases and licences issued under this policy are primarily intended for trapping purposes. Leases or licences may be reconsidered if trapping cabins are determined to have been used primarily for purposes other than trapping.
9. New trapping cabins are subject to any applicable requirements of the *Building Standards Act and Regulations*.

10. During the application review process, LMB will, whenever possible, consider the principles of Integrated Resource Management (IRM) in finalizing a decision. Core IRM principles include fostering understanding, cooperation and communication with other departments, governments and agencies involved in resource management, consideration of all values and consultation before finalizing a decision.

POLICY PARAMETERS

A. Form of Tenure/Approval

1. Approval will be provided under a lease or licence:
 - The base camp and all line cabin sites will be included, by schedule, on one land tenure document.
 - A lease is the form of tenure that may be provided to authorize a base camp.
 - A licence may be provided to authorize line cabins or base camps.
2. Tenure will be granted for a term not exceeding five (5) years to coincide with the term of the concession certificate.
3. On transferring his or her trapping concession, an application may be considered from the retiring trapper for a 30-year lease for his or her former main base camp if the following conditions are met:
 - The base camp has been used consistently over three terms (fifteen years) as the concession holder's principal residence; and
 - The trapping concession has been held in good standing by the concession holder on a consistent basis during that period.
 - a. The intent of this provision is to allow retiring trappers ongoing residential use of a trapping base camp that has been used consistently for residential and trapping purposes.
 - b. Line cabins will continue to be used by the valid concession

holder as per this policy.

- c. Applicants must provide adequate supporting documentation to Yukon government to determine whether the base camp cabin is a principal residence for the purpose of this policy. All information is collected in accordance with the provisions and principles of the Yukon *Access to Information and Protection of Privacy Act*.
- d. Individuals are eligible to obtain only one base camp conversion to a 30-year lease in their lifetime.
- e. Base camp conversion to 30-year lease is limited to one per concession within a fifteen (15) year period.
- f. Partners meeting the criteria must decide who will apply for the 30-year lease. Only one partner is eligible to apply every fifteen (15) years. A new partner joining a concession must accumulate fifteen (15) years of active trapping and residency on that concession before being eligible to apply.
- g. If a trapping concession is transferred, the new concession holder must accumulate 15 years of active trapping and residency on that concession before being eligible to apply.
- h. A 30-year lease may be renewed for an additional term not exceeding 30 years.
- i. All leases and licences will continue to receive regular 5-year reviews.
- j. A 30-year lease is not transferable or assignable, but may include the name of the former trapper's spouse.

B. Cost of Lease/Licence Interest

- The annual fee will be a minimum of \$150.00 for all lands described in the land tenure document.
- Applicants are responsible for any costs associated with land tenure, such as development costs, property taxes, etc.

C. Area of Tenure

- The area of tenure for base camps will not exceed 1 hectare.
- The area of tenure for line cabins will not exceed 15 metres x 15 metres.

D. Site Criteria

1. Applications will be considered if they are:
 - Necessary to the operation of the trapping concession.
 - Suitable for their intended purpose, utilizing, where appropriate, various established land management principles.
2. Historic use of trapping cabin sites will be considered in the application review process.
3. Leases are not normally issued to trappers for improvements outside of their trapping concession area unless unusual circumstances apply. The holder of an impacted adjacent registered trapping concession will be consulted.

E. Resource Management Criteria

1. Parcels will normally be set back a minimum of 30.48 metres from the ordinary high water mark (OHWM) of lakes and rivers and a minimum of 10 metres from creeks.
 - The setback may be increased where a greater setback is required due to environmental, cultural or scenic values, or to facilitate other land uses or management considerations.
2. Unique or representative landscape features; environmentally sensitive areas; and archaeological and historic sites are normally retained for public use rather than alienated for private use.

3. Sites needed to accommodate public access and use of land or water resources are normally retained for public use rather than alienated for private use.
4. Applications under this policy will comply with existing or proposed planning schemes and land use and resource management plans, e.g. forestry, wildlife where applicable.
5. Applications are reviewed to ensure that the needs of public, commercial wilderness and other resource users are considered in an equitable manner.
6. In order to support wilderness recreation and integrated resource management objectives, and to avoid land use conflicts, consideration will be given to the need for spatial and temporal separation between:
 - Trappers and public and commercial wilderness recreation users; and
 - Trappers and other resource use activities.
7. As a general rule road, lake or river frontage shall not be more than 25% of the overall parcel boundary.

ELIGIBILITY

1. Applicants must be:
 - The holder of a trapping concession in good standing.
 - Nineteen (19) years of age or older.
2. Tenure will only be granted in the name(s) of the registered holder(s) of the trapping concession.
3. No interest in land will be granted to an assistant trapper.
4. If a trapping concession is held by more than one person, separate tenures will not be granted to individual parties to the concession. In the case of a group/family trapping concession, all members must:
 - Sign the land tenure document; or
 - Sign a witnessed/notarized letter authorizing another person (appointed leader) to sign on their behalf.

- Indicate the percentage of individual interest (particularly if unequal).

5. Tenure will only be assignable to a new owner upon transfer of the trapping concession by the Department of Environment.

APPLICATION REVIEW PROCEDURES:

Applications for trapline cabin purposes will be reviewed as required under the *Yukon Environmental and Socio-economic Assessment Act* and Regulations or under the Yukon government land review process.

The application review process **may** include consideration of the following:

- Area, terrain, and topography of the concession;
- Safety;
- Transportation and site access;
- Compatibility with other land uses;
- Natural, historical, and heritage features and values;
- Cumulative effects;
- First Nation treaty and/or aboriginal rights;
- Business planning;
- Existing planning schemes; and
- Other relevant information.
- Environmental Impacts

AUTHORITIES

Acts / Regulations

Yukon Lands Act / Regulations
Territorial Lands (Yukon) Act / Regulations
Subdivision Act / Regulations
Area Development Act / Regulations
Municipal Act / Regulations
Highways Act / Regulations
Building Standards Act / Regulations
Public Health and Safety Act

Public Health Regulations
Sewage Disposal System Regulation
Environment Act / Regulations
YESAA / Regulations
Wildlife Act / Regulations
Waters Act / Regulations
Parks and Land Certainty Act
Wilderness Tourism Licensing Act/Regulations

Policy

Land Value Appeal Policy