



BIG GAME OUTFITTING Land Application Policy

Energy, Mines & Resources
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Note: Text contained inside of the text boxes clarifies how Yukon government interprets this policy.

OBJECTIVE

To facilitate tenure applications for longstanding occupancy situations (pre-existing sites) from big game outfitting concession holders.

This will allow Yukon government the ability to improve land management and reduce land-use conflicts over time.

Pre-existing means prior to April 1, 2003 when the Yukon government accepted responsibility from the federal government for management of public lands. Outfitters can submit licence/lease applications for pre-2003 sites.

Until such time as a new policy is developed to deal with the future construction of new infrastructure, all sites built after April 1, 2003 once reported are documented, investigated and managed as unauthorized occupancies (i.e. as sites to which no legal land tenure exists) .

PURPOSE

The purpose of this policy is to prescribe the conditions under which land may be leased or licenced for pre-existing big game outfitting camps or licenced for related airstrips.

The policy is only intended to allow application for sites that are directly related to the operation of outfitting concessions as authorized pursuant to the *Wildlife Act*. Sites that are approved for leases or licences pursuant to this policy will be limited to big game outfitting purposes.

BACKGROUND

Big game outfitters have historically used their camps on an informal basis. Many sites have permanent facilities and are being used without associated land tenure. Management of land resources requires that use of the land be reviewed and that tenure be provided where appropriate.

While big game outfitters have historically used their camps on an informal basis, it is also recognized that on some of these sites, First Nations as well as third parties and resource sectors are also historical and traditional users. This policy does not in any way provide priority for outfitter use on these sites.

The Land Management Branch, Yukon government is responsible for the management of Yukon lands.

The Department of the Environment, Yukon government is responsible for the management of wildlife and inland fisheries on territorial lands. That department issues concessions for big game guide outfitting which provide the right to guide non-resident hunters within concession areas. Currently there are 19 outfitting concessions in Yukon.

DEFINITIONS

Outfitting Concession

An outfitting concession is an area in which a limited right to provide services of a guide is granted. Concessions are granted under the *Wildlife Act*. References to a 'concession' or 'concession holder' shall be afforded the same meaning as an outfitting concession in the *Wildlife Act*.

Base Camp

Refers to the main staging location(s) for an outfitting operation. Facilities may include permanent facilities such as a lodge or cabins and or other related improvements.

Leases, licences or a combination of leases and licences may be considered for base camps constructed prior to April 1, 2003. Leases are only considered should the permanent facilities warrant.

Secondary Camp

Refers to a camp that is ancillary to a base camp and is used for temporary accommodation during guiding excursions. Typically, facilities may include temporary improvements such as simple cabins, tent frames and associated minor improvements that are generally not removed at the end of the season.

Secondary camps must have improvements sufficient to warrant the application of a licence. Improvements are to have been constructed prior to April 1, 2003. Leases will not be considered for secondary camps.

Non –permanent seasonal camps: Refers to temporary camps or shelters that are removed at the end of each season and do not require a licence or lease under this policy if the number of person days does not exceed 100 (per *Land Use Regulation*).

Licence

A licence is a contract that conveys a limited right to carry out specified activities, e.g. airstrips, camps, but does not provide exclusive use of the land to the licensee.

Licences convey no interest in the land, and are non-exclusive. A licence ensures continued multi-party or public access to and through the site. The primary purpose is to identify the location of low standard structures to eliminate conflicts, and recognize periodic seasonal use by outfitter.

Lease

A lease is a contract that grants the lessee the right to possess, use and enjoy a site for a specified use and period. It is the common form of land tenure and authorizes land use for resource commercial operations (e.g. big game outfitting camps) where permanent facilities including lodges, cabins and docks (water lot lease) are constructed.

Leases must be maintained in good standing in order to be renewed and are directly tied to the outfitting concession, that is they are limited to uses related to big game outfitting. Leases are intended for main base camps, constructed prior to April 1, 2003.

Terms and Conditions

Leases and licences that may be granted as a result of this policy are subject to a number of mandatory terms, all of which require tenured sites to be used for outfitting purposes. These mandatory terms will include; a) lease/licence not to exceed the term of the concession, b) no ownership of land is to be conveyed, c) the lease/licence establishes a right for government to inspect, and d) for leases, the applicant will be required to declare that the information they provide (specifically regarding ownership of structures) is true and accurate to the best of their knowledge. Tenures are only valid if the outfitting concession remains in proper standing pursuant to the *Wildlife Act*. Lease and licence conditions provide for proper signage and remain subject to all other Yukon government legislation respecting site management (i.e. fuel handling, building standards, environmental standards, timber harvesting, etc). Replacement structures or additions and improvements to existing buildings within a lease are subject to the terms of the lease.

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 applicable First Nation Final Agreement; Habitat Protection Areas under the *Wildlife Act*, and Parks under the *Parks and Land Certainty Act*.

Pre-Planning Process

A process coordinated by the Land Management Branch, Government of Yukon, to assess an area for its suitability for development, which may involve input from the departments of Environment, Highways and Public Works, and Community Services, and other departments with responsibilities or interests in the area. It may consider social, economic and environmental information in areas experiencing heightened interest, such as where multiple applications are received; multiple sensitivities identified through a land application review; where planning is occurring or anticipated; or where consultation with other governments, such as First Nations is advisable. A pre-planning process may result in Land Management Branch closing off an area to applications, or deferring or denying applications pending more comprehensive review.

PRINCIPLES

Land tenures must comply with existing planning schemes (*see definitions*).

Land tenures are only authorized in an amount reasonably necessary to satisfy the purpose for which the land is needed.

Considering the purpose, objective and definitions of the policy, “reasonably necessary” is interpreted to mean:

- A reasonable number of sites. While the exact numbers will be based on the outfitters business model, up to 7 leases and up to 20 licences per concession are anticipated. Only under exceptional circumstances will more than this number be approved.
- A reasonable size for licenses and leases. While the area of tenure may be up to 3.99 hectares, this is the exception and not the rule. The majority of leases and license are expected to be 1 hectare or less. A combination of leases and licenses may be used depending on a site’s configuration and extent of non-permanent structures and in lieu of unnecessarily increasing the size of the tenure.
- Sites within the ordinary high water mark (OHWM) are eligible only for licenses, and no leases will be issued for these sites. License documents will require that the structure be moved out of the OHWM within a defined period of time to maintain integrity of OHWM.
- Dock construction & placement subsequent to leases being issued might also require a water lot lease if they are not of a seasonal nature and are affixed to the bed of the water body.
- Airstrips constructed prior to April 1, 2003, regardless of standard and date of construction, remain available for public use, at the user’s risk.

Land tenures issued under this policy do not imply an interest in fish or wildlife resources.

Land required to facilitate public recreation and multiple use of land and natural resources will normally be retained for public use rather than alienated for private use.

To clarify, this includes land that is used for heritage and cultural purposes.

POLICY PARAMETERS

A. Form of Tenure

1. A lease is the form of tenure that may be provided to authorize camps where historic and ongoing use and significant investment in permanent facilities has been documented. A water lot lease may be provided for docks. All leased camps and docks will be included, by schedule, on one lease.
2. A license is the form of tenure that may be provided to authorize secondary camps with temporary facilities and or where overlapping or competing land uses precludes exclusive possession under a lease. All licensed camps may be included, by schedule, on one license

3. A license is the form of tenure that may be provided to authorize airstrips, used in association with outfitting camps. All licensed airstrips may be included, by schedule, on one license.
4. Leases and licences may be granted for a term not exceeding 10 years to coincide with the term of the outfitting concession.
5. Leases and licences may be granted for a term not coincident with and not exceeding the expiry date of the outfitting concession where required to address management considerations raised in the application review process or to address management issues in areas of high or overlapping use.

B. Area of Tenure

- ✓ The area of leases and licenses will be as required to reasonably accommodate existing facilities.
- ✓ Area of the base camp will not exceed 3.99 hectares.

C. Cost of Land

- ✓ Normally the annual lease and licence fees will be not less than 10%, of the total appraised vacant land value for all lands described in the lease/license however, Land Management Branch reserves the right to utilize a nominal fee on a case-by-case basis.

D. Site Criteria

- ✓ Outfitting camps may be applied for where historic use and investment in permanent or temporary facilities has been documented, that exist as of the effective date of this policy and are necessary to the ongoing operation of the outfitting concession.
- ✓ Sites may be applied for, as required to replace a) sites selected in land claim processes, or b) sites determined to be unacceptable in application review processes, e.g. sites moved from within the 30.48 set back from the OHWM.
- ✓ Airstrips may be applied for on the determination that there is no alternative means of access. Alternative means of access may include a body of water capable of supporting floatplane access, an existing airstrip in the area, or a practical surface route. Applications will be considered on a case-by-case basis.
- ✓ Applications for guide outfitter camps and airstrips will normally be within the applicant's concession area.

E. Environmental Assessment Criteria

- ✓ Leasehold parcels will be set-back a minimum of 30.48 metres from OHWM of lakes and rivers and a minimum of 10 metres from creeks.
- ✓ The setback may be increased where required due to environmental, cultural or scenic values or to facilitate other land uses or management considerations.

F. Resource Management Criteria

- ✓ Unique or representative landscape features, environmentally sensitive areas, archaeological, cultural and historic sites are normally retained for public use rather than alienated for private use.
- ✓ Sites needed to accommodate public access to, and use of land or water resources are normally retained for public use rather than alienated for private use.
- ✓ Applications under this policy will comply with existing and proposed planning schemes including land use and resource management plans, e.g. forestry, wildlife where applicable.
 - i. Applications are reviewed to ensure that the needs of public, commercial wilderness and other resource users are considered in an equitable manner.
 - ii. In order to support wilderness recreation, integrated resource management objectives and to avoid land use conflicts, consideration will be given to the need for spatial and temporal separation between;
 - Outfitters and public and commercial wilderness recreation users, and
 - Between outfitters and other resource use activities.
- ✓ As a general rule, road, lake or river frontage shall not be more than 25% of the overall parcel boundary.

ELIGIBILITY

- ✓ Holder of outfitting concession in good standing.
- ✓ If an individual, nineteen (19) years of age or older.

APPLICATION REVIEW PROCEDURES

Applications will be reviewed as required by the *Yukon Environmental and Socio-economic Assessment Act (YESAA)* and Regulations or as required by the Yukon government land review.

While the Land Management Branch, Government of Yukon is responsible for the management of Yukon lands, and ultimately will render final decisions on applications under this policy, the outfitter is encouraged, prior to submitting an application under this policy, to seek the views of affected First Nation governments, third parties who have backcountry interests or existing land tenures, other resource sectors that have operating approvals in place, and historical or traditional users.

Land Management Branch will provide guidance on the application process and may not accept an application if it is inadequate to allow appropriate reviews and screenings.

Land Management Branch will establish a BGO land review committee to help assess and review each application in order to provide advice, and possible terms and conditions, prior to final decision making. The committee shall include affected First Nations who choose to participate.

An affected First Nation may request a meeting with the territorial decision maker (typically the Director of Land Management Branch) prior to a final decision being made. This does not preclude a meeting at the political level to discuss an application.

Land Management Branch will establish a clear procedure and timelines on how applications are to be processed, with particular attention to how to assess and make decisions on identified multiple use sites. Where the specified purposes are not compatible, Land Management Branch will determine how to best proceed based on historical occupancy, the need to mitigate land use conflict and previous knowledge of the site. The outfitter does not receive any priority in this analysis by virtue of this policy.

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 Regulation
Sewage Disposal System Regulation
Environment Act / Regulations
YESAA / Regulations
Wildlife Act / Regulations
Waters Act / Regulations
Parks & Land Certainty Act

Policy

Land Value Appeal Policy