

BIG GAME OUTFITTING Land Application Policy

OBJECTIVE

To facilitate tenure applications for longstanding occupancy situations (pre-existing sites) from Big Game Outfitting concession holders.

PURPOSE

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

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.

The Lands 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.

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.

License

A license 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.

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.

Planning Scheme

Includes 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*, *Highways Act*, *Lands Act* or the *Territorial Lands (Yukon) Act*.

Preliminary Screening Process

Interdepartmental / governmental process coordinated by the Lands Branch, Yukon Government, to identify areas suitable and unsuitable for specific kinds of development (e.g., *rural residential*). Screening processes are normally initiated in response to pressure for development (*land applications*) where there are known land use conflicts. Once areas of potential suitability are identified, applicants who have applied in unsuitable areas are directed to re-apply in identified areas.

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.

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.

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 licenses 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

- ✓ 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.

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 required, to replace, a) sites selected in land claim processes, or b) are determined to be unacceptable in application review processes, e.g. sites moved from within the 30.48 set back from the OHWM, may be applied for.
- ✓ 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 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 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 and historic sites are normally retained for public use rather than alienated for private use.
- ✓ 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.
- ✓ 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.

- ✓ Applications are reviewed to ensure that the needs of public, commercial wilderness and other resource users are considered in an equitable manner.
- ✓ 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.

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
Park & Lands Certainty Act

Policy

Land Value Appeal Policy