

**WHAT WILDERNESS TOURISM
OPERATORS NEED TO KNOW
ABOUT THE**

WILDERNESS TOURISM LICENSING ACT

AND OTHER APPLICABLE LAWS

July 2003

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Preserving the Yukon Wilderness Experience

The *Yukon Wilderness Tourism Licensing Act* and its main regulations came into effect on May 1, 1999. These laws regulate the wilderness tourism industry and help preserve the high quality wilderness experience enjoyed by Yukon visitors and residents alike.

To provide a professional service and an enjoyable experience for your clients, you need to know about the wilderness tourism laws as well as any other laws that might affect your commercial activities in the Yukon. First Nation land claim agreements, for example, change the rules that apply to commercial activities on many wilderness lands. You will find a summary of those new rules in Part 6 of this publication.

The Wilderness Tourism Licensing Act and Regulations

It's important to know that the *Wilderness Tourism Licensing Act* includes all of the regulations that may be developed to accompany the *Act*. Current regulations are included in your wilderness tourism kit, and are summarized in this publication. Section 14 of the *Act* lists the type of regulations that may be developed in the future.

All requirements of the *Wilderness Tourism Licensing Act* are enforceable by Yukon Government Conservation Officers, Park Officers and the Royal Canadian Mounted Police (RCMP).

More information is available on the Government of Yukon website as follows:

For general information, a pdf version of this booklet, and the text of the *Act* itself, go to www.environmentyukon.gov.yk.ca, and click Wilderness Tourism Licensing under Programs & Services.

For a 4-page application form and all trip and rental report forms, go to www.gov.yk.ca/forms/#w.

Getting Your Wilderness Tourism License

Do you need a Wilderness Tourism License?

If you take clients into the Yukon wilderness in return for any kind of fee or reward, you need to have a Wilderness Tourism License.

If you rent vehicles or equipment to people who are travelling in the Yukon wilderness, but do not provide guided trips, you do not need a Wilderness Tourism License. However, you will need to submit a rental report once or twice each year. For more detail see Part 3 as well as the sample rental report form included in your wilderness tourism kit.

How to get your Wilderness Tourism License

A license application form is included in your kit. Just fill out the form and return it to:

Registrar
Parks Branch, V-4
Box 2703
Whitehorse, Yukon Y1A 2C6

If you meet the requirements, you will normally be issued a Wilderness Tourism Licence within two weeks or less of the receipt of your application. If there are significant problems with your application, however, the process will take longer.

Extra license application forms can be obtained from the Registrar or from any of the Department of Environment offices located throughout the Yukon. A list of those offices is included in your kit.

Three basic requirements for a Wilderness Tourism License

To be eligible for a Wilderness Tourism License, you must meet three basic requirements.

- *You must have Workers' Compensation coverage for your employees.*
- *You must have Public Liability Insurance for your clients.*
- *Your guides must have valid First Aid and level C CPR certificates.*

1. Yukon Workers' Compensation

To be eligible for a Wilderness Tourism License, you must show proof that you are registered with the Yukon Workers' Compensation Board, or have a letter from the Board stating that you do not need to register.

You need to register with the Workers' Compensation Board and pay insurance premiums if you:

- *employ any Yukon workers,*
- *operate as an incorporated company,*
- *are a non-resident operator employing only non-resident workers, and you operate in the Yukon for more than 15 days in one calendar year, or*
- *contract to a sole proprietor or partnership that employs no workers and does not have optional coverage in effect.*

You do not need to register with the Worker's Compensation Board if you:

- *operate as a sole proprietor or a partnership that employs no workers (you can apply for optional coverage for yourself and any volunteers), or*
- *are a non-resident operator employing only non-resident workers, and you operate in the Yukon for 15 days or less in one calendar year.*

If you need to register with the Workers' Compensation Board, you must do so within 10 days of beginning work in the Yukon. These requirements apply to all workers in all industries in the Yukon.

For more information, contact the Yukon Workers' Compensation Board. Phone (867) 667-5095. Fax (867) 393-6279.

2. Public Liability Insurance

To be eligible for a Wilderness Tourism License, your company must have a minimum of \$1,000,000 (CDN) public liability insurance coverage. The Registrar will require proof of coverage before issuing your license.

You are encouraged to carry extra insurance, called injury-to-participant coverage, but this is not a mandatory requirement.

For more information, contact the Registrar. Phone (867) 667-5648. Fax (867) 393-6223.

3. First aid and CPR certificates

Any guide who accompanies clients on a wilderness tourism trip must have:

- *valid certification from a First Aid program that involves at least 16 hours of training, or equivalent, and*
- *valid certification in Cardiopulmonary Resuscitation, Level C or equivalent.*

The Registrar will require proof of First Aid and CPR certification for all your guides before issuing your Wilderness Tourism License. If you hire guides after you have obtained your license, you must ensure that they also have valid First Aid and CPR certificates.

If you're not sure whether your first aid training, or that of your guides, meets the license requirement, contact the Registrar before applying for your license.

For more information contact the Registrar. Phone (867) 667-5648. Fax (867) 393-6223.

Maintaining Your License

You can renew your Wilderness Tourism License every year as long as you continue to meet the basic requirements, pay the annual fee, and follow the regulations applying to:

- *no-trace wilderness travel including proper waste disposal, and*
- *submitting trip reports and rental reports.*

You will keep the same license number from year to year. You can choose not to renew your license for a year or more and renew later, without penalty. (Longer term licenses will be considered under regulation review.)

No-trace wilderness travel and waste disposal requirements

To maintain your license you must comply with the regulations applying to no-trace camping and travelling practices, including proper waste disposal. You must make every effort to ensure that your clients, guides and workers leave no evidence of their travels in the wilderness.

According to the regulations, your party must:

- *leave no more evidence of human activity at campsites than existed when you arrived,*
- *use biodegradable soap products for dishwashing, bathing and shampooing in any body of water,*
- *pack out all unburned food,*
- *pack out all human solid waste or bury it under at least 15 cm (6 inches) of soil, and at least 30 metres (100 feet) away from the high water mark of all waterbodies, and*
- *pack out used toilet paper or burn it completely in a campfire.*

No-trace requirements may vary depending on the season and local conditions. That's why it's a good idea to contact the Registrar before starting your trip.

Please pick up a copy of *Into the Yukon Wilderness* from the Department of Environment so you can plan ahead for no-trace wilderness trips. As a wilderness tourism operator, you are expected to do your part to help preserve the high quality Yukon wilderness experience.

Trip reporting requirements

If you take clients into the Yukon wilderness in return for any kind of fee or reward, you must complete and submit trip reports. To be eligible for renewal of your Wilderness Tourism License, you must have met the reporting requirements at the end of the previous season.

You'll need to fill out and submit a trip report once or twice a year, depending on the seasons in which you operate. Check the forms included in this kit. You'll see that the form requires you to describe the general nature and area where your trips have taken place. To show where your trips have taken place, you will need to refer to the map of Wildlife Management Subzones and First Nation Lands.

Trip reports for summer activities are due by October 31 each year. For winter activities, trip reports are due by May 31.

Statistical information obtained from trip reports is used to help keep track of the types, locations and levels of wilderness tourism activity in the Yukon. Any identifying information about your business remains confidential.

Rental reporting requirements

Anyone who rents equipment to commercial or private wilderness travellers must complete and submit a rental report. Vehicles and equipment include canoes, bicycles, all-terrain vehicles, snow machines and any other equipment used to carry people through the wilderness. You are not required to report on items such as tents, sleeping bags or backpacks. For more detail check the rental report form included in this kit.

Like trip reports, summer rental reports are due by October 31 and rental reports for winter activities are due by May 31.

Statistical information obtained from rental reports is used to help keep track of local economic benefits as well as the environmental impacts accumulating from the wilderness tourism sector.

General Business Laws

As a wilderness tourism operator, you need to know about the general business laws that regulate commercial activity in the Yukon. These include laws governing immigration, business registration, vehicle operation and liquor licenses. They are summarized here. It is your responsibility, however, to ensure that you are in compliance with **all** laws that might affect your business.

Immigration laws for non-resident operators and guides

If you are a non-resident of Canada conducting wilderness trips in the Yukon for your clients, you should contact Canada Customs and Immigration ahead of time to ensure that your trip goes smoothly when you arrive.

If you are a non-resident wilderness tourism operator, you must ensure that:

- *all participants in your tour, including clients and guides, have valid passports and visas, where applicable,*
- *you do not advertise for or allow new clients to join the tour in Canada, including local residents,*
- *duty and taxes are paid on any consumable goods brought from outside of Canada because this is a commercial enterprise, and*
- *all firearms are declared (check the current regulations with Canada Customs).*

Work permits

You do not need a work permit if you are a non-resident operator and your Yukon wilderness trip starts and ends outside of Canada. This means that you or your guide must provide the trip from the country of origin and back to the country of origin. For example, if you leave from Frankfurt, Germany with a party of clients you must return to Frankfurt, Germany with the same clients. If you operate a trip under any other conditions, you must obtain a work permit.

If you hire businesses, employees or guides to provide wilderness tourism trips in the Yukon, you must ensure that they are qualified and eligible to do the work. If work permits are required, they can be issued at the point of entry into Canada provided the applicant has completed the proper paperwork.

*For more information, contact Canada Customs and Immigration.
Phone (867) 667-3965. Fax (867) 668-2869.*

A good source of information is the Citizenship and Immigration website at www.cic.gc.ca.

Registering your business

Unless you operate under your own personal name, your business must be registered to legally operate in the Yukon. When applying for a Wilderness Tourism License, you will be required to show proof of your company's incorporation, registration in another jurisdiction, or registration in the Yukon.

How you register in the Yukon depends on the type of business.

- *If you are not incorporated, and you operate under any name other than a personal name, you must register that name under the Yukon Partnership and Business Names Act.*
- *If you operate as a legal corporation from another jurisdiction, you must register in the Yukon as an extra-territorial corporation.*
- *If you intend to operate as a Yukon corporation, you must incorporate under the Business Corporations Act.*

For more information, contact the Yukon Corporate Affairs unit.

Phone (867) 667-5442. Fax (867) 393-6251.

Operating motor vehicles

If you operate a motor vehicle in the Yukon to transport your clients to a wilderness tourism activity, you are responsible for vehicle registration, driver licensing and insurance. Any motor vehicles you own, rent or lease as part of your business must have valid motor vehicle insurance in place.

If you operate snowmobiles or ATV's along Yukon highways, you must comply with the *Yukon Motor Vehicle Act and Regulations* which require that these vehicles be licensed and insured for highway use.

Driver's License requirements

It's up to you to make sure that you and your employees have the correct driver's licenses for the types of motor vehicles you are using.

For more information contact the Yukon Motor Vehicles Branch.

Phone (867) 667-5315. Fax (867) 393-6220. motor.vehicles@gov.yk.ca

Bringing motor vehicles into the Yukon

If you bring a motor vehicle into the Yukon please contact the Motor Vehicles Branch.

Phone (867) 667-5315. Fax (867) 393-6220. motor.vehicles@gov.yk.ca

District Office Locations & Hours

Location: **Whitehorse**, 308 Steele Street, Lynn Building Main Floor
Hours of Operation: Monday to Friday 8:30 A.M. – 5:00 P.M.
Telephone: (867) 667-5315 or 1800-661-0408 local 5315
Fax: (867) 393-6220
E-mail: motor.vehicles@gov.yk.ca

Location: **Carcross**, Yukon Housing Office
Hours of Operation: Tuesday to Saturday 10:00 A.M. – 5:30 P.M.
Telephone: (867) 821-4281

Location: **Carmacks**, Yukon Housing Office
Hours of Operation: Tuesday to Saturday 10:00 A.M. – 5:30 P.M.
Telephone: (867) 863-6411

Location: **Dawson City**, Liquor Store
Hours of Operation: Tuesday to Saturday 10:00 A.M. – 5:30 P.M.
Telephone: (867) 993-5348

Location: **Faro**, Liquor Store
Hours of Operation: Tuesday to Saturday 10:00 A.M. – 5:30 P.M.
Telephone: (867) 994-2724

Location: **Haines Junction**, Liquor Store
Hours of Operation: Tuesday to Saturday 10:00 A.M. – 5:30 P.M.
Telephone: (867) 634-2201

Location: **Mayo**, Liquor Store
Hours of Operation: Tuesday to Saturday 10:00 A.M. – 1.00 P.M.
and 2:00 P.M. – 5:30 P.M.
Telephone: (867) 966-2276

Location: **Old Crow**
Hours of Operation: Phone (867) 966-3518 for an appointment
Telephone: (867) 966-3518

Location: **Ross River**, Yukon Housing Office
Hours of Operation: Tuesday to Saturday 10:00 A.M. – 5:30 P.M.
Telephone: (867) 969-2347

Location: **Teslin**, Yukon Housing Office
Hours of Operation: Tuesday to Saturday 10:00 A.M. – 5:30 P.M.
Telephone: (867) 390-2024

Location: **Watson Lake**, Liquor Store
Hours of Operation: Tuesday to Saturday 10:00 A.M. – 5:30 P.M.
Telephone: (867) 536-7311

Public Carrier License

If you are transporting clients or goods for compensation you must be licensed by the Motor Transport Board as a public carrier.

*For more information, contact the Motor Transport Board.
Phone (867) 667-5782. Fax (867) 393-6408 laurie.hrynuik@gov.yk.ca*

Liquor laws and licenses

A liquor license is required in order to serve or sell liquor, or otherwise provide liquor to clients. Only operators who have a fixed structural premise is eligible to apply.

Where a liquor license does not exist and subject to the policy of the tourism wilderness operator, clients may be permitted to provide their own liquor for consumption during the trip.

It is unlawful to:

- *serve liquor to persons under the age of 19 years (minors);*
- *sell, serve or consume liquor in a motor vehicle; or*
- *allow your passengers or clients to have open liquor in a vehicle.*

You are responsible for knowing and complying with the Yukon liquor laws.

*For more information, contact the Yukon Liquor Corporation.
Phone (867) 667-5245. Fax (867) 393-6306*



Environmental Laws

As a wilderness tourism operator, you need to know about the laws that regulate activities taking place on the land and water, especially any activity that might affect fish, wildlife or public safety.

Federal, territorial, First Nation and municipal governments can help you find out what you need to know to comply with the laws that fall under their jurisdiction. It is up to you, however, to find out exactly what rules you must comply with, and how.

Wherever you plan to go with your clients, you should find out who has jurisdiction over the land or water you will be using on your trip. Contact the appropriate government agencies and inform them of your plans. In turn, they will let you know of any rules that apply to your activity.

Fishing, hunting, trapping and firearm laws

If you or your clients plan to fish, hunt small game or bring a firearm on your wilderness trip, you must ensure that everyone who needs them has the proper licenses and follows the conservation and public safety laws that apply.

Fishing

You must have a valid Yukon Angling License if you want to fish in the Yukon. If you want to fish for Salmon, with the exception of those in stocked lakes, you must have a valid Salmon Conservation Catch Card.

When you buy your license, you will receive a copy of the *Yukon Fishing Regulations Summary*. The regulation booklet is available in English, French and German. You must follow the catch and possession limits and all other regulations described in the booklet. You can fish with a rod, line and hook only. All other methods of taking fish are unlawful unless you have a permit.

Fishing licenses are available at Yukon Department of Environment offices, federal Department of Fisheries and Oceans offices, and most highway lodges, sporting goods stores and convenience stores throughout the Yukon.

For more information about salmon, contact the Yukon Salmon Committee. Phone (867) 393-6725. Fax (867) 393-6738. For more information about freshwater fish, contact the Yukon Department of Environment. Phone (867) 667-5110. Fax (867) 393-6263.

Hunting

As a non-resident of the Yukon, the only animals you can hunt on your own in the summer, without a licensed guide, are rabbits, ground squirrels and porcupines. In the fall, after September 1, you can also hunt grouse, ptarmigan and waterfowl. You must eat the edible portions of any small game you kill.

You need a valid small game hunting license if you plan to hunt small game such as rabbits, ground squirrels, porcupine, grouse and ptarmigan. These licenses are available at Yukon Department of Environment offices and selected sporting goods stores.

You need a valid migratory game bird license if you plan to hunt waterfowl such as ducks and geese. These licenses are available at postal outlets throughout the Yukon.

Non-residents cannot hunt big game animals in the Yukon unless guided by a licensed outfitter and accompanied by a licensed big game guide.

*For more information, contact the Yukon Department of Environment.
Phone (867) 667-5221. Fax (867) 393-6206.*

Trapping

You should be aware that licensed trappers operate in most Yukon wilderness areas. Trapping rights are protected in the *Wildlife Act* as well as in the Yukon First Nation Final Agreements. It is illegal to disturb lawfully set traps.

Most of the cabins you'll find in the backcountry belong to licensed trappers who use them during the winter trapping season. Please do not disturb these cabins or any traps or equipment you find in wilderness areas. Chances are, someone is counting on that cabin being in good shape, and the equipment being in place, when winter returns. If anything is damaged, the trapper's livelihood and safety may be at risk.

*For more information, contact the Yukon Department of Environment.
Phone (867) 667-5221. Fax (867) 393-6206.*

Firearms

A firearm is not a necessary piece of equipment for a Yukon wilderness journey. It's heavy to carry, you can't use it to live off the land and, in the hands of someone who is not well trained in its use, it's a lethal accident waiting to happen. Firearms are not allowed inside Kluane, Ivvavik and Vuntut National Parks.

If you decide to bring a firearm for hunting, or for bear protection, you will have to follow Canada's strict firearm control laws.

For more information, call the Canadian Firearms Centre inquiry line at 1-800-731-4000.

Campgrounds

The Yukon government operates a network of public campgrounds throughout the territory. There are also many privately operated campgrounds and a few municipal campgrounds.

*For more information, contact the Yukon Department of Environment.
Phone (867)667-5648. Fax (867) 393-6223. Or go to www.environmentyukon.gov.yk.ca and click on Campgrounds under Programs & Services.*

For information on privately-operated campgrounds, go to www.touryukon.com/roadtravel and click on Rving & Camping, Campground Locator.

Parks and protected areas

There are a variety of protected places in the Yukon where special laws may apply to commercial wilderness trips as well as other types of outdoor recreation. Existing protected areas in the Yukon include national parks, territorial parks, habitat protection areas, heritage sites and other conservation areas.

With the exception of national parks, existing protected areas have little affect on your wilderness tourism activities because management plans for most of these areas are not yet in place. This will change, however, as management plans are completed and more areas are protected.

For more information, contact Yukon Parks. Phone (867) 667-5648. Fax (867) 393-6223.

National Parks

National parks are governed by the federal *National Parks Act* and are subject to different requirements than territorial parks. You need to apply for a permit if you are planning to offer wilderness trips into Kluane, Ivvavik or Vuntut National Parks.

For more information, contact Canadian Heritage. Phone (867) 667-3910. Fax (867) 393-6701.

Territorial Parks and Habitat Protection Areas

Management plans are now being prepared for a number of territorial parks and habitat protection areas. The plans may have requirements affecting how you and your clients use these sites.

For more information contact the Yukon Department of Environment. Phone (867) 667-5648. Fax (867) 393-6223.

Fishing Branch, Herschel Island and Tombstone Territorial Parks are staffed seasonally with on-site interpretation guides and basic visitor facilities.

For more information contact Yukon Parks, Klondike Region. Phone (867) 993-6850. Fax (867) 993 6548.

Special Management Areas

Special Management Areas (national wildlife areas, national or territorial parks, historic sites, special wildlife or fish management areas, migratory bird or wildlife sanctuaries, designated heritage sites, watershed protection areas or other areas) established in First Nation Final Agreements may have requirements affecting how you and your clients use these sites.

For more information, contact the Yukon Land Claims Secretariat. Phone (867) 667-5035. Fax (867) 667-3599.

Heritage Sites

Designated Heritage Sites in the Yukon include Fort Selkirk on the Yukon River, Forty Mile at the confluence of the Yukon and Fortymile rivers, Lapierre House on the Bell River, and Rampart House on the Porcupine River. These sites are co-owned and co-managed by local First Nations and the Yukon Government. Fort Selkirk features interpretive guides and a comfortable campground. Interpretive staff will explain special rules governing the use of this site when you arrive.

Management plans are now in place or are in preparation for a number of other territorial Heritage Sites and Heritage Rivers such as the Thirty Mile section of the Yukon River. Yukon Heritage Sites are protected and managed cooperatively by the Yukon and First Nation governments. The management plans may have requirements affecting how you and your clients use these sites.

For more information, contact the Yukon Cultural Services Branch. Phone (867) 667-5386. Fax (867) 667-8023.

Land use permits

Most wilderness tourism operators will not require a land use permit/lease because wilderness tourism activities do not normally involve altering the land, or lengthy stays by large groups of people in one location. However, you may find the following information to be useful when planning a wilderness experience for your clients.

Yukon Lands

The Government of Yukon now manages most Yukon lands, excluding First Nation Settlement Land, national parks and private land. The type and length of a proposed land use may require a land use permit or a land lease.

For more information, contact the Lands Branch, Department of Energy, Mines & Resources. Phone (867) 667-5215. Fax (867) 393-6340.

Campfires

A person may start a campfire on Yukon lands but only for the purposes of obtaining warmth or cooking food. Only dry/dead trees (standing or down) may be used. Permits are no longer required.

The Department reserves the right to impose a ban on all burning, including campfires, when deemed necessary, due to fire weather behavior.

Protecting Trees

No trees can be cut or damaged on Yukon lands without a valid timber cutting permit, except to start a campfire for the purposes of obtaining warmth or cooking food.

For more information, contact the District office in your area.

Southern Lakes (Whitehorse) District: 456-3877

Klondike (Dawson) District: 993-5468

Kluane (Haines Junction) District: 634-2256

Carmacks District: 863-5271

Mayo District: 996-2343

Tintina (Watson Lake) District: 536-7335

Ross River: 969-2242

Teslin: 390-2531

Heritage resources laws


There are thousands of historic places and structures in the Yukon, many of which are found off road along traditional travel routes and waterways. They include old abandoned trading posts and roadhouses, fully-restored building, and the remains of paddlewheelers and World War II army vehicles. You may also see First Nation hunting caches and fish camps at ancient sites, which are still used today.

You and your clients are allowed to visit these sites, unless they are located on First Nation Developed Settlement Land (see part 6). But keep in mind that historic resources are fragile and maybe dangerous. Yukoners trust wilderness travelers to respect old buildings and heritage sites. You and your guides are expected to inform your clients about proper conduct around these places, especially gravehouses and burial sites. Please help preserve our heritage and leave all historic resources exactly as you find them.

The *Yukon Historic Resources Act* and First Nation Final Agreements protect heritage resources outside of national parks and national historic sites.

- *It is unlawful to dismantle, remove or burn any part of a historic structure.*
- *It is unlawful to search or dig for historic objects, or to disturb, remove, alter or export any such objects without a permit. These objects might include ancient bone and stone tools, burial sites, fossils, old mammoth bones, as well as goldrush and wartime structures and artifacts.*



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- You must report any accidental discovery or unearthing of historic sites or objects to the Yukon Cultural Services Branch or to the First Nation if the find is on Settlement Land.
 - All burial sites are sacred places and must be treated with respect. You and your clients must not touch anything at these sites. The discovery of human remains or bones must be reported to the RCMP and if the site is a suspected First Nation site, to the First Nation in whose traditional territory the discovery is made.

For more information, contact the Yukon Cultural Services Branch.
Phone (867) 667-5386. Fax (867) 667-8023.

Scientists and Explorers License

If you or your clients are planning to carry out any scientific research, it must be done under a Scientists and Explorers License. You must submit your license application well in advance of the research.

For more information, contact the Yukon Cultural Services Branch.
Phone (867) 667-5386. Fax (867) 667-8023.

Water use and safety laws

Fisheries Act

The federal *Fisheries Act* protects fish and their habitat. The *Act* prohibits:

- the harmful alteration or disruption of fish habitat, and
- the deposit of harmful substances in waters used by fish. This means that you cannot deposit sewage into a river used by fish without having the authority to do so.

For more information, contact Department of Fisheries and Oceans.
Phone (867) 393-6722. Fax (867) 393-6738.

Waters Act

The *Waters Act* regulates the use, diversion and discharge of water, as well as the deposit of waste into water.

Regulated activities include water use, crossings, pipelines, erosion control measures, interference with existing water usage, and the construction of bridges, culverts, and docks.

All of these activities require a water license.

For more information, contact the Yukon Territory Water Board.
Phone (867) 456-3980. Fax (867) 456-3890.

Navigable Waters Protection Act

The federal *Navigable Waters Protection Act* (NWPA) allows for works to be built in, over or under a navigable waterway while protecting the public right of navigation.

If you plan to build a dock or other structure in, over, through or across a navigable waterway, you must first apply to the Canadian Coast Guard or the Department of Fisheries and Oceans.

For more information, contact the Canadian Coast Guard.
Phone (604) 775-8866. Fax (604) 775-8828.

First Nation Final Agreements

First Nation Final Agreements have rules affecting commercial use of waterfront right-of-ways bordering on First Nation Settlement Land. For more information see Part 6.

Boating Safety

If you will be taking clients on rivers or lakes you need to be aware of safety issues.

Kayaks and canoes

Kayaks and canoes are ideal for the quiet enjoyment of Yukon waterways. These boats are often used to explore remote areas and are occasionally vulnerable to accidents. Be prepared, practiced and well equipped for your activities. Personal flotation devices are required, and flares can be useful in an emergency.

Power-driven boats

New safety rules and regulations came into effect for power driven boats on January 1, 1999.

- *You must have the required safety gear on board including approved personal flotation devices to fit each person.*
- *All safety gear must be in working condition.*
- *All vessels with a motor of 9.9 HP or greater must be licensed. Free licenses can be obtained from Revenue Canada, Customs Border Services. Phone (867) 667-3943. Fax (867) 668-2869.*
- *Competency requirements applying to all operators of power driven recreational vessels will be phased in over a ten-year period.*
- *Small vessel regulations include new speed limits and safety precautions for fuelling, towing and water-skiing.*
- *Drinking and driving is not permitted.*

For more information, or a copy of the Canadian Coast Guard NWPAct: Phone (604) 775-8866. Fax (604)705-8828

For Safe Boating information, or a copy of the Canadian Coast Guards' Safe Boating Guide, contact the Boating Safety Infoline. Phone 1-800-267-6687 or go to their website at <http://www.pacific.ccg-gcc.gc.ca>

Marine Liability Act

Under the federal *Marine Liability Act* governing the carriage of passengers by water on commercial and public purpose vessels, wilderness tourism operators who provide water based activities aboard vessels should be aware that waivers of liability are considered invalid except for non-marine components of a trip.

For more information contact International Marine Policy, Transport Canada. Phone (613) 998-1841.

Search and Rescue

You are expected to know the wilderness area through which you will be travelling and to be familiar with basic wilderness safety issues.

It's a good idea to complete a Trip Checklist and Sign Out form before you leave on a wilderness trip. Forms are available from the RCMP or Emergency Measures Organization. The form should be left with a responsible person who will contact the RCMP or the Emergency Measures Organization if your party does not return when planned.

If your wilderness trip includes remote areas in the Yukon, you may wish to consider carrying a battery-powered emergency transmitter known as a Personal Locator Beacon (PLB). When activated it sends coded signals that alert search and rescue authorities.

The RCMP are responsible for search and rescue in the Yukon.

For more information contact the Emergency Measures Organization. Phone (867) 667-5220. Fax (867) 393-6266. You can also contact the RCMP. Phone (867) 667-5555.

First Nation Lands

Wilderness tourism operators, as well as their employees and clients, need to know that Yukon land claim agreements have resulted in major changes in land ownership and management in the Yukon.

Yukon First Nation Final Agreements, the *Inuvialuit Final Agreement* and the *Gwich'in Comprehensive Land Claim Agreement* contain provisions that govern wilderness tourism and other activities on Settlement Lands. A list of First Nations is included in your wilderness tourism licensing kit along with a map showing Traditional Territories as well as Settlement Areas of the Inuvialuit and the Tetlit Gwich'in.

First Nations with Final Agreements

Settlement Lands – Undeveloped or Developed

Under Yukon First Nation Final Agreements, Settlement Land means Category A, B, or Fee Simple Settlement Lands. Settlement Lands are parcels of land located within the First Nation's Traditional Territory. Settlement Land can be designated Undeveloped or Developed. It is crucial to find out if there are any Developed Settlement Lands on your travel route because the general right of access (outlined below) does not apply. Contact the First Nation office in the Traditional Territory through which you will be traveling, or the Yukon Department of Environment to confirm the status of the Settlement Land you wish to access.

Commercial access – your rights (Undeveloped Settlement Land only)

As a commercial wilderness tourism operator, you and your clients do not require the consent of the First Nation, to enter, cross and make necessary stops on Undeveloped Settlement Land, in order to reach other adjacent Non-Settlement Lands. However, this general right of access is subject to the responsibilities described below.

- You do not need the consent of the First Nation to exercise this right as long as your access is of a casual and insignificant nature, or the travel route has a history of regular use and will not be altered by your access.
- If your access plans do not meet these conditions, you must ask for permission from the affected First Nation. Remember, as a commercial operator, you have a right to access Undeveloped Settlement Land only when you need to cross these lands to reach adjacent Non-Settlement Lands.
- When using Undeveloped Settlement Land you and your clients must not damage the land or structures, interfere with the use and enjoyment of the land by the First Nation, or commit acts of mischief. A person who does any of these things is considered to be a trespasser.

Commercial access – additional responsibilities (Developed and Undeveloped Settlement Lands)

When using Settlement Land, you need to comply with any laws set by the First Nation for the purpose of managing the land and resources. As of July 1, 2003, the Champagne and Aishihik First Nations has special laws governing heritage research on its Settlement Lands, and the Teslin Tlingit Council has special laws governing fish and wildlife on its Settlement Lands. The best way to ensure compliance is to contact a First Nation before using its Settlement Land.

If you need to access a waterfront right-of-way beside or within Settlement Land, as a commercial recreation operator, you must first obtain permission from the First Nation. (A waterfront-right-of-way exists from the high water mark to a distance of 30-metres inland, along most navigable waterways.) If you cannot get permission, you can ask the Surface Rights Board for an order setting out the terms and conditions of access, but only if the access is reasonably required.

If you want to build a permanent camp or structure in a waterfront right-of-way beside or within Settlement Land, you must first obtain permission from the government and the affected First Nation.

If you plan to provide hunting or fishing activities as part of your wilderness tourism package, there may be restrictions applying to your use of Settlement Land.

First Nations without Final Agreements

While not required, you are strongly encouraged to inform a First Nation without a signed Final Agreement that you will be operating within their Traditional Territory.

The aboriginal right to fish, hunt and trap for food

At any time of year, you and your clients may encounter First Nation people hunting or fishing for food. The subsistence lifestyle is a highly valued part of the culture and tradition of Yukon First Nation People. Their right to hunt, fish and trap for food — any species, in any numbers, at any time — is confirmed in land claim agreements. Please show respect for these traditions and laws.

*For more information contact the affected First Nation or the Yukon Land Claims Secretariat.
Phone (867) 667-5035. Fax (867) 667-3599.*

