

SETTLEMENT LAND ACCESS REGULATION

Table of Contents

Short Title.....3

Definitions3

Delegation3

Application of this Regulation3

Access to Settlement Land3

Notification Required3

Application for an Access Permit.....3

Contents of an Application for an Access Permit.....4

Conditions of an Access Permit4

Requirement for Other Approvals Continues.....5

Assignment of Permits5

Forms.....5

Schedule 1 – Notification Requirements

Schedule 2 – Access Permit Application

Schedule 3 – Access Permit

The following regulation is made by the Executive Council pursuant to section 170 of the *Teslin Tlingit Land and Resources Act 2016*:

Short Title

1. This regulation may be cited as the *Settlement Land Access Regulation*.

Definitions

2. Unless otherwise defined in this regulation, terms have the same meaning as in the *Teslin Tlingit Land and Resources Act 2016*.

3. In this regulation,

“Act” means the *Teslin Tlingit Land and Resources Act 2016*;

“access permit” means a permit issued under this regulation containing the information set out in Schedule 3;

“regulation” means this regulation, and includes all requirements set out in schedules to this Regulation; and

“right of access” means a right of access to settlement land pursuant to the Final Agreement.

Delegation

4. The Director of Lands is hereby authorized to issue access permits in accordance with this regulation.
5. The Director of Lands may, with the consent of the Executive Council, assign the performance of any duties of Director of Lands under this regulation to any officer, employee, contractor or agent of TTC.

Application of this Regulation

6. This regulation applies to persons exercising or seeking to exercise a right of access.

Access to Settlement Land

7. All persons purporting to exercise a right of access must first obtain an access permit in accordance with this regulation subject to the following exceptions:
 - (a) persons exercising a right of access where the Final Agreement expressly provides that TTC’s consent is not required; and
 - (b) persons accessing settlement land in accordance with a valid order of the Surface Rights Board pursuant to 6.3.3 of the Final Agreement.

Notification Required

8. Persons purporting to exercise a Final Agreement right of access listed in Schedule 1 must notify TTC prior to exercising the right of access in a manner provided for in Schedule 1.

Application for an Access Permit

9. (1) A person requiring TTC’s consent for access to settlement land under section 7 must submit an application containing the information set out in Schedule 2 to the Director of Lands in person during regular business hours, by electronic mail, or by regular mail.

- (2) The Director of Lands shall date-stamp the application upon receipt.
- (3) If the Director of Lands determines the application is not complete, the Director of Lands will so advise the applicant within 10 working days of the application having been submitted to the Director of Lands or such other reasonable period as the Director of Lands may decide.
- (4) The applicant shall supply such further information that is necessary for the purpose of regulating access and that is requested by the Director of Lands within 30 days of the request or within an otherwise agreed-upon period of time.

Contents of an Application for an Access Permit

10. The Director of Lands must grant an access permit if he or she is satisfied that the proposed exercise of the access right:
- (a) is consistent with an access right as defined in the Final Agreement;
 - (b) is reasonably required; and
 - (c) interferes as little as possible with the use and peaceful enjoyment of land by TTC and lawful residents on settlement land.
11. The Director of Lands may consider the following factors in deciding whether to grant an access permit under section 10:
- (a) the purpose of access;
 - (b) the nature of access;
 - (c) the method or manner of access;
 - (d) length of access;
 - (e) seasons, times, and locations of access;
 - (f) effects on the environment;
 - (g) effects on fish and wildlife and their habitat;
 - (h) whether there is practical and reasonable access across Crown Land;
 - (i) potential conflicts with traditional and cultural uses of settlement land by TTC and its members;
 - (j) effects on the use and peaceful and enjoyment of land.

Conditions of an Access Permit

12. (1) Without limiting the discretion of the Director of Lands to impose conditions on an access permit, every access permit is subject to the following conditions:
- (a) the permittee shall not:
 - (i) cause significant damage to settlement land or to improvements on settlement land;
 - (ii) commit mischief;
 - (iii) interfere with the use and peaceful enjoyment of settlement land by TTC, citizens, and residents or other occupants,
 - (b) the permittee shall at all times bear full responsibility for any accident which may occur, or damage which may be done to any person or property whatsoever, caused directly or indirectly by the activities authorized by the access permit, and shall save harmless and keep indemnified TTC from all claims and demands whatsoever in respect of the permittee's activities.
- (2) Despite subsection (1), every access permit issued for the purposes of 6.4.1 or 6.4.2 of the Final Agreement for a program or project that will last more than 120 consecutive days is subject to
- (a) the conditions provided at 6.4.3 and 6.4.4 of the Final Agreement; and
 - (b) any discretionary conditions imposed by the Director of Lands that do not conflict with the conditions at paragraph (a).
- (3) Where Yukon Government is the applicant for an access permit other than for the purposes of s. 6.4.1 or 6.4.2 of the Final Agreement:
- (a) the application must include a statement regarding any statutory constraints on the applicant's ability to provide the indemnity at subsection 1(b); and

- (b) Executive Council may waive the requirement that subsection (1)(b) forms a term and condition of the licence where Executive Council is satisfied that waiving the requirement is reasonable in the circumstances, and it is in TTC's best interest to do so.

Requirement for Other Approvals Continues

13. The granting of an access permit or an exemption from the requirement to obtain an access permit does not relieve any person from the requirement to obtain any other approvals lawfully required under any applicable law.

Assignment of Permits

14. An access permit may not be assigned except as authorized by the Director of Lands.

Forms

15. (1) The Executive Council may amend the schedules to this regulation by resolution.
- (2) For greater certainty, section 56 of the *Administration and Interpretation Act* does not apply to amendments to the schedules.