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***A Guide To Territorial Land Use Regulations***  
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## **A Guide to Territorial Land Use Regulations**

### **Addendum**

- 1 Page 6, first column - the reader is advised that permits and licences required for operations which need access to or across Inuvialuit lands are available from the Inuvialuit Lands Administration. These lands are located in the northwest sector of the Northwest Territories. For detailed information on location of Inuvialuit lands and the regulations which apply to these lands contact the Inuvialuit Lands Administration, located in Inuvik, N.W.T.
- 2 Page 6, first column - The responsibility for the administration and management of the forest resources in the Northwest Territories has been transferred from the Minister of Indian Affairs and Northern Development to the Minister of Renewable Resources, Government of the Northwest Territories. To obtain detailed information concerning timber licences and permits to cut trees, please contact the Forest Management Division, Department of Renewable Resources, Government of the N.W.T., in Yellowknife.
- 3 Page 9, second column and N.W.T. map- Frobisher Bay, N.W.T. has been renamed and is now called Iqaluit, N.W.T.

This information brochure contains answers to questions usually asked regarding the "Territorial Land Use Regulations", and provides information on how they are administered.

The information contained in this brochure should be regarded only as a general guide. For more detailed information please refer to the "Territorial Land Use Regulations" or contact one of the Department of Indian Affairs and Northern Development (DIAND) offices listed at the back of this brochure.

Land Resources, Northern Affairs Program, Indian and Northern Affairs Canada.

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# Territorial Land Use Regulations

## What are the *Territorial Land Use Regulations* ?

These Regulations were enacted in 1971, pursuant to the "Territorial Lands Act". Through the Regulations, the Federal government controls land use activity on Territorial Lands in the Yukon and NWT, ensuring that any disturbance of the environment is within acceptable limits.

## What are Territorial Lands?

Territorial Lands are federal crown lands in the NWT and Yukon which are under the control of the Minister of the Department of Indian Affairs and Northern Development. These do not include lands under the control of the Government of the Yukon or NWT or those lands which have been leased or sold.

## Do the Territorial Land Use Regulations affect me?

If you wish to conduct a "Land Use Operation" on Territorial Lands you must first obtain a Land Use Permit. Figure 1 illustrates the type of activities which constitute a "Land Use Operation" requiring a Class A or Class B land use permit.

## Who administers the Regulations?

The Regulations are administered by the Government of Canada through the Minister of DIAND who appoints:

- Land Use Engineers to review land use applications and where appropriate issue Land Use Permits.
- Land Use Inspectors to conduct field inspections to ensure compliance with the Regulations and the Land Use Permits.

**Figure 1**  
**A Land Use Permit is required**  
**for any project involving one or more of**  
**these activities.**

<b>Activity</b>	<b>Class A Permit</b>	<b>Class B Permit</b>
<b>Explosives</b>	<b>More than 150 kilograms in any 30-day period.</b>	<b>More than 50 kilograms but less than 150 kilograms in any 30-day period.</b>
<b>Use of Vehicles</b>	<b>Any vehicle exceeding 10 tonne net weight.</b>	<b>Any vehicle of 5 to 10 tonne net weight or exerting a pressure of more than 35 kilopascals (5 pounds per square inch).</b>
<b>Drilling</b>	<b>Equipment with an operating weight of more than 2.5 tonne, not including drill rods, bits, pumps, etc.</b>	<b>Equipment weighing 500 kilograms to 2.5 tonne, excluding drill rods, etc.</b>
<b>Campsites</b>	<b>In use for more than 400 man-days.</b>	<b>In use for 100-400 man-days by more than two people.</b>
<b>Fuel Caches</b>	<b>Any cache of more than 80,000 litres, or any single container with more than 4,000 litres.</b>	<b>Any cache of 4,000 to 80,000 litres, or any single container of 2,000-4,000 litres.</b>
<b>Earth moving and clearing; hydraulic prospecting</b>	<b>Use of any self-propelled or stationary machinery.</b>	
<b>Preparation of lines, trails or rights-of-way</b>	<b>Line, trail or r-o-w more than 1.5 metres wide and 4 hectares in area.</b>	<b>Line, trail or r-o-w more than 1.5 metres wide, but less than 4 hectares in area.</b>

# Application for a Land Use Permit

## How do I obtain a Land Use Permit?

Obtain an application form and "Guide" to completing the application from any DIAND office. Once fully completed send or take the application form along with a plan of operations and the appropriate fee to the Land Use Engineer (Engineer) for the region in which your work will be done.

## How long does it take to obtain a Land Use Permit?

Most Permits are issued within 42 days of receipt of the application by the Engineer; however, if field studies are required the decision may be delayed up to 12 months. The time really depends on the type, size and location of the proposed activity.

Who reviews my Land Use Application? Depending upon the size and location of your operation, the Engineer may seek the advice of other government officials, community groups and special interest groups. Figure 2 illustrates the normal steps in the application review process.

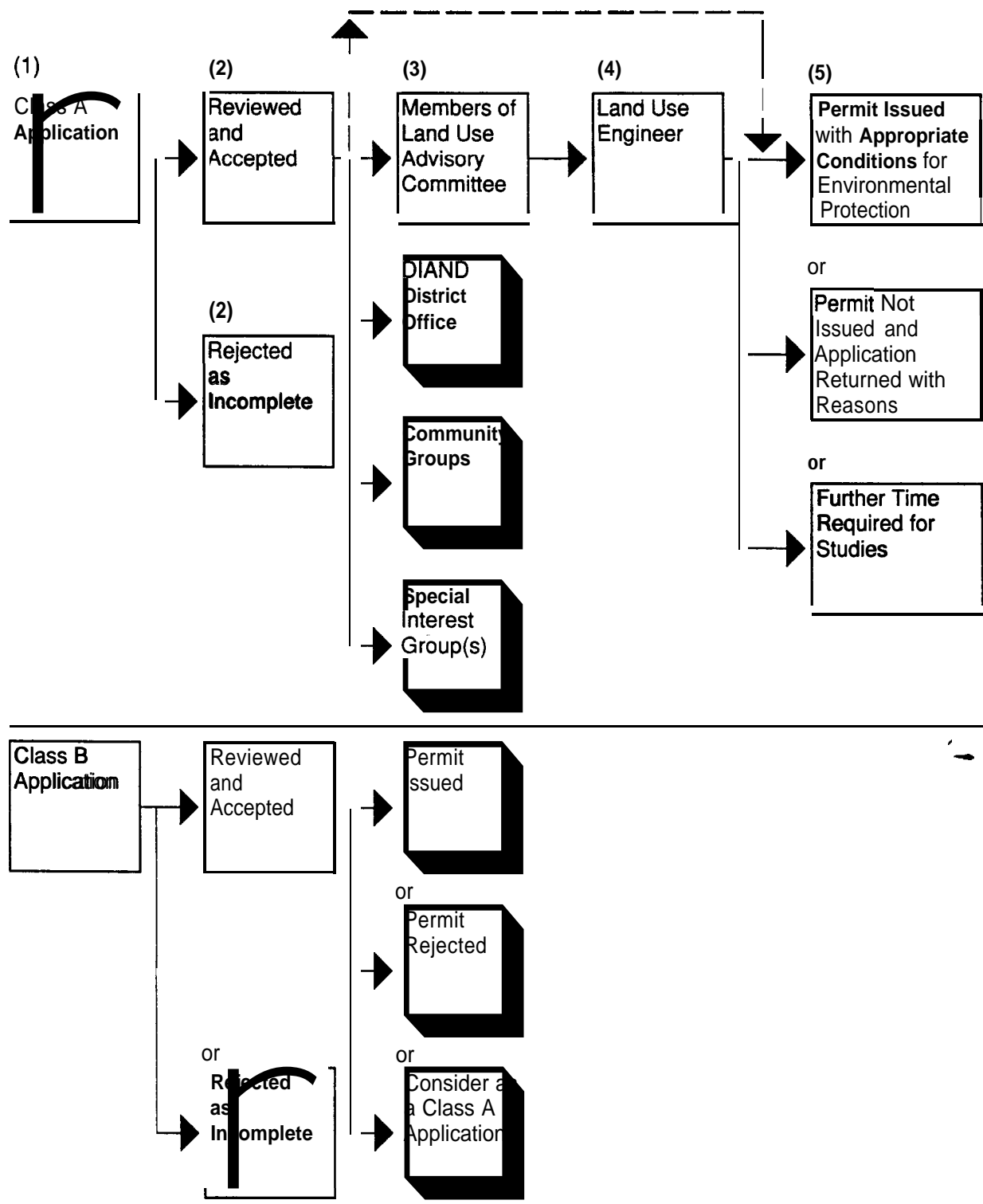
## Is there a fee charged for a Land Use Permit?

**Yes.** For a Class "B" permit there is an application fee of \$10.00. For a Class "A" permit the application fee is \$20.00. In addition, where lands used exceed 2 hectares, there is a fee of \$20.00 per hectare south of the 65th parallel and \$10.00 per hectare for those lands north of the 65th parallel.

## Will I be required to make a security deposit?

Security deposits are not normally required, however in some cases a security deposit may be required to ensure compliance with the Regulations and the Land Use Permit.

**Figure 2  
Land Use Application Review Process**



Is **the** Land Use Permit the **only DIAND** approval I will require before starting work?

As this depends upon **the type and** location of your specific project you should contact a **DIAND** official for advice. Some other **DIAND** permits you may require are:

- Water Authorization or License for the use of water, disposal of water borne wastes or work within a waterway;
- Timber Permit for harvesting timber;
- Burning Permit for burning brush and debris during the forest fire season;
- Quarry Permit for removal of rock or granular materials.

**Note:** Other approvals may be required from the Territorial Government or other federal government departments.

What **about Emergencies?**

**The** Regulations provide that any person in an emergency that threatens life, property or natural environment may without a Land Use Permit; carry out such operations as he deems necessary to cope with the emergency however, immediately thereafter, he must notify a Land Use Engineer.

# Land Use Permit

How long is my Land Use Permit valid? Land Use Permits are issued for the period of the proposed activity but no Permit can be issued for a period of more than two years. Your Permit can be extended for up to one year, provided the engineer receives your request for an extension prior to the expiry date on your Permit.

Does my Land Use Permit grant any rights to the surface of the land? No. A Land Use Permit authorizes temporary use of the land, any long term occupation of Territorial Lands will require a surface lease. Contact any DIAND office for more information on leasing or other forms of more permanent land tenure.

Does my Land Use Permit contain any conditions? Yes, everyone must comply with the general provisions of the Regulations and the specific operating terms and conditions annexed to their Permit.

Some of these conditions may establish:

- time limits based on season of operation;
- garbage disposal methods;
- fuel storage methods;
- erosion prevention methods;
- brush disposal methods.

## **Can I start my field work before receiving the Permit?**

**No**, you must have the Permit displayed at the work site before starting work as the Permit may contain specific operating conditions for your project.

Do I need approval to modify my program?

Yes, requests for modifications are to be made in writing to the Engineer with the exception of minor changes which the Land Use Inspector may approve on site.

## **Can I assign my Permit?**

**Yes**, the application for assignment must be made to the Engineer at least ten days prior to the effective date of assignment.



# Inspection

# Completion of the Project

## **Will my program be inspected?**

**Yes.** There may be an inspection of the land to be used before you begin work to determine the operating conditions to be included in the permit, as well as interim inspections during the operation and a final inspection upon completion of the program.

## **What is the purpose of an inspection?**

**The primary objective of a land use inspection is to prevent environmental problems by monitoring the permittee's compliance with the terms and conditions of his permit.**

## **What is the penalty for doing something wrong?**

Depending upon the seriousness of the offence your operation can be suspended and/or the permit cancelled.

In addition, the Territorial Lands Act provides for a daily fine of up to \$5,000 for each continuing day of an offence.

## **What is a Final Plan?**

A Final Plan is a report made to the Engineer by the permittee within 60 days of completion of his activity; it shows all lands used and includes a land use fee calculation.

## **How do I know when I have met the obligations of my permit?**

Once you have notified the Land Use Inspector that the operation is complete and the site restored, a final inspection will be carried out. Providing all the Permit operating conditions have been met, the Engineer will issue a "Letter of Clearance".

## **Can equipment and materials be stored at the site upon completion of the work?**

If you anticipate returning for further work, the Engineer may allow material to be stored on the site. You must receive prior approval for this storage, otherwise you are expected to remove all equipment and materials used during the operation.

# DIAND

## Northern Affairs Program Offices

### Northwest Territories

Regional Director  
**DIAND,**  
Box 1500  
Yellowknife, N. W. T.  
XIA 2R3

District Manager  
**DIAND,**  
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XOE OTO

District Manager  
**DIAND,**  
Box 150  
Fort Simpson  
XOE ONO

District Manager  
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X1A 2R3

District Manager  
**DIAND,**  
Box 658  
Fort Smith  
XOE OPO

District Manager  
**DIAND,**  
Rankin Inlet  
XOC OGO

District Manager  
**DIAND,**  
Frobisher Bay  
XOA OHO

Resource  
Management  
Officer  
**DIAND,**  
Box 126  
Norman Wells  
XOE OWO

Resource  
Management  
Officer  
**DIAND,**  
Fort Liard  
XOG OAO

Resource  
Management  
Officer  
**DIAND,**  
Box 1420  
Hay River  
XOE ORO

Assistant District  
Manager  
**DIAND,**  
Baker Lake  
XOC OAO

### Yukon Territory

Regional Director  
**DIAND,**  
200 Range Road  
Whitehorse, Yukon  
YIA 3V1

Resource  
Management  
Officer  
**DIAND,**  
Box 289  
Watson Lake, Yukon  
YOA 1CO

Resource  
Management  
Officer  
**DIAND,**  
Ross River, Yukon  
YOB 1S0

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Box 100  
Mayo, Yukon  
YOB IMO

Resource  
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Officer  
**DIAND,**  
Haines Junction, Yukon  
YOB ILO

Resource  
Management  
Officer  
**DIAND,**  
Box 279  
Dawson City, Yukon  
YOB IGO

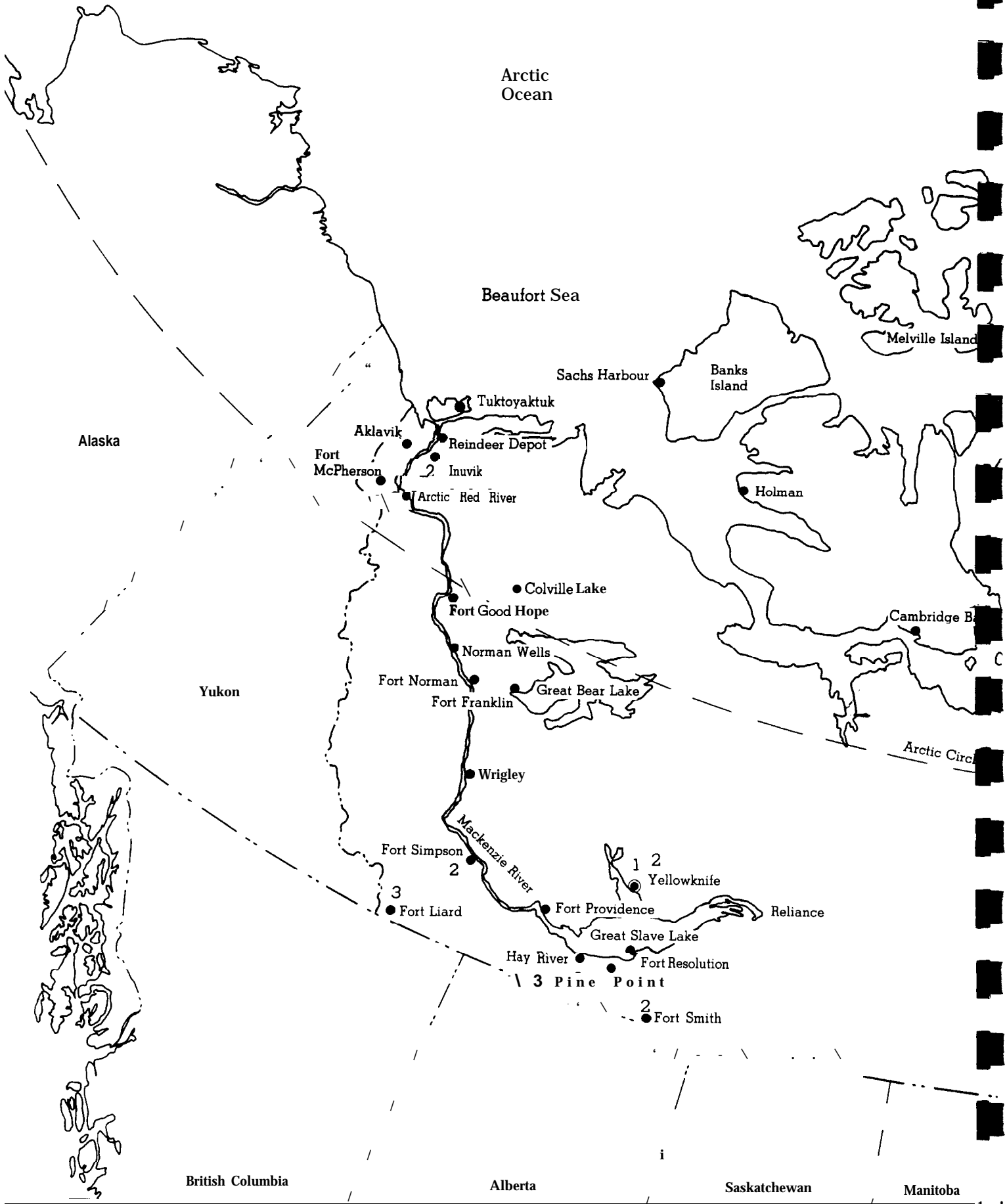
Resource  
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**DIAND,**  
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**Northwest Territories**

- 1 — Regional Office
- 2 — District Office
- 3 — Sub-District Office





# Yukon

1 — Regional Office

3 — Resource Management Office

