

**RULES FOR SPOT LAND APPLICATIONS**  
**(Part 4, Division 2)**

Pursuant to section 135 of the *Lands Act*, the director makes these Rules for Spot Land Applications.

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**1. DEFINITIONS AND INTERPRETATION**

**Headings**

- 1.1. The headings preceding each section of these Rules are included for convenience only and do not form part of the Rules.

**Terms in the Act**

- 1.2. A word or term defined in the Act or regulations has the same meaning when used in these Rules.

**Definitions**

- 1.3. In these Rules;

“Act” means the *Lands Act*;

“application” means an application for an interest in land;

“authorized representative” means the person that is empowered to act for or represent another person;

“regulation” means the *Lands Regulations*.

**2. GENERAL**

**Authorized representative**

- 2.1. In these Rules a reference to an applicant includes the authorized representative of the applicant.

**Computation of time**

- 2.2. In these Rules, if the time for doing an act falls or expires on a Saturday, Sunday or holiday, the act may be done on the next day following that is not a Saturday, Sunday or holiday.

**3. APPLICATION FOR ALLOCATION**

**Applicant**

- 3.1. A beneficiary or citizen may apply for an allocation in settlement land by submitting to the director an application containing the information set out in section 3.2.

**Contents of application**

- 3.2. An application for an allocation must contain the following information:  
(a) name and permanent mailing address of the applicant;

- (b) telephone number or email address of the applicant;
- (c) signature of the applicant;
- (d) location of the parcel of settlement land;
- (e) proposed use of settlement land; and
- (f) other information that the director considers is required in order to make a determination under section 28 of the Act.

#### **Additional information**

**3.3.** The director may require an applicant under s. 3.1 to provide the following information:

- (a) a decision document pursuant to YESAA;
- (b) an environmental site assessment to determine the environmental condition of the lands and the presence of any contaminants; or
- (c) a heritage assessment.

#### **Grant of allocation – criteria to be considered**

**3.4.** In determining whether to grant an interest under section 28 of the Act, the director must consider:

- (a) the eligibility of the applicant to hold the allocation;
- (b) an outstanding debt owed to Kwanlin Dün First Nation by an applicant;
- (c) an obligation to Kwanlin Dün First Nation that is in default by an applicant;
- (d) the term of the allocation;
- (e) the requirement for an assessment under YESAA;
- (f) unpaid property taxes by the applicant;
- (g) the suitability of the land for the intended purposes;
- (h) the interests of beneficiaries;
- (i) the interests of Kwanlin Dün First Nation; and
- (j) any other factor the director considers relevant to making a determination.

#### **4. APPLICANT RESPONSIBILITIES – LEASE OR EASEMENT**

**4.1.** A person who wishes to submit an application for a lease or an easement must

- (a) complete the relevant application form; and
- (b) submit the completed form with the applicable fee to the department.

#### **5. ADMINISTRATIVE REVIEW**

**5.1.** Within seven (7) business days of receipt of an application, the department must review the application to determine whether it meets policy or legislative requirements and contains the information required by the rules or regulations.

**5.2.** If the department determines that the application does not meet policy or legislative requirements or does not contain the required information, the department may require an applicant to provide further clarity, information, or documents; or recommend to the director that the application be rejected.

- 5.3. If the department determines that an application meets the policy and legislative requirements and contains the required information, the department must commence the comprehensive review.

## 6. COMPREHENSIVE REVIEW

### A. *Yukon Environmental & Socio-economic Assessment Act*

- 6.1. No later than ten (10) business days after the administrative review has been completed, the department must determine whether or not KDFN is required to issue a decision document pursuant to YESAA.
- 6.2. If the department determines that KDFN is required to issue a decision document pursuant to YESAA, the department must
- (a) inform the applicant, in writing, of its determination; and
  - (b) provide notice in accordance with section 6.4.
- 6.3. If the department determines that KDFN is not required to issue a decision document pursuant to YESAA, the department must provide notice in accordance with section 6.4.

### B. Public Input

#### Notice

- 6.4. The department must provide notice of an application to the public by publishing the application on the department webpage and in such other manner as the department considers appropriate.
- 6.5. The notice in section 6.4 must contain a deadline date, as determined by the director, by which a person must submit comments on the application.
- 6.6. Notwithstanding section 6.5 and subject to section 6.7, the deadline date specified in the notice under section 6.4 must not be later than sixty (60) calendar days of the date of the notice.
- 6.7. The director may establish a deadline date longer than sixty (60) calendar days in exigent circumstances. Exigent circumstances include, but are not limited to,
- (a) Kwanlin Dün First Nation election; or
  - (b) a health or public safety emergency.

#### Extension of deadline date

- 6.8. A person may request an extension of the deadline date on or before the deadline date specified in the notice.

6.9. If a person wishes to request an extension, the request must be made to the director in writing and must contain the following information:

- (a) name and permanent mailing address including postal code of the person,
- (b) telephone number and email address of the person; and
- (c) a clear rationale for the request.

6.10. The director must provide a response to the person who has requested the extension and to the applicant within two (2) business days of receipt of the request and, if the deadline date has been extended, post the revised deadline date on the department webpage.

#### **Comment submission**

6.11. If a person wishes to submit comments to the director in response to a notice of application, the comment submission must contain the following information:

- (a) name, permanent mailing address including postal code of the person, telephone number and email address of the person,
- (b) a clear and detailed description of and rationale for the person's issues and concerns, and
- (c) a copy of all supporting documents, if any.

#### **Comment submission after deadline date**

6.12. If a person has not requested an extension of the deadline date under section 6.8 but submits a comment submission after the deadline date, the director may consider the comment submission if the submission is relevant and reliable.

6.13. For greater clarity, the director is not required to consider a comment submitted after the deadline date and the decision to consider the comment is within the sole discretion of the director.

#### **Applicant to be notified**

6.14. The department must notify an applicant of extensions to deadlines made under section 6.10 and must provide an applicant with copies of comment submissions.

#### **Completion of comprehensive review**

6.15. Unless the director grants an extension of the review period, the department must complete the comprehensive review within thirty (30) calendar days of the deadline date specified in the notice or of the extended deadline date.

6.16. The director may not grant more than one extension to the review period referred to in section 6.15.

#### **Director may seek views and information**

- 6.17.** At any time during or after the administrative or comprehensive reviews, the director may seek views and information the director considers relevant to making a decision under Part 7.

**7. DECISION OF THE DIRECTOR**

**7.1.** The director must approve or deny an application:

- (a) after the director has sought the views and information that the director considers relevant;
- (b) after the comprehensive review is complete;
- (c) if a YESAA decision document is required, after it has been issued; or
- (d) if consultation is required, after it is complete.

**7.2.** The director must provide the decision made under 7.1, in writing, to the applicant and to the persons who have submitted comments pursuant to section 6.11.

**7.3.** A copy of the decision must be posted on the department webpage.

**8. DECISION OF THE APPLICANT**

**8.1.** If the director approves an application, within thirty (30) calendar days of the date of the director's decision an applicant must provide to the director written confirmation that the applicant accepts or rejects the approval.

**8.2.** If an applicant does not provide written confirmation within thirty (30) calendar days, the department may close the application.

**APPROVED:**

  
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**Greg Thompson, Director  
Heritage, Lands & Resources**

  
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**Date**

**VERSION HISTORY**

<b>DATE</b>	<b>REVISIONS</b>