



## **Kwanlin Dün First Nation Traditional Allocation Policy**

<b>Policy Number:</b>	<b>Section:</b>
<b>Initial Approval Date:</b>	<b>Revised Date:</b>
<b>Legislative Authority:</b> Lands Act, Lands Regulations	<b>Policy Authority:</b> OIC number
<b>Administrative Authority:</b> Heritage, Lands, and Resources	

### **PURPOSE**

This policy guides the granting of an allocation interest in KDFN Settlement Land for the purpose of traditional activities, with respect to applications, requirements, restrictions, and procedures.

### **OBJECTIVE**

The objectives of this policy are to:

- Respect the rights of beneficiaries as outlined in the KDFN Final Agreement with regard to the use of Settlement Land.
- Provide for the orderly use of Settlement Land.
- Implement the values, principles, and goals of the KDFN Traditional Territory Land Vision through traditional use allocations.
- Recognize the long-standing use of Settlement land by Citizens and Beneficiaries generally, and in specific areas by certain families.

### **SCOPE**

This policy applies to all Citizens and Beneficiaries on KDFN Settlement Land throughout the KDFN Traditional Territory.

### **DEFINITIONS**

Definitions have the same meaning as in the Lands Act.

“Application” means a request to obtain a traditional allocation made in accordance with an administrative process established by HLR.

“Certificate of Allocation” means a certificate issued pursuant to section 29 of the Lands Act.

“HLR” means the department of Heritage, Lands and Resources of Kwanlin Dün First Nation.

“Traditional allocation” means an interest in settlement land granted pursuant to Section 32(b) of the Lands Act. A traditional allocation is not a recreational or residential parcel pursuant to the *Lands Regulations*.

## **POLICY**

### **Principles**

1. Traditional allocations are intended to support the exercise of traditional activities as defined in the Lands Act and Regulations.
2. The issuance and management of traditional allocations is based on the following principles:
  - a. Citizens and Beneficiaries should have ongoing use of settlement land for the purpose of subsistence, wellness, and community-building, and this use is a form of KDFN stewardship of its lands.
  - b. Traditional allocations should not unduly affect the exercise of rights and privileges under the KDFN Final Agreement, or the peaceful enjoyment of lands within the Traditional Territory by Citizens and Beneficiaries.
  - c. A traditional allocation holder is responsible for the care and protection of settlement land both within and around their allocation for the good of the community and of the land.
  - d. The Values and Guiding Principles of the KDFN Traditional Territory Land Vision will be upheld. The overarching values are the well-being of the land and the well-being of KDFN people have equal consideration. The guiding principles are respect for the land, caring for the land, consideration of future generations, cooperation, and community.

### **Areas for Traditional Activity Allocations**

3. HLR may grant a traditional allocation in the following areas:
  - a. In areas where such use is supported by a land use plan, if a land use plan exists;
  - b. In areas that HLR has identified as available or suitable for applications, before or during the application process; and
  - c. On sites previously recorded by HLR as a site specific, expression of interest, or historical submission.

### **Considerations**

4. In considering whether to grant a traditional allocation, HLR may consider the following:
  - a. Impact on wildlife or wildlife habitat and connectivity between those areas.
  - b. Likely cumulative effects of human use, such as increased trails, wood cutting, fires, solid waste disposal, human waste disposal on the area.

- c. The amount of new motorized all-season access required to access a traditional allocation in the area.
  - d. Family historic ties to an area or site.
  - e. Environmental sensitivity, such as in wetlands, shorelines, sensitive habitat, representative ecosystems, erosion-prone areas, and flood-prone areas.
  - f. Impacts on the rights of other Citizens and Beneficiaries, such as those expressed through any public review process associated with the application review.
  - g. Impact on the community use or heritage values in an area.
  - h. Direction provided in a land use plan, or by any other resource management document that HLR considers relevant.
  - i. Land use planning exercises that are underway or proposed.
  - j. Risk to KDFN.
  - k. Other topics that HLR considers relevant to the application.
5. At any time before or during consideration of an application for a traditional allocation, HLR may do any of the following:
- a. Propose an area to be withdrawn from allocation by Council pursuant to the Lands Act.
  - b. Identify an area of Settlement Land where interests will not be considered pending a withdrawal decision or other action, such as land use planning.
  - c. Direct applications to certain areas.
  - d. Provide a buffer between traditional allocations, or between a traditional allocation and another use.

**Allocation Size**

- 6. When granting a traditional allocation, HLR will grant the smallest size possible, meaning the minimum of 0.4 hectares stated in the *Lands Act* or the smallest size over 0.4 hectares that HLR determines is needed to meet the comfort and safety of the applicant.
- 7. HLR will consider applications to enlarge, reduce, or divide an existing traditional allocation using the same administrative process and considerations as an application for a new traditional allocation.

**Allocations held by more than one person**

- 8. HLR may approve a traditional allocation to be held individually, or by two or more Citizens who meet the criteria.

**Changes to interest-holders**

- 9. HLR may add an eligible Citizen or Beneficiary to a traditional allocation at the direction of current holders of an allocation.
- 10. HLR will remove a member of a traditional allocation held by more than one person if:

- a. The person chooses to discontinue their interest;
- b. The person ceases to be a Citizen or Beneficiary; or
- c. The person dies.

**Uses of Traditional Allocations**

11. The Director of HLR may issue a development authorization to permit an interest-holder to undertake development on a traditional allocation.
12. A development authorization from HLR does not eliminate the requirement for other authorizations or permits required from KDFN, Yukon, the City of Whitehorse, or any other government, such as for development, trail upgrades off the allocation, utilities, septic, and highway access.
13. HLR may apply additional restrictions and requirements on the use of a traditional allocation for the purpose of protecting environmental, cultural, or community values, or for any other reason it deems appropriate.