

NINÄNKÄK HQZQ WĒK'ÄTR'ĒNÒCHA

WE TAKE GOOD CARE OF OUR LAND

THE SETTLEMENT LAND USE ACT

CONSULTATION DRAFT

AN ACT TO REPLACE
THE LAND AND RESOURCES ACT





Drin hqzq!

We are very excited to share the Consultation Draft of the Ninànkāk Hqzq Wëk'ätr'èñòcha (*Settlement Land Use Act*) and welcome you to join us in the next steps where we will work together to improve the consultation draft before it is presented as a final draft at a future General Assembly.

The Consultation Draft of the Settlement Land Use Act (SLUA) was designed to replace the current *Land and Resources Act* and provide a blueprint for more sustainable Settlement Land use and stewardship. It deals with everything from land applications and decision making processes to dispute resolution and enforcement.

This consultation draft is a starting point. It was passed at the 2026 Spring General Assembly, which gave jëje-in the direction to start Citizen consultation and engagement. This consultation and engagement is a crucial step in the Tr'ondëk Hwëch'in law-making process. We need to hear from Citizens before the final draft can be developed, so it is very important that Citizens take the time to learn about what is proposed in the consultation draft for Settlement Land management.

This guide is intended to help Citizens understand the consultation draft so they can better participate in improving it. TH cannot implement the SLUA without careful consultation with the people it affects most - TH Citizens.

Your input on the new Act is deeply important. We hope the final draft can reflect Dënezhu values, and provide a law that will uphold TH ways of life for future generations.

Mähsj' for your attention and care for the land.

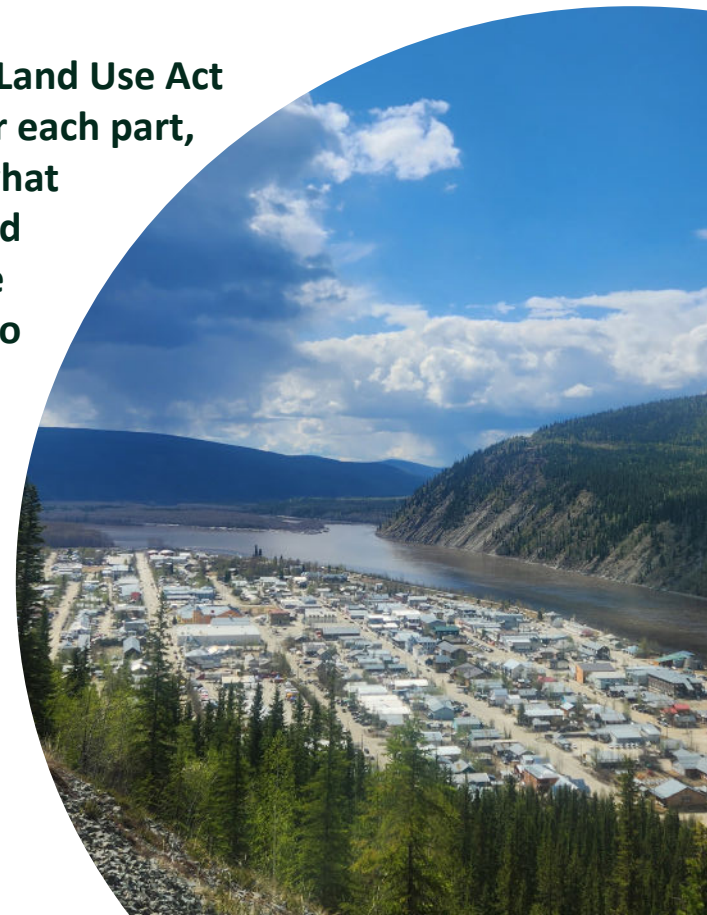
How did we get here?

Tr'ondëk Hwëch'in adopted its first land management law in 2004, entitled the *Land and Resources Act (LRA)*, and that law has been in force ever since. Despite amendments in 2005 and 2007, the existing law has not always worked effectively for both employees and Citizens.

In 2017 and 2018 more comprehensive amendments were considered, however these amendments were never brought forward to the community nor passed through the General Assembly.

In the spring of 2025, the GA passed a first resolution acknowledging the need for a comprehensive review of the LRA. This draft includes key amendments to address longstanding issues around settlement land management based on legal analysis, technical workshops and Citizen engagement held in the fall of 2025. This Consultation Draft was passed at the spring 2026 General Assembly, which meant we could proceed into Citizen consultation and engagement.

The Settlement Land Use Act has 14 parts. For each part, we will clarify what the key proposed changes are. We encourage you to take notes, jot down questions and bring them with you to future consultations and workshops.



KEY TERMS

Before we begin, there are a few key terms we need to define.

Authorizations are temporary permissions (like permits or licences) that let someone use or access Settlement Land for a specific activity. They don't give any lasting rights to the land and can be issued to anyone (Citizens or non-Citizens). They're typically used for things like mining, gravel use, or research.

Interests are more formal rights (like allocations, leases, or easements). They allow someone to occupy or develop land under certain conditions but still don't give ownership. Some interests—like allocations—are only available to Citizens. Interests are usually for longer-term uses like housing, cultural, or commercial purposes.

Allocations are only available to TH Citizens for traditional, non-commercial activities. Citizens can hold only one allocation, must care for the land, and do not own it or its resources.

Allocations can be transferred, inherited, or held in trust, with special rules to ensure they stay connected to Citizens and return to TH if needed. Non-Citizen family members may only receive limited lifetime use (life estates).

Other interests, like leases and easements, are available to both Citizens and non-Citizens but are still time-limited and regulated, with Citizens given priority where possible.



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PART 1 GENERAL PROVISIONS

The General Provisions introduce the Act and explain how it works.

What is set out in the General Provisions?

- **The name of the Act:**

The new Hän name for the act is **Ninànkäk Hqzq Wëk'ätr'ènòcha** which translates to **We Take Good Care of Our Land**.

The new English name for the Act is the **Settlement Land Use Act**.

Other key general provisions included in this section are:

- **The Act only applies to Tr'ondëk Hwëch'in (TH) Settlement Land**
- **The Act replaces the current *Land and Resources Act***
- **TH Government, Citizens and non-Citizens must all follow the law**



This part also explains that the purpose of the Act is to protect TH culture, rights, and connection to the land, while ensuring current use and occupation of Settlement Land does not adversely impact the ability of our future generations to use our land. It also includes definitions to make key terms clear, and rules for how the Act should be interpreted—such as how to understand certain wording, calculate timelines, and how this law fits with other agreements like the Final and Self-Government Agreements.

PART 2 RESERVATIONS & PROHIBITION

What are people allowed or not allowed to do on Settlement Land?

A Citizen, and all others, must obtain a licence or permit for certain types of use and occupation of Settlement Land, and they can only use or occupy that Settlement Land in line with specific permissions set out in the licence or permit.

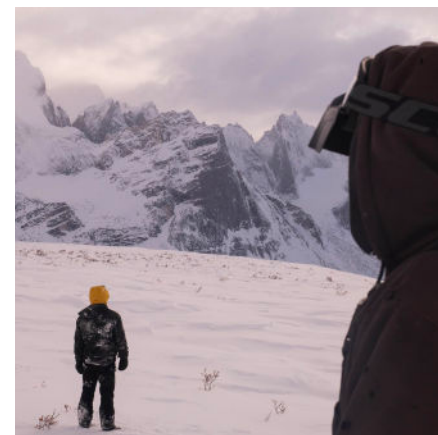
In general, no one can access, use, or occupy Settlement Land unless they follow the Act and have permissions to do so. If they don't have the proper authority, TH can take steps to address non-compliance, including legal action.

There are some exceptions to this rule for emergencies or activities of a casual and insignificant nature (e.g., hiking). For example, people may enter or use Settlement Land to respond to an emergency without permission under the Act, but they would remain responsible for any damage.

PART 2 KEY TAKEAWAYS

- Citizens can always access Settlement Land for traditional activities.
- Those accessing, using or occupying Settlement Land must follow the Act.
- Use of Settlement Land is limited to specific uses defined by the given authorization.
- The Act limits certain activities and material use that may cause damage to the land.
- Overall, this part protects Settlement Land by setting clear limits on use and ensuring it is respected and preserved.

To be clear, Citizens always have the right to access Settlement Land for traditional activities, as long as they follow TH laws, agreements, and customs. The land must also be managed for the benefit of future citizens, which is a critical purpose of the Act.



PART 3 GRANTS & INTERESTS

Who can get a formal right to use or occupy Settlement Land, how do they get it, and what rules apply?

This section explains how formal rights, called interests, can be issued under the Act.

Interests allow for Citizens and non-Citizens to obtain a formal right to use and occupy Settlement Land for particular activities. Generally, interests are granted for residential or commercial purposes, like building your home or a business, or in the case of allocations (which is a type of interest available to Citizens only), building a cabin for traditional activities.

Regardless of what the interest is for, a Citizen or any other person who holds an interest, must follow the Act, TH laws, other Yukon or federal laws that apply as well as any conditions set out in the instrument (lease, etc.) that establishes the interest.

A major focus of this section is on allocations, which are only available to TH Citizens for traditional, non-commercial activities.*

Citizens can hold only one allocation, must care for the land, and do not own it or its resources. These allocations can be transferred, inherited, or held in trust, with special rules to ensure they stay connected to citizens and return to TH if needed.

Other interests, like leases and easements, are available to both Citizens and non-Citizens but are still time-limited and regulated, with Citizens given priority where possible.



PART 3 KEY TAKEAWAYS

- Those who hold an interest or authorization must follow the Act, TH Law and conditions.
- “Squatter’s rights” do not apply to Settlement Land.
- Council has strong control on Settlement Lands and can withdraw land from development for protection purposes.
- There are different types of interests available including allocations, leases and easements.
- TH maintains full ownership of all Settlement Land on behalf of TH Citizens.

*An allocation is only required where a Citizen proposes to construct, establish, or maintain infrastructure associated with a traditional activity on Settlement Land. The requirement to obtain an allocation does not limit, restrict, or otherwise affect a Citizen’s inherent or recognized right to harvest, access, occupy, travel upon, or carry out traditional activities on the land.

PART 4 AUTHORIZATIONS FOR USE & DEVELOPMENT ON SETTLEMENT LAND

How can people get authorizations to access, use or develop Settlement Land? What rules apply once the authorizations have been issued?

Part 4 is all about the process by which Citizens and non-Citizens can gain access to Settlement Land.

The process laid out includes a clear application and decision-making framework, which is described in Figure 1: Authorization Process.

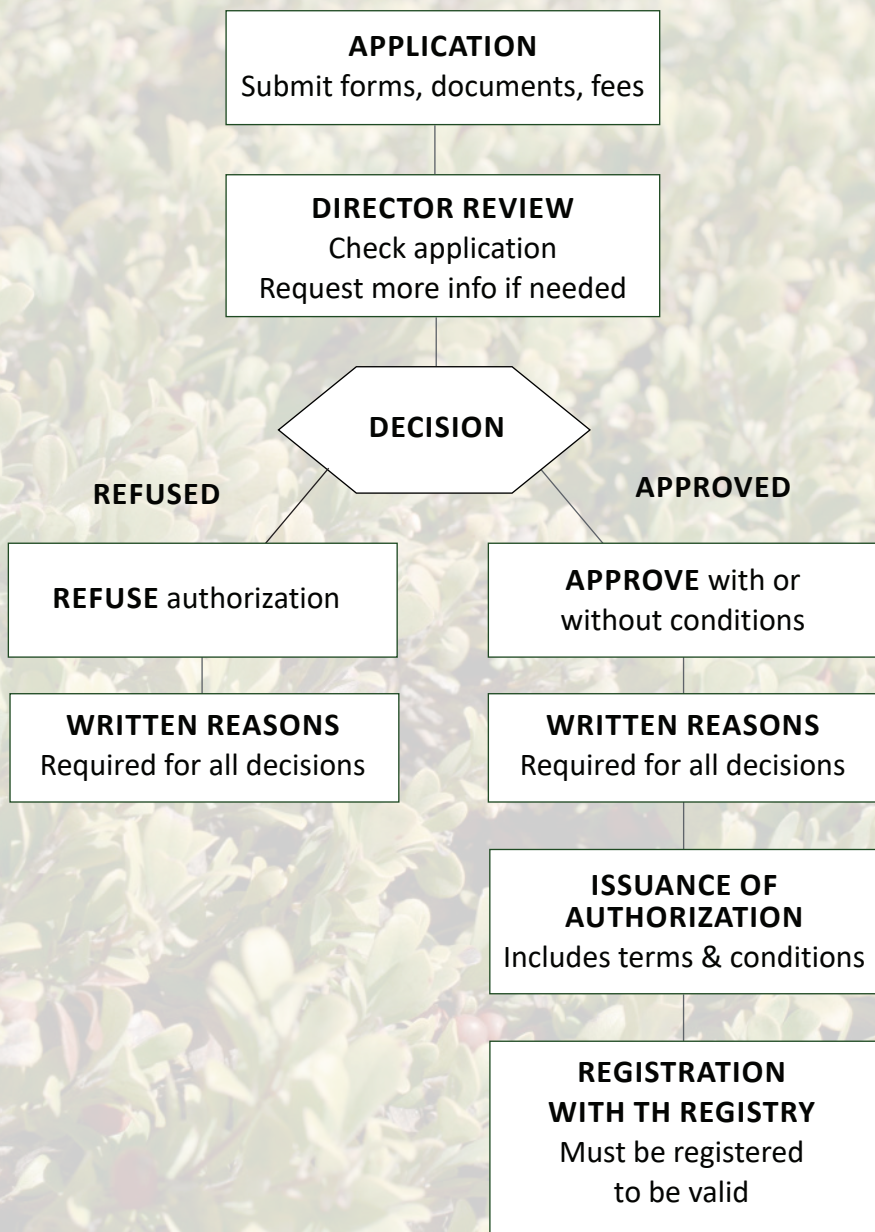
This section also confirms that authorizations are temporary (generally have a term up to five years), do not provide any ownership or formal land rights (unlike interests), and must be registered in the land registry to be valid.

The Director of Natural Resources can impose specific conditions, require financial security, collect rent or other payments or royalties, and require agreements to address impacts and benefits to TH. The Director can also amend, suspend, or cancel authorizations, and if an authorization is abandoned, structures on the land may become TH’s property.

PART 4 KEY TAKEAWAYS

- The authorization process is clearly laid out in Part 4
- Authorizations are temporary (generally up to five years)
- Conditions, suspensions, amendments and cancellations to the authorizations are managed by the Director of Natural Resources.
- If the authorization is abandoned, structures on the land may become TH property.

FIGURE 1 AUTHORIZATION APPLICATION PROCESS UNDER PART 4 OF THE ACT



PART 5 ENVIRONMENTAL & IMPACT ASSESSMENT

How does the Act work alongside the Yukon Environmental and Socio-economic Assessment Act (YESAA) and other laws?

Part 5 explains that the Act does not replace or override YESAA or other laws—both must be followed. Even if someone gets approval under the Act, they cannot move forward with a project until any required YESAA assessment and decision are complete. If there is a conflict, the Final Agreement and related agreements take priority. In some cases, TH acts as a decision body under YESAA, and any YESAA conditions automatically apply to TH approvals. The Director also reviews projects for impacts but may rely on YESAA work to avoid duplication.

PART 5 KEY TAKEAWAYS

- The Act does not replace YESAA.
- If there is a conflict, the Final Agreement and related agreements take priority.

PART 6 FINANCIAL SECURITY

What powers does TH have to obtain financial security for activities that could damage Settlement Land?

This section confirms that the Director can require financial security (such as cash, a bond, or a letter of credit) from a person holding an authorization to ensure that their obligations under those authorizations are fulfilled. Security can be required and used for things like remediating Settlement Land where a person contaminates or adversely impacts Settlement Land.

If the person is able to fulfill their obligations, TH would return the security to them.

The Director can decide the type and amount of security, can increase it over time if needed, and can request more if the original amount is not enough to protect the land or environment.

If the holder does not provide the required security, their authorization can be suspended or cancelled, and any transfer of an authorization is not valid until the new holder provides the required security.

PART 6 KEY TAKEAWAYS

- The Director can assess and decide what kind of financial security is needed from authorization holders.
- If the authorization holder cannot provide the required security, the application can be suspended or cancelled.

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PART 7 LAND & RESOURCES PLANNING

How does TH guide the use and management of Settlement Land through planning tools?

Under the Act, Council can create land use plans to guide how land is used and developed, and can require plans to be in place before allowing new authorizations or interests in certain areas. To be clear, these mechanisms exist, but the Act does not require firm or detailed land use planning to be completed everywhere before certain applications can be considered. This is a key distinction from the previous LRA, in which land use plans were required everywhere prior to any authorization or interest being issued (including allocations).

Council can also create resource management plans to protect and manage natural resources.

Whether it is a land use plan or a resource management plan, all plans must follow clear policies and be consistent with the TH Final Agreement.

Once a plan is in place, no new authorization or interest can be granted unless it is consistent with the plan. However, existing uses that don't match a new plan can continue only until their current approval expires, but no new or renewed approvals can go against the plan.

PART 7 KEY TAKEAWAYS

- Land use plans and resource management plans may be used by Council to guide how land is used and developed.
- Land use planning is not required everywhere all the time. This is a key distinction from the previous *Lands and Resources Act*.
- All plans must be consistent with higher level agreements such as the TH Final Agreement.
- Once a plan is made, existing authorizations or interests that do not match the plan can continue until the authorization expires.
- Overall, Part 7 ensures land use is planned for, coordinated and consistent over time.



PART 8 COMMITTEE

Is there a role for a Citizen committee in decision making?

This section is about the Natural Resources Advisory Committee, established under the Act, which is just referred to as the “Committee” throughout it.

This Committee will provide advice from Citizens to TH about land and resource matters under the Act. Specifically, the Act allows the Committee to review and make recommendations on land use plans, resource management plans, and proposed regulations, and can also respond to specific requests from Council.

PART 8 KEY TAKEAWAYS

- A committee of Citizens will provide advice to TH Government on all matters relating to land and resources.
- The Committee aims to make recommendations by consensus and if consensus cannot be met it will provide notes to that effect to Council.
- The Act and regulations also require citizen input prior to certain land-related decisions are made.



PART 9 EXPROPRIATION OF INTERESTS IN SETTLEMENT LAND

How does TH address situations where Settlement Land covered by an interest must be taken back (i.e. expropriated) and in what situations can TH do so?

Part 9 explains that TH Government can expropriate an interest in Settlement Land, such as a lease, if it is needed for an important community purpose or project that benefits Citizens, like public infrastructure or development.

However, this can only happen after Council decides the need is justified, and rights protected under the Final Agreement cannot be taken. For example, encumbering rights guaranteed and provided for under the THFA cannot be expropriated.

To be clear, Council cannot just unilaterally expropriate on a whim and while this is something that has always existed in the *Lands and Resources Act*, it is important to mention that Council has never once exercised it. It is meant to be used as a last resort, only in extenuating circumstances, and includes a high level of community involvement in the decision making process. There is a clear process that must be followed, including giving notice, allowing people to object, and trying to reach an agreement first. If agreement is not possible, TH can still proceed but must provide fair compensation based on the value of the interest, improvements, and any losses.

If Council decides to expropriate, the holder of that interest has the right to object and have their concerns reviewed, and all expropriation notices must be formally registered and publicly recorded.

PART 9 KEY TAKEAWAYS

- TH Government can expropriate an interest if it is needed for the benefit of all Citizens.
- This can only happen with decision from Council and the decision has clear processes. If an agreement cannot be reached, TH can still proceed but must provide compensation.
- The holder of the interest has a right to object to expropriation and have their concerns reviewed.
- This tool is meant to only be used in extenuating circumstances and while this ability has always existed, TH has never exercised it.



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PART 10 LANDS & RESOURCES REGISTRAR

What is a land registry system, how does it work, and why is it important?

Part 10 explains how the land registry system works under the Act. The registry is the official record of all activities and decisions related to Settlement Land, including allocations, authorizations, interests, notices, and other documents.

The registry serves as the central system for tracking how land is used and occupied.

Rules for how documents are registered will be set out in regulations, but in general, an interest or authorization is not legally effective or enforceable until it is properly registered.

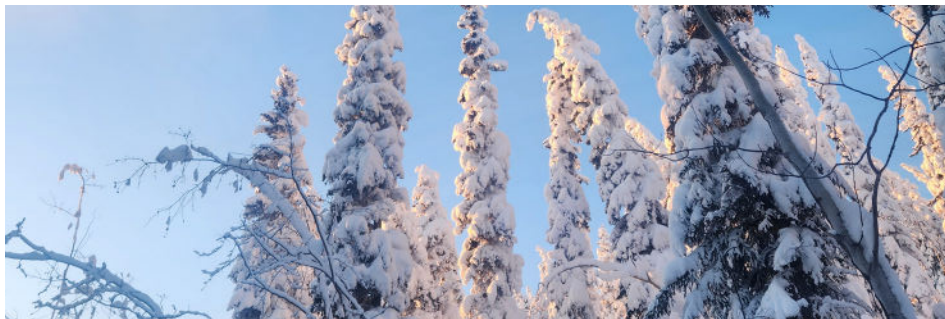
The Act also sets out how the registry is managed. Council appoints a registrar (and deputy) to maintain the system, ensure documents are recorded, and keep information secure and organized. These positions can be held by staff within the Natural Resources Department.

Most registry information is public and must be accessible upon request, although personal or sensitive financial information is protected.

Overall, these sections ensure there is a clear, transparent, and reliable record of all land-related decisions and interests under the Act.

PART 10 KEY TAKEAWAYS

- The land registry is the official record of activities and decisions related to Settlement Land.
- The Act sets out how the registry is managed, and Council will appoint a registrar.
- Most registry information is public and must be available upon request, however private or confidential information will not be shared.



PART 11 ADMINISTRATION

How does the Department of Natural Resources operate under the Act? What is the role of the Director?

The Department continues to act as the main body responsible for administering the Act, and that Department is led by a Director, who is responsible for overseeing decisions, policies, and day to day implementation of the Act.

While the Director has significant authority, their decisions will be guided by regulations and policies to ensure consistency and clarity. The Director can also delegate responsibilities to other employees.

In addition, the Director may waive fees in certain cases and enter into agreements with other governments or partners for planning, development, or land management.

PART 11 KEY TAKEAWAYS

- The Natural Resources Department continues as the body responsible for administering the Act.
- The Director has significant authority and will be guided by regulations and policy to ensure consistency.
- The Director can receive advice from the Committee, as needed, and direct a decision to be made by Council, if the Director believes that is necessary.
- The authority of the Director to make decisions is a key distinction from the *Lands and Resources Act*, which had a stronger emphasis on the Natural Resources Advisory Committee as a decision making body. What we heard from citizens and staff was that this caused delays in process and led to uncertainty for citizens looking to gain access to Settlement Land

PART 12 MONITORING, COMPLIANCE & ENFORCEMENT

How is the Act monitored and enforced, and what are the consequences for breaking it?

Enforcement officers are appointed to ensure people follow the Act, with powers to inspect sites, request information, stop activities, seize evidence, and issue notices or orders.

The Act indicates that people must cooperate with enforcement officers and cannot block or mislead them. If someone is not complying, enforcement officers can issue notices requiring them to fix the issue, or orders to stop activities, remove structures, restore land,

or give up possession. The Director also has authority to suspend or cancel authorizations, especially where there are risks to safety, the environment, or compliance. If a person refuses to comply, TH can take the needed actions itself and recover the costs, or go to court to enforce orders.

The Act also creates offences and penalties for non-compliance. Violations — such as unauthorized land use, failing to follow conditions, or providing false information — can lead to fines or imprisonment, with higher penalties for repeat offences and each day of non-compliance counting as a new offence.

Staff may also issue tickets as a lower-level enforcement tool. Courts can order additional actions, like restoring damaged land or preventing further harm. TH can also seek injunctions at any time to stop unlawful activities.

Overall, these sections establish strong enforcement tools to protect Settlement Land and ensure accountability.

PART 12 KEY TAKEAWAYS

- Enforcement officers can inspect sites, request information, stop activities and issue notices or orders.
- People must cooperate with enforcement officers under the Act.
- The Director can suspend or cancel authorizations if there is a risk to safety, the environment or compliance.
- The Act creates offences and penalties for non-compliance such as fines or imprisonment.



PART 13 RECONSIDERATION & REVIEW

Is there a way for someone to appeal a decision made by the department, and if so, what is the process?

A person can first ask the Director to reconsider an order or decision, and if they are not satisfied, they can request a final review by Council, which must give everyone a chance to be heard. This is an interim measure until the tribunal under the TH Appeals Act is set up.

Orders must still be followed during review, while decisions are not in effect until the process is complete.

PART 13 KEY TAKEAWAYS

- Reconsideration may be requested by an individual.
- Reconsiderations are first reviewed by the Director, and if the individual isn't satisfied, they can request review by Council on an interim basis.
- If they are still not satisfied, they may appeal to a tribunal.

PART 14 MISCELLANEOUS

Part 14 is a catch-all for everything else.

It outlines general legal rules and how the Act is put into effect. The Act explains that TH, Council, and employees are generally not liable for any damages or loss to a person or property for doing or not doing something under the Act, but not in cases of serious wrongdoing. Non-Citizens cannot hold rights meant only for Citizens, and people use undeveloped land at their own risk. The Act also allows Council to make regulations and confirms that only TH can take legal action under it.

They also explain the transition to the new Act: existing authorizations and interests will continue under the new rules but must be registered, and the Act can come into force all at once or in stages as decided by Council.

PART 14 KEY TAKEAWAYS

- Outline of general legal rules.
- TH, Council and employees are generally not liable for damages and loss to a person or property for doing or not doing something under the Act in good faith.
- Non-citizens cannot hold rights meant only for Citizens.
- While we transition to the new Act, existing interests and authorizations will continue under new rules but must be registered.
- Council will decide how the Act will come into force.

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**WANT TO LEARN MORE? VIEW THE FULL
SETTLEMENT LAND USE ACT CONSULTATION
DRAFT HERE:**



**Mähsí' cho for taking the time to learn more about the Settlement
Land Use Act.**

**Please keep an eye out for upcoming consultations and workshops
where we welcome and encourage feedback on the Consultation Draft.**

**If you have questions about any of the information in this booklet,
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