

YUKON GRAZING POLICY



Revised April 2010

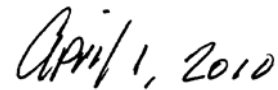
YUKON GRAZING POLICY
Department of Energy, Mines and Resources

This document, **Yukon Grazing Policy**, updated April 1, 2010

is hereby approved and adopted under the authority of the Director of
Agriculture, pursuant to the *Grazing Regulations of the Lands Act and Financial
Administration Act*.



Director of Agriculture



Date

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1.0 PURPOSE

The purpose of this policy is to guide the implementation of Grazing Agreements and the management of grazing lands in Yukon. This policy is pursuant to the *Grazing Regulations* which are part of the *Lands Act* and *Financial Administration Act*.

2.0 OBJECTIVES

The objective of this policy is to provide for the establishment and management of Grazing Agreements that:

- Help meet the graze needs of domestic livestock in the Yukon;
- Are economically viable;
- Operate in an environmentally sustainable manner; and,
- Are compatible with other environmental, social and land-use values.

3.0 DEFINITIONS

- (1) “Act” means the *Lands Act*.
- (2) “Mobile Dwelling” means a dwelling that is not fixed to the ground, is movable and removable at any time of the year, is not connected to any utilities or services and does not exceed a size of 25 square metres.
- (3) “Grazing Management Plan” means an integrated grazing management plan addressing the variety of multiple use concerns that may be encountered on Yukon lands proposed for grazing.
- (4) “Adequate Containment” means, normally, fences of varying standard that will under reasonable circumstances retain the livestock found on the graze within the graze boundaries.
- (5) “Corrals and Handling Structures” means enclosures and pens for the localized capture or containment of livestock.
- (6) “Feed and Animal Shelters” mean simple roofed structures normally constructed of poles and other local found materials to be used as shelter for feed during supplemental feeding or livestock shelter during critical birthing and other developmental phases.

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- (7) “Water Supply” means simple gravity fed water supply, contained in a conduit.
- (8) “Community Graze” means a grazing right held in common where livestock holders pay a fee to the common for the grazing and joint management of the stock held on the graze.
- (9) “Carrying Capacity” means the number of domestic animals that can be sustained on the graze in addition to existing wildlife.
- (10) “Class of Soil” means those classes and definitions of soils and lands as found in: *Expert Committee on Soil Survey, 1992 Land Suitability Rating System for Spring Seeded Small Grains*.
- (11) “Grazing Agreement” means a written agreement between the Agreement holder and the Yukon government that grants the holder the authority to graze domestic livestock within the area specified in the Agreement.

4.0 ELIGIBILITY

- (1) A person who is eligible for a Grazing Agreement in Yukon complies with the following criteria:
 - (a) is a Canadian Citizen or has the status of a permanent resident of Canada, has resided in Yukon for one continuous year prior to application, and is of 19 years of age or older;
or,
 - (b) is a company incorporated under the laws of Yukon or Canada where the majority of shares are held by Yukon residents qualifying under (a) and will utilize the grazing rights for the exclusive benefit of the shareholders;
or,
 - (c) is a grazing association or grazing cooperative, where the majority of members are residents of Yukon, qualifying under (a) and is incorporated under the *Societies Act* or the *Cooperative Associations Act* of Yukon.

5.0 APPLICATION PROCESS

- (1) Applications for Grazing Agreements will be accepted by the Department of Energy, Mines and Resources, Agriculture Branch. Applicants will be informed of the review process and the status of their application. The Agriculture Branch will coordinate the processing and review of applications.
- (2) Applications may be refused in areas where the conveyance of a Grazing Agreement may be detrimental to the management of other resources. Factors may include, but not necessarily be limited to, community and renewable resource planning concerns.
- (3) Each application for a Grazing Agreement will be subjected to an extensive review by all Yukon Government agencies with responsibility for resource management in Yukon.
- (4) The applicant will be expected to provide detailed information in the application for a Grazing Agreement that will facilitate the review and approval processes. By submitting a well prepared application, the applicant will have a better understanding of the complexities that are considered in the careful review of each application.
- (5) The Department of Energy, Mines and Resources, Agriculture Branch will be responsible for the overall coordination of the application, review, management planning, disposition and administration processes.
- (6) The Land Claims Secretariat will be asked to provide advice regarding consultation with First Nations and treaty rights.
- (7) The Department of Energy, Mines and Resources, Agriculture Branch, will assess the suitability of soils on proposed grazing lands. In addition, the Department will be responsible for coordinating the review of all land and resource management issues. The result will be the production of a Grazing Management Plan that will be incorporated as part of the Grazing Agreement between the Department of Energy, Mines and Resources and the applicant.
- (8) In areas where established land use plans or guidelines exist, the disposition of Grazing Agreements will be consistent with the established land use plans and guidelines. Applications will not be accepted where approved plans or guidelines do not support Grazing Agreements.

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- (9) Grazing Agreement applications will be subject to an environmental assessment either under the *Yukon Environmental and Socio-economic Assessment Act* or through a Yukon government review.

6.0 FORM OF TENURE

- (1) A Grazing Agreement will be used to grant the applicant the authority to graze livestock within the area specified in the Agreement.
- (2) The Grazing Agreement will include the Grazing Management Plan and identify the terms and conditions required to accommodate the management objectives for the Agreement.

7.0 LENGTH OF TENURE

- (1) Normally, a Grazing Agreement shall be for an initial three-year probationary term to ensure:
 - (a) containment is constructed within two years,
 - (b) livestock are acquired to fulfill the designated stocking levels,
 - (c) that all other terms and conditions of the Agreement are complied with.
- (2) Upon the completion of the probationary period, if all terms and conditions have been met, a Grazing Agreement may be renewed for an additional period of not more than 27 years, subject to periodic review and revision.
- (3) The Department of Energy, Mines and Resources, at its option, may grant a Grazing Agreement for a shorter term.
- (4) When a Grazing Agreement reaches the end of its full term, it expires. Upon the expiry of a Grazing Agreement, for a period of 90 days from the expiry date, the former Agreement holder will have first priority to apply for a new Grazing Agreement for the same area.

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8.0 PRICE

- (1) Grazing Agreement fees and annual charges will be as follows:
 - (a) A fee of \$25.00 will be paid by the applicant at the time of application.
 - (b) An annual administration fee of \$50.00 shall be paid by the applicant with the annual animal unit fees.
 - (c) Grazing fees of \$1.00 per Animal Unit Month (\$12.00 per animal unit per year).
- (2) Grazing fees will be based on the capacity of vegetation and soils found on the land to sustain forage pressure from livestock. The carrying capacity will be calculated on an animal unit month basis. Fees will be paid for each month of the year for the quantity of graze designated in the Grazing Management Plan.
- (3) Annual administration and grazing fees will be paid in advance of the anniversary date.
- (4) Additional carrying capacity resulting from approved graze improvements will not be reflected in additional animal unit month charges.
- (5) Animal unit month charges will be forgiven for the first and second scheduled payments of Grazing Agreement fees. The annual billing will identify the animal unit fees that would be paid, and will require payment of all administrative fees.
- (6) A summary of Grazing Agreement fees for the first three payments is set out below:

Date	A. U. M.'s x \$1.00	Administration	Total
Agreement Date	100% forgiven	\$50.00	\$50.00
First Anniversary	100% forgiven	\$50.00	\$50.00
Second Anniversary	100%	\$50.00	A. U. M.'s x \$1.00 + \$50.00
Third Anniversary (and subsequently)	100%	\$50.00	A. U. M.'s x \$1.00 + \$50.00

9.0 MANAGEMENT OF GRAZING AGREEMENT AREAS

- (1) Management of grazing in the Yukon is the mandate the Department of Energy, Mines and Resources, Agriculture Branch. The department is committed to working with the Grazing Agreement holder in the design of the Grazing Management Plan.
- (2) Grazing uses in Grazing Agreement areas will be integrated with the variety of other land and resource uses to be maintained on lands in the Yukon.
- (3) Grazing Agreement areas will be confined mainly to Class 6 soils.
- (4) Grazing Agreements can not be converted to an Agricultural Agreement for Sale. At the discretion of the Director of Agriculture, the Grazing Agreement holder may make an application for agricultural lands on the Grazing Agreement area in cases where the land has Class 5 or better soils and where the application is consistent with the provisions of the 2006 *Yukon Agriculture Policy*.
- (5) The grazing capacity of Yukon Lands in a Grazing Agreement area will be determined by the Department of Energy, Mines and Resources, Agriculture Branch, using inspection, forage sampling and Animal Unit Month calculations.
 - (a) Carrying capacity calculations will be determined after a number of forage samples have been gathered from the proposed grazing lands and analyzed. Forage sample values for each vegetation community will be converted to Animal Unit Months for the area being considered for the Grazing Agreement.
 - (b) An interim measure of 17 hectares per Animal Unit will be used until capability is determined or the Graze Management Plans are adjusted.
 - (c) One Animal Unit is equivalent to the forage requirements for one 0.45 tonne cow.

10.0 REVIEW OF GRAZING AGREEMENTS

- (1) Grazing Agreements and Grazing Management Plans may be reviewed and amended, as sustained management of the graze and meeting environmental, social and other multiple use objectives may dictate.

- (2) Each Grazing Agreement will be reviewed and evaluated according to the schedule set out in the primary review. Reviews shall occur not less than once every five years. The review schedule may be altered, at the discretion of the Director of Agriculture, to meet management objectives.

11.0 MULTIPLE USES

- (1) Multiple use objectives will normally be identified and accommodated for in the preparation of Grazing Management Plans.
- (2) Grazing may not be allowed where it is incompatible with existing uses.
- (3) Non grazing users may not be allowed where it is incompatible with grazing.
- (4) Public access and other multiple uses may be excluded from Grazing Agreement areas, if necessary due to exceptional circumstances, as specified in the Grazing Management Plan.
- (5) Traditional sports and subsistence hunting, fishing and trapping activities shall be recognized as legitimate prior uses for the purposes of developing a Grazing Management Plan.

12.0 GRAZING MANAGEMENT PLAN

- (1) The Department of Energy, Mines and Resources will prepare a proposed Grazing Management Plan prior to the approval of an application for a Grazing Agreement. The Grazing Management Plan will be deemed a part of each Grazing Agreement.

13.0 GRAZING MANAGEMENT CRITERIA AND CONDITIONS

13.1 LIABILITY

- (1) The Grazing Agreement holder shall save the Government of Yukon harmless from liability for all uses of the land under the management of the Grazing Management Plan or the Grazing Agreement.
- (2) The public and all users of grazing lands shall be held liable for damages caused by negligence.

13.2 AREA

- (1) The Grazing Agreement area applied for may be adjusted, upon application review, in consideration of grazing and other land use objectives.
- (2) When the applicant requires a Grazing Agreement for a specified number of livestock, the required area to sustain that number of livestock shall be determined.
- (3) When the applicant requests a prescribed Grazing Agreement area, the required number of livestock to be grazed on the Agreement area shall be determined.

13.3 CONTAINMENT

- (1) Livestock will be contained within the perimeter of the Grazing Agreement area by the Grazing Agreement holder at all times.
- (2) The Grazing Agreement holder will provide adequate containment to control livestock in the Grazing Agreement area.
- (3) Containment may include fences, corrals and handling facilities, and feed and animal shelters.
- (4) Special fencing standards or features may be required for multiple use and resource management. Costs for fencing features that are not identified in the initial Grazing Agreement and Grazing Management Plan will be borne by the government.
- (5) Fences constructed on a boundary that adjoins two separate Grazing Agreement areas are allowed. All disputes between Agreement holders regarding the fences, their construction, maintenance or removal are to be settled by the Agreement holders.
- (6) Access over existing trails and roads that may cross or lead onto Grazing Agreement areas will be maintained pursuant to the terms and conditions set out in the Grazing Management Plan.

13.4 IMPROVEMENTS

- (1) Only improvements expressly allowed in the Grazing Management Plan and approved by the Department of Energy, Mines and Resources, Agriculture Branch, will be permitted on a Grazing Agreement area.

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Improvements may include:

- (a) corrals and handling structures;
 - (b) feed and animal shelters;
 - (c) a water supply;
 - (d) a mobile dwelling; and,
 - (e) fences and gates.
- (2) Permanent dwellings or residences, such as houses and cottages will not be permitted on grazing lands.
- (3) Upon the expiry or termination of a Grazing Agreement, the Agreement holder will be fully responsible for the decommissioning and the removal of all improvements, materials and belongings left on the site within 90 days, as laid out in the terms and conditions of the Grazing Management Plan, unless an alternative arrangement has been made in writing with the Director of Agriculture.

13.5 CARRYING CAPACITY IMPROVEMENTS

- (1) Improvements to the carrying capacity of lands in a Grazing Agreement area will only be allowed with written approval from the Agriculture Branch, Department of Energy, Mines and Resources.

13.6 SETBACKS

- (1) All Grazing Agreement area boundaries and containment structures shall have minimum set backs from certain landmarks as follows:
- (a) 50 metres from the centre-line of roads that do not have a designated right of way. Grazing Agreement boundaries may abut a designated road right of way where such a right of way exists.
 - (b) 33 metres from riverbank high water mark.
 - (c) 33 metres from lakeshore high water mark.
- (2) Greater setback distances may be required and specified in the Grazing Management Plan in consideration of highways, wildlife, community planning, aesthetic and other concerns.

13.7 SPECIAL LANDS

- (1) Lands with significant wildlife habitat or other non grazing values incompatible with domestic grazing will be identified and may be protected and excluded from Grazing Agreement areas to conserve the special resources found upon them.

13.8 ANIMAL OWNERSHIP

- (1) Within 2 years of entering the Grazing Agreement, Agreement holders must own, or have the authority to board, a minimum of 80% of the animals required to utilize the grazing capacity identified in the Grazing Management Plan.
- (2) Stocking levels on the Grazing Agreement area must be maintained on an annual basis except where a modification of the Grazing Management Plan is authorized for land management purposes.
- (3) The boarding of others' animals by the Grazing Agreement holder must be accompanied with written confirmation from the animals' owner(s) that the Agreement holder has the authority to care for and control the boarded animals.
- (4) No animal is to be turned onto a Grazing Agreement area unless the animal is in good condition and adequate forage for sustenance is available or provided by the Agreement holder throughout the time the animal occupies the area. The Grazing Agreement holder will be fully responsible for all livestock held in the Grazing Agreement area.

13.9 COMMUNITY GRAZING AREAS

- (1) Community grazing areas may be established where upon review of a Grazing Agreement application, it is deemed necessary.
- (2) All review criteria and procedures normally applied to individual Grazing Agreement applications will apply to community grazing area applications.

13.10 SIGNAGE

- (1) The Grazing Agreement holder will not post signs of public notice other than those prescribed in the Grazing Management Plan.

14.0 TRANSFERABILITY

- (1) A Grazing Agreement may be transferred without division from the Grazing Agreement holder to an eligible applicant after approval of the transfer by the Department of Energy, Mines and Resources, Agriculture Branch.
- (2) Upon application for transfer, the Grazing Agreement shall be subject to review and revision. A transfer will only be approved if the Grazing Agreement is updated, as necessary, to be in compliance with all relevant grazing policies and practices that are in effect at the time of transfer.

15.0 TERMINATION

- (1) The Department of Energy, Mines and Resources will be responsible for the inspection of Grazing Agreement areas to ensure compliance with the terms of the Grazing Agreements and Grazing Management Plans.
- (2) Failure to comply or maintain any terms and conditions of the Grazing Agreement or the Grazing Management Plan shall be cause for termination.
- (3) The Director of Agriculture Branch may, upon 90 days notice, terminate the Grazing Agreement for non compliance.
- (4) Where the Grazing Agreement holder satisfies the Director of Agriculture that compliance has been achieved, the termination may be reconsidered.
- (5) Unless authorized by the Department of Energy, Mines and Resources, Agriculture Branch, a Grazing Agreement area that is not utilized for a period of 18 months will be terminated.
- (6) If a Grazing Agreement holder voluntarily relinquishes the Agreement prior to its expiry date, it will be terminated.
- (7) Upon the expiry or termination of a Grazing Agreement, the Agreement holder will be fully responsible for the decommissioning and the removal of all improvements, materials and belongings left on the site within 90 days, as laid out in the terms and conditions of the Grazing Management Plan, unless an alternative arrangement has been made in writing with the Director of Agriculture.

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16.0 CANCELLATION

- (1) The Department of Energy, Mines and Resources, Agriculture Branch may cancel a Grazing Agreement at any time for any reason without constraint, subject to the provision that compensation for depreciated declining balance of improvements be paid to the Grazing Agreement holder.
- (2) The cost per Animal Unit of forage for up to three years may be included in compensation if less than three years notice of cancellation is given.

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APPENDIX

ANIMAL UNIT DESCRIPTIONS

Animal Unit (AU)	Livestock Description
1.0	1 cow or 1 cow and calf
0.6	weaned calf to 1 year old
0.75	yearling heifer or steer
1.30	bull two years old or more
0.75	yearling horse
1.0	two year old horse
1.25	mature light horse
1.0	5 ewes or 5 ewes and lambs
0.6	5 weaned lambs

EXAMPLE: GRAZING CAPACITY AND COST CALCULATIONS

Assumptions

- 545 kg is identified as the forage requirement for one Animal Unit Month (A.U.M.). This is two times the amount the animal normally consumes. Using this number allows for half of the grazing area to be protected at any one time.
- There are 3 mature horses that require graze for 12 months of the year.
Three mature horses = 3.75 AU
- The example grazing area has an annual yield of 1123 kg/ha. This is higher than the average yield for a Yukon grazing area.

Calculations

- Forage requirement for 3 horses: $3.75\text{AU} \times 545\text{kg/mo} \times 12\text{months} = 24,545\text{ kg/yr}$
- Grazing area requirement for 3 horses = $24,545\text{ kg} @ 1,123\text{ kg/ha} = 22\text{ ha}$
- Annual forage fees for 3 horses = $3.75\text{ AU} \times \$1/\text{mo} \times 12\text{ mo} = \45.10