

Interpretive Bulletin

Timber Resources on Placer Claims located on Settlement Land

References:

Placer Mining Act
First Nations
Final Agreements

This interpretive bulletin provides information about timber resources on placer claims that are located on First Nation Settlement Land. For information about timber resources on claims on Commissioner's Land (Territorial lands), view Fact Sheet 7, "Timber on Mining Claims" available at <http://www.emr.gov.yk.ca/forestry/index.html>.

This interpretive bulletin is not legal advice and should not be relied upon for legal purposes. It is intended to summarize certain aspects of the Placer Mining Act and Placer Mining Land Use Regulation related to class criteria. As such, it does not attempt to present all aspects of the Act and Regulation. This document may be amended from time to time. For complete information, the reader must refer to the Placer Mining Act and Placer Mining Land Use Regulation. The information in this sheet is for your convenience and guidance and is not a replacement for the legislation.

There are limitations to timber rights on claims located on First Nation Settlement Land

The *Placer Mining Act* provides that the holder of a placer claim may cut timber, under certain conditions, for their own on-claim use and for any purpose incidental and necessary to the operation of the claim (i.e., mining-related purposes) unless the timber is otherwise acquired by another person (section 48(1)(b)). Yukon First Nation Final Agreements confirm that a Yukon First Nation owns and can manage, allocate, and protect Forest Resources on its Settlement Land (section 17.2.1). This means that for placer claims located on Settlement Land, the timber on that claim cannot be used by the claimholder for mining-related purposes without permission of the First Nation.

Claimholders must coordinate with and may be required to seek authorization from the First Nation when any on-claim activities involve timber

If you are a claimholder and your mineral claim or a portion of your mineral claim overlaps with First Nation Settlement Land, before you carry out any activity that involves timber located on Settlement Land you must speak with the First Nation. This includes whether you intend to use the timber or are just clearing it so as to be able to work your claim. The First Nation may make specific requests with respect to the timber on their Settlement Land. For example, the First Nation may prefer to harvest the timber prior to your work program or request that you change your method of clearing so that the timber can be salvaged. At a minimum, timber on Settlement Land must be salvaged and stockpiled. Any timber cleared while working your claim remains the property of the First Nation unless permitted otherwise. Further direction may be

provided by the First Nation. If you want to use timber (e.g., for cribbing) located on Settlement Land you must obtain authorization from the First Nation.

Class 1 Notification

All Class 1 mineral exploration work on claims that overlaps Settlement Land requires an approved Class 1 Notification. During the Class 1 Notification process, Yukon government will notify and consult the First Nation on your Class 1 work program including activities that involve timber. Therefore, it is important that you clearly identify those activities that might involve the use of timber, including clearing timber, in your Class 1 Notification. Specific terms and conditions with respect to timber on Settlement Land may be included in your Class 1 Notification approval letter.

Placer Mining Land Use Authorizations

If your planned work program includes activities above the Class 1 thresholds, a placer mining land use authorization is required and a water licence may be required. In addition, your program will require an environmental and socio-economic assessment pursuant to the Yukon *Environmental and Socio-economic Assessment Act (YESAA)*. For more information contact your district Mining Recorder's Office.

Forest Resources Permit

If you are interested in cutting and using timber that is not located on Settlement Land and not on your mineral claim(s), you must apply for a Forest Resources Permit or a Timber Harvesting Licence depending on how the timber will be used. This can be done through your local Compliance, Monitoring and Inspections office.

FOR MORE INFORMATION PLEASE CONTACT:

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Page 2 of 2

