

# RECREATIONAL LEASING POLICY FRAMEWORK

## BACKGROUNDER

The Department of Municipal and Community Affairs (MACA) is developing a Recreational Leasing Policy Framework (Framework) to strengthen its land management program by addressing the demand for land for recreational use. The focus of the Framework to date has been in the primary recreational areas around the City of Yellowknife and the Town of Inuvik.

The Framework will apply on Commissioner's Land on a territorial-wide basis, and will consist of two streams. The first stream will be a broad policy document addressing the use and occupation of Commissioner's Land for recreational use. The second stream will include detailed parameters and criteria to address and control recreational development specific to those areas where recreational use is of particular and immediate concern.

The Framework is primarily intended to identify, designate, and characterize recreational and casual use areas, create development restrictions, develop a clear and transparent process for the disposal of future recreational cabin sites, and provide guidance to ensure sufficient steps are taken to protect the natural environment.

## QUESTIONS AND ANSWERS

### ***Where is MACA focussing its efforts on the Framework?***

The primary focus of the Framework has been the primary recreational area around the City of Yellowknife. Work began in this area on December 9, 2009. MACA expanded the work to include the recreational area around the Town of Inuvik on December 9, 2010. MACA will include other areas as the development of the Framework continues.

### ***Why is MACA not issuing recreational leases in the Yellowknife and Inuvik areas during the development of the Framework?***

To continue to issue leases while the Framework is being created will only add to the land management problems that already exist. A temporary freeze has been put in place to better understand all of the factors (i.e. trespassing, competing land uses, environmental stresses, etc.) that need to be addressed. The freeze in the Yellowknife area will remain in place until December 31, 2011, or until the Framework is completed. The freeze in the Inuvik area will remain in place until December 31, 2012.

### ***When is the Framework supposed to be completed?***

The target for completion is December 31, 2011.

***Why has the temporary leasing freeze at Inuvik been extended past the target date set for the completion of the Framework?***

MACA is doing additional work with the Town that falls outside of the development of the Framework. The Town has expressed an interest in acquiring the land that is subject to the freeze.

***Will leaseholders in the areas covered by the freeze be affected during the development of the Framework?***

Existing leaseholders in the Yellowknife recreational area will retain all of the rights they have under their leases, allowing them to renew, assign, or amend documents while the Framework is under development. At Inuvik, the cabin owners who applied for a lease prior to February 6, 2011, are protected and when the leases are issued will have the right to renew, assign, or amend their documents while the Framework is under development.

***How is MACA dealing with trespassers in the areas that are subject to the freezes?***

Measures to deal with trespassers are addressed in the *Commissioner's Land Act*. In 2008, the Department introduced its Interim Trespass Enforcement Strategy (ITES). The ITES is in effect on Commissioner's Land and provides enforcement and administrative guidance to MACA's land administrators on how to deal with trespassers. The ITES does a number of things:

- It encourages individuals to legitimize their occupation of Commissioner's Land by applying for a lease;
- It protects individuals who may be exercising Aboriginal rights and who may not require a lease in order to access or use the land; and
- It incorporates a process to deal with individuals that are trespassing inside community boundaries.

The Government of the Northwest Territories suspended the ITES in the area around Yellowknife that is subject to the freeze in December 2009. This means that trespassers in this area have no recourse to apply for or obtain a lease. Trespassers in this area are subject to the trespass provisions in the *Commissioner's Land Act* and will be removed.

Around Inuvik, individual cabin owners were encouraged to apply for leases before February 6, 2011. The ITES was suspended on February 7, 2011. All of the existing cabin owners submitted applications and are now protected. Individuals who choose to build a cabin after February 7, 2011, while the freeze is in place will not be able to apply for a lease and will be subject to removal under the *Commissioner's Land Act*.

***Is there a process MACA is to follow when making recreational land available to the public?***

Commissioner's Land is available to the public unless otherwise ordered. The Commissioner's Land Regulations provide some direction on the process for disposing of Commissioner's Land. The land disposal system is based on a first come-first served model. One of the important components of the Framework will be to establish a fair and transparent method of disposing of land for recreational use to the public.

***How is MACA going to control recreational development on Commissioner's Land?***

The Framework will set out specific parameters to control recreational development. Some of the controls will be applied on a territorial-wide basis, while others will be unique to each area where recreational leasing is of immediate concern. Control measures will address, but may not be limited to:

- Number of structures allowed on a recreational lot;
- Footprint and square footage of structures;
- Standardized sizes for recreational lots;
- Acceptable levels of tree and brush clearing;
- Lot distance from the water's edge;
- Building setbacks;
- Acceptable waste and garbage disposal methods;
- Fire prevention measures.

***What is the difference between a recreational use and a casual use?***

A typical recreational use can be described as a leased parcel of Commissioner's Land where the lessee chooses to construct a permanent or semi-permanent cabin for use on an intermittent basis throughout the year. A typical casual use can be described as a day-long hiking adventure, a boating excursion that includes pulling up on shore for a picnic, or any recreational-like activities such as overnight tenting where there is low or minimal impact to the land.

***Does MACA plan to consult with the public on the Framework?***

MACA's target is to have a draft Framework completed for release and discussion with its stakeholders and the public in June 2011. The Department is proposing to release written material and to hold leaseholder and public meetings in Yellowknife and Inuvik. MACA will also be seeking the views of Community Governments and Aboriginal organizations in June 2011.

In addition, MACA will continue with its communications strategy of placing advertisements in regional newspapers, and airing public service announcements on the radio.