

LANDS AND RESOURCES MANAGEMENT REGULATION

Pursuant to section 26 of the *Lands and Resources Act*, the Council orders as follows:

1. This Lands and Resources Management Regulation is hereby made.
2. This Order comes into force on January 31, 2011.

Dated at Mayo, in the Yukon Territory, this _____ day of November, 2011.

Chief
First Nation of Nacho Nyak Dun

Short title

1. This Regulation may be cited as the *Lands and Resources Management Regulation*.

Interpretation

2. In this Regulation, any reference to “day” means a business day; and
 - (a) “Act” means the *Lands and Resources Act* by the First Nation of Nacho Nyak Dun;
 - (b) “Applicant” means a person or entity who has made an application for the issuance or renewal of an Authorization under this Regulation for the use or occupation of Settlement Land or the use or possession of Resources;
 - (c) “Authorization” means a licence, permit, lease, easement or other grant established under the Tenure Regulation and issued under this Regulation;
 - (d) “Citizen” means a person who is enrolled as a member of the First Nation of Nacho Nyak Dun pursuant to the First Nation of Nacho Nyak Dun Citizenship Code;
 - (e) “Council” means the Council of the First Nation of Nacho Nyak Dun established in the Constitution of the First Nation of Nacho Nyak Dun;
 - (f) “Court” means a court of competent jurisdiction;
 - (g) “Department” means the Department of Lands and Natural Resources of the First Nation of Nacho Nyak Dun established by the Act;
 - (h) “Final Agreement” means the land claim agreement entered into by the First Nation of Nacho Nyak Dun, Her Majesty the Queen in Right of Canada and Government of Yukon which was brought into legal effect on February 14, 1995;
 - (i) “Forest Resources” has the same meaning as in the Final Agreement;
 - (j) “Gas” has the same meaning as in the Final Agreement;
 - (k) “Lands Officer” means a person designated by the Council under section 55 to exercise the powers and authorities provided under this Regulation;

- (l) "Manager" means the Manager of the Department or other official of the Department, as appropriate, if the Manager has delegated in writing a power, responsibility or function of the Manager under this Regulation to the other official;
- (m) "Mineral" has the same meaning as in the Final Agreement;
- (n) "Oil" has the same meaning as in the Final Agreement;
- (o) "Resources" means the Forest Resources, Gas, Minerals and Oil located on or in Settlement Land;
- (p) "Settlement Land" has the same meaning as in the Final Agreement;
- (q) "Traditional Activity" means a traditional or cultural activity undertaken by a Citizen, including the harvest of fish and wildlife and the use of Forest Resources in accordance with the Final Agreement; and
- (r) "Traditional Territory" has the same meaning as in the Final Agreement.

Restrictions

- 3. No Authorization issued under this Regulation shall be construed as permanently alienating any right or title of the First Nation of Nacho Nyak Dun in Settlement Land.
- 4. The ownership of Settlement Land shall not be used by the First Nation of Nacho Nyak Dun or any person to warrant, guarantee or otherwise act as security or collateral for any investment, loan, advance, mortgage or other instrument to obtain credit.

Delegation

- 5. The Council may delegate in writing any power, responsibility or function under this Regulation to any employee, agent or representative or committee or other entity of the First Nation of Nacho Nyak Dun.

AUTHORIZATIONS

Requirement for an Authorization

- 6. Subject to section 8, no person shall use, possess or occupy Settlement Land or use or possess Resources unless he or she has an Authorization under this Regulation for that use, possession or occupation.
- 7. No person shall use, possess or occupy Settlement Land or use or possess Resources for which the First Nation of Nacho Nyak Dun has issued an Authorization except in accordance with the terms and conditions set out in that Authorization and any other law made by the First Nation of Nacho Nyak Dun.
- 8. A person shall not be required to obtain an Authorization for the use, possession and occupation of Settlement Land or for the use or possession of Resources if:
 - (a) the person is a Citizen who is undertaking a Traditional Activity in accordance with any applicable land use plan or designation made by the Council under this Regulation;
 - (b) the use, possession or occupation of Settlement Land is authorized under the Final Agreement; or

- (c) the person is involved in the delivery of emergency services or actions to protect public health, welfare or safety or to prevent irreparable harm to Settlement Land and Resources, but the person shall notify the First Nation of Nacho Nyak Dun at the earliest opportunity.

Authorization is binding

- 9. An Authorization is binding according to its terms and conditions.
- 10. There will be no representation, warranty, collateral agreement or condition affecting the Authorization except as provided in the Act or this Regulation or as may be set out or referentially incorporated therein.

Transfer or assignment

- 11. (1) A person shall not transfer or assign an Authorization to another person without the written consent of the Manager.

(2) If any Authorization is transferred or assigned, the terms and conditions of that Authorization shall continue to apply unless the Authorization is amended by the Manager.

Form of Authorization

- 12. An Authorization may be in such form as determined by the Manager and such further terms and conditions as may be provided in the regulations or set out in the Authorization in accordance with this Regulation.

Present occupation

- 13. The Department shall provide notification to each person who occupies any parcel of Settlement Land before the date that this Regulation comes into legal force that he or she may continue to occupy that parcel for the use he or she is then making of it, provided that that he or she
 - (a) subject to section 15, undertakes to comply with any applicable land use plan made under this Regulation; and
 - (b) makes an Application for an Authorization for that occupation of Settlement Land within twelve months after the date that this Regulation comes into legal force.
- 14. (1) If a person who is notified under section 13 fails to comply with the requirements under paragraphs 14(a) and (b), that person shall be deemed to be a trespasser who is occupying Settlement Land without lawful authority.

(2) A person deemed a trespasser under subsection (1) may make a written request to the Department for a review of his or her occupancy of Settlement Land without lawful authority no later than 60 days from the date of that decision.
- 15. The Department may permit a person who lawfully uses or occupies any parcel of Settlement Land that does not comply with the applicable land use plan, but only to the extent of his or her non-conforming use or occupation as of the date before the land use regulation comes into effect and otherwise that person, after that date, shall use and occupy Settlement Land in a manner consistent with the land use plan so long as that he or she makes an Application for an Authorization under section 13(b) and possesses that portion of Settlement Land.

LAND USE PLANNING

Objectives of land use planning

16. The objectives of land use planning under this Regulation are to:
- (a) provide a guiding vision for the use and management of Settlement Land and Resources;
 - (b) establish a fair and transparent process to determine the best use of Settlement Land; and
 - (c) provide certainty of use to persons who use or occupy Settlement Land or use or possess Resources.

Development of land use plans

17. The Department may recommend a draft land use plan to the Council with respect to all or some parcels or portions of Settlement Land.
18. Upon receipt of a draft land use plan recommended by the Department under section 17, the Council:
- (a) may approve, vary or reject the draft plan; and
 - (b) will adopt any approved plan as a regulation under the Act.

Requirements for issuance of Authorization

19. Subject to section 20, the Manager will not issue an Authorization for the use or occupation of Settlement Land or the use or possession of Resources:
- (a) until a land use plan regulation has been made relating to that area of Settlement Land; and
 - (b) unless the proposed use or occupation of Settlement Land or the use or possession of Resources is consistent with the land use regulations.
20. The Department may recommend interim zoning plans for the consideration of the Council with respect to certain areas of Settlement Land until land use plan regulations have been made by the Council relating to those areas.
21. The Department will consult with Citizens in the development of the draft lands use plan regulations under section 17 and interim zoning plans under section 20.

APPLICATION FOR AN AUTHORIZATION

Eligibility

22. A person who wishes to obtain an Authorization or the renewal of an Authorization must be at least 19 years of age.

Prescribed application form

23. An Applicant must complete and submit the prescribed application form to the Manager.

Information to be provided to the Manager

24. As part of an application for an Authorization, an Applicant will be required to submit to the Manager:
- (a) a plan of survey or sketch map in a form acceptable to the Department;
 - (b) a description of the proposed activities;

- (c) the name and contact information of the Applicant and any holder of a beneficial interest in activities proposed to be undertaken by the Applicant; and
 - (d) any other information required under the form or otherwise requested by the Manager.
25. The Manager may require the Applicant to provide:
- (a) a study or assessment of the social, economic and environmental benefits and impacts of the proposed activities and identification of the measures proposed to be taken to avoid or mitigate any adverse effects and to enhance any beneficial effects; and
 - (b) proof of financial ability of the Applicant to undertake and complete the activities contemplated under the application, including any remediation and restoration of Settlement Land.

Complete applications

26. The Manager, within 15 days of receiving an application for an Authorization, will determine whether the application provides sufficient information in order for it to be assessed.
27. If the Manager requires additional time in order to make a determination under section 26, the Manager will notify the Applicant in writing.
28. (1) If the Manager determines that an application does not provide complete information for it to be assessed, the Manager will notify the Applicant in writing of the additional information required.
- (2) The Manager will not have any obligation to deal further with the application in respect of which notice has been given under this subsection (1) until the Applicant provides the information specified in that notice is provided to the Manager's satisfaction.
- (3) An Application who fails to provide the information required by a notice given under this section,
- (a) within three months, in the case of an application for residential use; or
 - (b) within six months, in the case of an application for commercial or governmental use;
- will be deemed as being withdrawn by the Applicant.

Application fee

29. An Authorization will not be issued until the Applicant has paid the application fee set by the Department.

REVIEW OF APPLICATIONS

Assessment by the Manager

30. Prior to making a decision with respect to an application for the issuance or renewal of an Authorization, the Manager:
- (a) will post notice of the application in the main administrative offices of the First Nation of Nacho Nyak Dun in order for Citizens and others to review the application and submit comments to the Department; and
 - (b) may order an inspection of the Settlement Land proposed to be used or occupied and require the Applicant to provide information and data that will enable the Manager to evaluate any effects of the proposed use or occupation.

31. The Manager will take into account the following matters in his assessment of an application:
- (a) the purpose of the proposed activities;
 - (b) the significance of any environmental or socio-economic effects of the proposed activities that may occur on Settlement Land, including the effects or any malfunctions or accidents;
 - (c) the significance of any adverse cumulative environmental or socio-economic effects that have occurred or might occur in connection with the proposed activities in combination with the effects of:
 - i. other activities or projects for which applications have been submitted; or
 - ii. other existing activities or proposed activities on Settlement Land;
 - (d) alternatives to the proposed activities that would avoid or minimize adverse environmental or socio-economic effects;
 - (e) mitigative measures to compensate for any significant adverse environmental or socio-economic or socio-economic effects;
 - (f) the need for a monitoring program to assess any impacts of the proposed activities;
 - (g) the effect of the proposed activities on the capacity of Resources to meet present and future needs of the First Nation of Nacho Nyak Dun and its Citizens; and
 - (h) such other as the Manager sees necessary and appropriate.

Determination of application

32. Within 30 days upon receiving a complete application, the Manager, taking into account and giving full consideration to any comments submitted by Citizens and others under section 30(a), may:
- (a) approve the application and issue or renew an Authorization, subject to any terms and conditions that the Manager considers necessary to meet the purposes of the Act and its regulations;
 - (b) reject the application;
 - (c) require the Applicant to provide further information;
 - (d) notify the Applicant that he requires additional time to make a decision; or
 - (e) refer the application to the Council pursuant to section 34;
- and advise the Applicant in writing.

Review of the Manager's decision

33. The Applicant may make a written request to the Council for a review of a decision made by the Manager under section 32 no later than 30 days from the date of that decision.

Referral of application to the Council

34. If the Manager determines that the proposed use or occupation of Settlement Land or use or possession of Resources under an application for an Authorization might contribute significantly to cumulative adverse effects or cause significant public concern, the Manager will refer that application

to the Council for its review and approval, including the establishment of any terms and conditions, or rejection and notify the Applicant in writing that the application has been referred to the Council.

35. Within 30 days of the referral under section 34, the Council may:
- (a) approve the application and issue or renew an Authorization, subject to any terms and conditions that the Council considers necessary to meet the purposes of the Act and its regulations;
 - (b) reject the application;
 - (c) require the Applicant to provide further information; or
 - (d) notify the Applicant that it requires additional time to make a decision;
- and advise the Applicant in writing.

Reconsideration of the Council's decision

36. The Applicant may make a written request to the Council for a reconsideration of a decision made by the Council under section 35 no later than 30 days from the date of that decision and the Council shall make a final decision to affirm, vary or rescind the decision no later than 60 days from the date of the written request referred to in section 35 and notify the Applicant in writing.
37. Any decision made by the Council under section 36 will be final and binding.

TERMS AND CONDITIONS

Mandatory terms and conditions

38. Each Authorization will provide that no person or entity will:
- (a) cause significant damage to Settlement Land;
 - (b) cause damage to buildings or other improvements on Settlement Land;
 - (c) commit any mischief on Settlement Land;
 - (d) disturb any cultural, spiritual and heritage sites; or
 - (e) abandon or discard any rubbish, debris, garbage, waste or other materials on Settlement Land.

Additional terms and conditions

39. The Manager may include terms and conditions in the Authorization relating to:
- (a) the location and area of Settlement Land that may be used;
 - (b) the times during which any activities may be carried out;
 - (c) the type and size of equipment that may be used to carry out the activities;
 - (d) the methods and techniques to be employed by the Applicant to carry out the activities, including debris and brush disposal;
 - (e) the methods of controlling or preventing ponds of water, flooding, erosion and slides;
 - (f) the use, storage, handling and disposal of any chemical or toxic material to be used in the activities, including fuel;

- (g) the protection of fish and wildlife and their habitat;
- (h) the protection of places and objects of recreational, scenic or ecological value;
- (i) the provision of financial security in accordance with section 43; and
- (j) such other as the Manager sees necessary and appropriate.

Modification of term or condition

40. The Manager may modify a term or condition included in an Authorization upon written request from the holder of an Authorization that sets out:
- (a) the term or condition that the holder wishes modified; and
 - (b) the nature of the modification proposed and the reasons.
41. Where the Manager receives a written request from a holder pursuant to section 40, the Manager will notify the holder of his decision, including reasons, within 30 days of receipt of the request.

Compensation

42. The Manager may require, before issuing an Authorization, that an Applicant enter into a compensation agreement with the First Nation of Nacho Nyak Dun or any affected person, including a Citizen, for any potential loss or damage that may arise from the Applicant's activities under the Authorization.

Financial security

43. (1) The Manager may require, before issuing an Authorization, that an Applicant provide financial security, in the form and amount specified by the Manager, for the performance and completion by the Applicant of all the obligations and requirements specified by the Department, including the remedial or preventative action required to protect and conserve the Settlement Land or to restore and rehabilitate the Settlement Land.
- (2) The Manager may from time to time during the term of the Authorization, require the holder of the Authorization to increase the financial security specified in this section to an amount considered by the Manager in his sole discretion to be appropriate in the circumstances.
- (3) This section does not affect the liability of a person holding an Authorization for any damage to Settlement Land in excess of the amount of the financial security provided pursuant to this section.

Socio-economic participation agreements

44. The Manager may require, before issuing an Authorization, that an Applicant enter into a socio-economic participation agreement with the First Nation of Nacho Nyak Dun or its designate to, among other matters, provide employment and training opportunities for Citizens and contracting and investment opportunities for First Nation of Nacho Nyak Dun businesses and address any environmental, cultural and socio-economic impacts.

Reports

45. The Manager may require a holder of an Authorization to submit to the Department, in a form and on a date satisfactory to the Manager, written reports related to the activities under the Authorization.

END OF ACTIVITIES

Letter of clearance

46. Where an Authorization expires and the holder of that Authorization does not wish to make an application for renewal or where the use or occupation permitted under the Authorization is no longer required by the holder, the Lands Officer will, after a final inspection of the affected area and if appropriate, issue the holder a letter of clearance to confirm that the terms and conditions have been completed and the holder may vacate the Settlement Land with no further responsibilities.
47. The Lands Officer will file a letter of clearance in the land register.

Notice of discontinuance

48. Where the holder of an Authorization wishes to discontinue use or occupation of under that Authorization before its expiry, he will give notice of discontinuance in writing to the land officer that identifies the date upon which he proposes to discontinue the use or occupation.
49. A notice of discontinuance will be given to the Lands Officer at least ten days before the proposed date of the discontinuance.
50. Upon receipt of a notice of discontinuance, the Lands Officer will inspect the affected area and, if appropriate, issue a letter of clearance in accordance with this Regulation.

Continuing obligations

51. The issuance of a notice of discontinuance or termination of the Authorization by the Lands Officer does not relieve the holder of an Authorization from any obligations arising under the terms and conditions of the Authorization or under the Act and its regulations, including compliance with any notice or direction provided by the Lands Officer to the holder.

LANDS OFFICERS

Designation of Lands Officer

52. The Council may designate any person or classes of persons as Lands Officers for the purposes of the Act and may limit in any manner the Council considers appropriate the powers that a Lands Officer may exercise under this Regulation.

Certificate

53. Each Lands Officer will be provided with a certificate in a form the Council considers appropriate certifying their designation as such and, where the powers of a Lands Officer are limited pursuant to section 52, specifying the powers that the Lands Officer may exercise under this Regulation.

Presentation of certificate upon request

54. A Lands Officer will, on request, show the certificate of designation to the person in charge of the place.

Cross-jurisdictional appointments

55. The Council may enter into agreements with other governments to permit:
 - (a) Lands Officers to enforce specific laws of other governments; or
 - (b) designation of any person or class of persons employed by other governments to be deemed a Lands Officer under this Regulation to carry out the powers, responsibilities and functions of a Lands Officer and exercise a Lands Officer's powers under this Regulation.

Powers of Lands Officer

56. A Lands Officer will:
- (a) carry out compliance monitoring and inspection activities;
 - (b) exercise enforcement duties;
 - (c) issue orders, notices and tickets; and
 - (d) take action to implement the provisions of the Act and its regulations.

Posting of signs and notices

57. Where considered necessary or advisable in order to carry out the provisions of the Act and this Regulation, a Lands Officer may post signs or notices on Settlement Land.
58. No person will without lawful authority remove, alter or damage a sign or notice posted by a Lands Officer or a person providing assistance to a Lands Officer.

Assistance to Lands Officers

59. The person in charge of a place entered into by a Lands Officer under this section and every person found in the place:
- (a) will, when requested by a Lands Officer, give the Lands Officer all reasonable assistance in the person's power to enable the Lands Officer to carry out duties and functions under this Regulation; and
 - (b) will provide the Lands Officer with any information with respect to the administration of this Regulation as the Lands Officer may reasonably require.

Obstruction and false information

60. While a Lands Officer is exercising powers or carrying out duties and functions under this Regulation, no person will:
- (a) knowingly make any false or misleading statement, either orally or in writing, to the officer; or
 - (b) otherwise obstruct or hinder the officer.

Duty to report

61. Where, out of the normal course of events, an occurrence takes place in respect of any work or undertaking authorized by an Authorization issued by the First Nation of Nacho Nyak Dun that has caused or is likely to cause a threat to public health or safety or cause irreparable or costly damage to the environment, any person who at the material time:
- (a) has charge, management or control of the work or undertaking; or
 - (b) causes or contributes to the causation of the danger thereof,
- will report such occurrence to a Lands Officer.

Duty to take all reasonable measures

62. Every person referred to in section 61(a) and (b) will, as soon as possible in the circumstances, take all reasonable measures consistent with public health or safety and protection of the environment to

prevent any occurrence referred to in section 61 or to counteract, mitigate or remedy any adverse effects that result or may reasonably be expected to result from the occurrence.

Power to take or direct remedial measures

63. Where a Lands Officer, whether or not a report has been made under section 61, is satisfied on reasonable grounds that there is an occurrence referred to in section 61 and that immediate action is necessary in order to carry out any reasonable measures referred to in section 62, they may take or direct any person referred to in section 62 to take such measures.

REMEDIES AND SANCTIONS

Notice of non-compliance

64. A Lands Officer may issue a notice of non-compliance to a person when the officer believes that the person, or activities under the person's control, is not in compliance with this Regulation or the Authorization issued by the First Nation of Nacho Nyak Dun relating to the use, possession and occupation. A notice will state:
- (a) the nature of the non-compliance;
 - (b) a request for compliance;
 - (c) the steps which should be taken to achieve compliance; and
 - (d) the date by which compliance should be effected.
65. The Council may establish a public register of notices of non-compliance and, when such a register is established, will cause a copy of every active notice of non-compliance to be placed on the register.
66. A register established under section 65 will be accessible to the public without charge during normal business hours at the principal administrative offices of the First Nation of Nacho Nyak Dun.
67. If a Lands Officer is satisfied that a person to whom a notice of non-compliance was issued under section 64 has effected compliance pursuant to the notice, the Lands Officer will cancel the notice of non-compliance but the copy of the notice may continue to be posted on the public register.

Stop work order

68. (1) If:
- (a) a term or condition of an Authorization or a provision of this Regulation is contravened; or
 - (b) the work or undertaking to which an Authorization relates has caused or is likely to cause a threat to public health or safety and cause irreparable or costly damage to the environment,
- a Lands Officer, after giving to the person in charge of the work or undertaking reasonable notice and an opportunity to make representations, may issue a written order, including the reasons, directing the person to stop all such work or undertaking or to carry out measures to mitigate the effects of non-compliance within any time specified in the order.
- (2) Upon receipt of the order under subsection (1), the person will immediately comply with the order.
69. If the Lands Officer is satisfied that adequate steps have been taken to remedy the conditions, which led to the making of the suspension, the officer will rescind the order issued under section 68.

Suspension, cancellation or amendment of Authorization by the Manager

70. The Manager, after giving the holder of the Authorization reasonable notice and an opportunity to make representations, may by written order:
- (a) suspend all or some of the rights of the holder under the Authorization;
 - (b) cancel the Authorization; or
 - (c) amend or attach new conditions to the Authorization.
71. The Manager may only make an order under section 70 if:
- (a) a term or condition of the Authorization or a provision of this Regulation is contravened;
or
 - (b) the work or undertaking to which the Authorization relates has caused or is likely to cause a threat to public health or safety and cause irreparable or costly damage to the environment.
72. (1) Upon receiving an order under section 70, the holder of the Authorization will immediately comply with the order.
- (2) If the Manager is satisfied that adequate steps have been taken to remedy the conditions which led to the issuance of an order under section 70, the Manager will rescind the order and reinstate the Authorization or issue a new Authorization.

Order for compliance or stop work

73. (1) If the Lands Officer considers that any person is not complying or has not complied with:
- (a) a notice of non-compliance issued by a Lands Officer under section 64 of this Regulation;
or
 - (b) an order made by a Lands Officer under section 68 of this Regulation directing a person to stop all work or carry out measures to mitigate the effects of non-compliance,
- the Lands Officer may apply to a Court for an order directing the person to comply with the order or restraining the person from violating the order.
- (2) On application by the Council under subsection (1), a Court may make an order it considers appropriate.

Injunctions

74. The Council may apply to a Court for and the judge may grant an injunction enjoining any person from continuing conduct that is in contravention of this Regulation.

TRESPASS

Notice and order to vacate

75. (1) Where a person is wrongfully or without lawful authority using or occupying Settlement Land, or fails to deliver up possession of Settlement Land, the Manager may provide written notice to that person to forthwith vacate or abandon and cease using or occupying the Settlement Land.
- (2) Within thirty days of the Manager’s notice under subsection (1), the person has not removed from, vacated or ceased using or occupying the lands, or has not shown cause why he or she

should not do so, the Council, upon the recommendation of the Manager, may order that person's summary removal from the lands and requiring that person to restore the lands to a condition satisfactory to the Manager or to pay the costs of having the lands so restored.

- (3) A person to whom an order made under subsection (2) is addressed will forthwith remove from the Settlement Land the person named in the order and all members of that person's family, all tenants of that person and all employees, servants or other persons employed by or living with that person or that person's tenants.
- (4) An order under this section may be made by personal delivery to the person named in it or by leaving a copy with an adult person found on the Settlement Land and by posting up another copy in a conspicuous place on the Settlement Land or, where no adult person is found on the lands, by posting up copies in two conspicuous places on the Settlement Land.

OFFENCES AND PENALTIES

Tickets

76. If a Lands Officer believes on reasonable grounds that a person has committed an offence under section 6 or 7 or contravenes any other provision of this Regulation, then, as an alternative to prosecution for the offence or other sanctions, the officer may issue a ticket against the alleged offender in the following amount:
 - (a) for a first offence, up to \$500 and, in the case of a continuing offence, to a further penalty of up to \$250 for each day or part of a day during which the offence continues after the first day; and
 - (b) for a second offence, up to \$1,000 and, in the case of a continuing offence, to a further penalty of up to \$500 for each day or part of a day during which the offence continues after the first day.

Offences

77. A person who contravenes section 6 or 7 of this Regulation is guilty of an offence punishable on summary conviction and liable to a fine not exceeding three hundred thousand dollars or to imprisonment for a term not exceeding six months, or to both.
78. A person who remains on Settlement Land, returns to it or assumes any possession or occupancy of it after having been ordered to vacate them under section 75 or after having been removed from them under that section is guilty of an offence punishable on summary conviction and liable to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding six months, or to both.

Punishment not otherwise provided for

79. Except as otherwise provided in this Regulation, every person who contravenes this Regulation is guilty of an offence punishable on summary conviction and liable to a fine not exceeding five thousand dollars and or to imprisonment for a term not exceeding six months, or to both.

Continuing offences

80. Where any contravention of this Regulation is committed or continued on more than one day, it constitutes a separate offence for each day on which the contravention is committed or continued.

Other penalties

81. On a conviction for a contravention of this Regulation, in addition to or instead of a fine or other penalty, the Court may require the convicted person to:
- (a) take any action as may be necessary to refrain from causing any further adverse effect;
 - (b) take any action as may be necessary to restore or rehabilitate the natural environment affected by the commission of the offence;
 - (c) make restitution to any person who suffered damages as a result of the commission of the offence as the judge may consider appropriate; or
 - (d) undertake any other actions as may be necessary to achieve compliance.

Sentencing principles

82. A Court will take into account the sentencing objectives in this section and such other objectives and principles as it considers appropriate when imposing a sentence for an offence.
83. The fundamental purpose of sentencing is to contribute to respect for the law and the maintenance of a safe and healthy environment by imposing just sanctions that have one or more of the following objectives:
- (a) to denounce unlawful conduct;
 - (b) to deter the offender and other persons from committing offences;
 - (c) to provide reparations for harm done to the community;
 - (d) to promote a sense of responsibility in offenders and acknowledgment of the harm done to the community;
 - (e) to protect the ability of Citizens to pursue Traditional Activities on Settlement Land; and
 - (f) to protect the cultures, traditions, health and lifestyle of Citizens and other residents of the Yukon Territory.

Offences by corporations

84. Where a corporation commits an offence under this Regulation, any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is a party and guilty of the offence and is liable on conviction to the penalty provided under this Regulation, whether or not the corporation has been prosecuted.

Offences by employers or agents

85. In any prosecution for an offence under this Regulation, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused and the accused knew or ought to have known of the offence, whether or not the employee or agent is identified or has been prosecuted for the offence.

Procedure

86. Any offence or administrative penalty created under this Regulation will be prosecuted as an offence or ticket against an enactment pursuant to the *Summary Conviction Act* (Yukon), with any modifications that are necessary.

Disposition of fines and property

87. Any fine paid by a person convicted of an offence under this Regulation, and property forfeited pursuant to such a conviction, will be paid or transferred to the First Nation of Nacho Nyak Dun.

Recovery of fines

88. When a fine, or any part of a fine, imposed on a person under this Regulation is not paid within 15 days after its imposition, or within any other time that may be allowed for its payment, the fine will be deemed to be a debt due to the First Nation and on the proof of the non-payment of the fine, a judge will grant default judgment in favour of the First Nation of Nacho Nyak Dun.
89. If a default judgment is granted under section 88, the judge will complete a default judgment in the prescribed form, and on the filing of the default judgment with a Court, it will be deemed to be a judgment of that Court for all purposes.
90. A default judgment will not be granted under this section more than two years after the day on which the fine was to be paid in full.

POWERS OF THE COUNCIL

91. In accordance with this Regulation, the Council may:
- (a) order the withdrawal of any portion of Settlement Land from disposal under the Act and this Regulation; and
 - (b) make such orders as are deemed necessary to carry out the purposes and provisions of this Regulation.

MISCELLANEOUS

Liability

92. A person will be liable to the First Nation of Nacho Nyak Dun for his willful or negligent acts or omissions that cause harm, injury, loss or damage to Settlement Land or to any improvement located on Settlement Land.
93. Notwithstanding the suspension, cancellation, revocation, expiry or termination of an Authorization, the holder and any executor, administrator, receiver, receiver-Manager, trustee or assignee thereof, any successor thereto, will be liable to the First Nation of Nacho Nyak Dun for the holder's acts or omissions and for the discharge of any obligation of the holder which occurred or arose with respect to the Authorization or his activities on Settlement Land.
94. The First Nation of Nacho Nyak Dun and its employees, agents and contractors will not be liable for anything done or omitted in good faith execution of any duty or power under this Regulation.

Judicial notice

95. A copy of a First Nation of Nacho Nyak Dun law deposited in the register of the laws enacted by the First Nation of Nacho Nyak Dun and maintained by the First Nation at its principal administrative offices is evidence of that law and of its contents, unless the contrary is shown.

Remedies preserved

96. A proceeding, conviction or penalty for an offence under this Regulation does not relieve a person from other liability.

Review

97. The Department will commence a comprehensive review of this Regulation no later than five years after their enactment.

Regulation in force

98. This Regulation comes into legal force on a day to be fixed by the Council.