



CHAMPAGNE and AISHIHIK First Nations

**Revised Statutes of
Champagne and Aishihik First Nations**

2002

**Traditional Activities
Protection Act**

TRADITIONAL ACTIVITIES PROTECTION ACT

PART ONE GENERAL

Title

1. This Act shall be cited as the *Traditional Activities Protection Act*.

Definitions

- 2.(1) In this Act,

'allocation' means an allocation of land made in accordance with the *Lands Act* or another enactment which addresses the allocation of settlement land to citizens;

'applicant' means a person to whom a permit is to be issued under this Act;

'development' means any human project, industry, undertaking, enterprise, operation or activity or any alteration or expansion of the same that involves the use of the surface of settlement land or resources found on the surface of settlement land unless exempt by the regulations, but does not include traditional activities or activities undertaken in conjunction with traditional activities;

'director' means the person appointed by the First Nations Council from time to time to be responsible for the administration of this Act;

'dwelling place' means a permanent or temporary camp;

'flammable materials' includes trees, timber, brush, slash, grass, vegetation, garbage, debris, solvents, fuels and any other volatile materials whether in a gaseous, liquid or solid state;

'government' means the Government of Canada or the government of a province;

‘habitat’ means the air, soil, water, food, cover and all the other components of the natural environment of fish and wildlife;

‘litter’ includes any rubbish, refuse, garbage, paper, packaging, containers, bottles, cans, sewage, the whole or part of a vehicle or piece of machinery, construction material or demolition waste that is abandoned or discarded;

‘officer’ means a person appointed from time to time under section 28;

‘permit’ means a permit issued under this Act;

‘permittee’ means the holder of a permit and includes any person engaged in a development or anyone employed by a permittee to conduct a development;

‘resources’ means renewable and non-renewable resources found on settlement land, including fish and wildlife and their habitats, water, forests, plants, minerals and heritage resources;

‘traditional activities’ means those activities undertaken by citizens for food, subsistence or ceremonial purposes to strengthen and enhance social, spiritual and cultural relationships and values between, and of, citizens that, except for trapping, are not intended to be for commercial purposes;

‘vehicle’ includes trucks, automobiles, all-terrain vehicles, boats and any other land or water craft or device used to transport people and things; and

in addition to the meaning of ‘wildlife’ provided in the final agreement, ‘wildlife’ includes invertebrate animals of any species or subspecies that are wild in the Yukon.

(2) Unless otherwise defined in subsection (1), words or phrases used in this Act that have been defined in the final agreement have the same respective meaning as provided in the final agreement.

Purposes

3. The purposes of this Act are
 - (a) to ensure the wise management of settlement land and resources on behalf of present and future generations of Champagne and Aishihik people;

- (b) to ensure comprehensive and integrated decision making respecting the use and management of settlement land and resources, including the full consideration of environmental, cultural, historic and socio-economic factors in that decision making; and
- (c) to protect the culture, traditions, health and lifestyle of Champagne and Aishihik people and to ensure that information pertaining to these things is used respectfully and wisely in decisions made by the First Nations.

Application

- 4. This Act applies to the settlement land of the First Nations.

PART TWO MANAGEMENT OF LAND AND RESOURCES

Application

- 5. This Part does not apply to
 - (a) persons engaged in activities in accordance with a right of access provided in the final agreement; or
 - (b) persons engaged in activities that are licensed or otherwise authorized or approved to be undertaken by another enactment.

Permit Required

- 6. Every person who undertakes a development on settlement land must do so in accordance with a permit.

Permit Application

- 7.(1) An application for a permit shall be made on a form provided by the director and shall state
 - (a) the name and the mailing address of the applicant;
 - (b) the location in which the applicant intends to undertake the development;
 - (c) the description of the development to be undertaken;

- (d) the proposed dates the development is to occur;
 - (e) the potential impact the development may have on traditional activities, the lifestyle and land use activities of citizens;
 - (f) the anticipated impact of the development on settlement land and resources, including fish and wildlife habitat;
 - (g) the action proposed to be undertaken to restore or rehabilitate settlement land or resources;
 - (h) alternatives to the development which may lessen the impact on the settlement land, resources or citizens;
 - (i) information detailing the need for development and the anticipated outcome of the development;
 - (j) how citizens will be involved in the development; and
 - (k) any other information as required by the director.
- (2) The director may waive a portion of the information requested on the application form.

Additional Information

8. The director may, with written reasons, request that an applicant provide information in addition to that required on the application form.

Application Fees

9. (1) Fees, as set from time to time in regulations, shall accompany applications made for a permit.
- (2) The director may waive the application fee to be paid by an applicant.
- (3) No application fee for a permit will be refunded.

Issuance of Permit

- 10.(1) The director may issue or renew a permit subject to any terms and conditions that the director considers necessary to meet the purposes of this Act or the director may refuse to issue a permit.
- (2) The director may issue or renew a permit for a term not exceeding two years.

(3) It is a condition of every permit that every permittee report the results of all activity undertaken under the authority of the permit on a form provided by the director as soon as practicable after the development occurs or at the end of every calendar year, whichever comes first.

(4) Any development undertaken by the permittee must be carried out in a manner which shows respect to citizens, settlement land and resources.

(5) All permits are subject to encumbering rights.

Security

11.(1) The director may require, before a permit is issued, that an applicant provide financial security for

- (a) the performance of any remedial or preventative action specified in the permit; and
- (b) restoration and rehabilitation of the area affected by the development to prevent damage during and after the development occurs.

(2) Financial security shall be in the form of

- (a) a promissory note guaranteed by a chartered bank in Canada and payable to the First Nations Council;
- (b) a certified cheque drawn on a chartered bank in Canada and payable to the First Nations Council;
- (c) bearer bonds issued or guaranteed by the Government of Canada; or
- (d) a combination of the securities described in paragraphs (a) to (c).

(3) Where in the opinion of the director a permittee has not complied with all the terms and conditions of their permit or this Act, the director may retain such part of the financial security as, in the director's opinion, the circumstances justify.

(4) Where the director retains all or part of the financial security, the director may use all or part of the security to repair or restore settlement land or resources that have been damaged as a result of the development.

(5) Where the director is satisfied that all or part of the financial security is no longer required, the director may return or release all or part of the security.

(6) This section does not affect the liability of a permittee for any damage to the land in excess of the amount of financial security provided.

Compensation

12. The director may require, before a permit is issued, that an applicant enter into an agreement to compensate

- (a) holders of Category 1 or Category 2 traplines or holders of other rights of a similar nature;
 - (b) citizens possessing improvements on settlement land;
 - (c) citizens engaging in traditional activities; or
 - (d) any other person that the director identifies
- for any loss or damage resulting from the development.

Benefits

13. The director may require, before a permit is issued, that an applicant enter into a benefit agreement with the First Nations Council to address

- (a) employment and training opportunities;
- (b) supply of goods and services for the permittee and any contractors of the permittee; and
- (c) any related benefits to be realized by citizens.

Royalty and Other Payments

14. Permits may provide for royalty or other payments to the First Nations Council, at rates to be set out in regulations, for the use of settlement land or for the use or removal of resources from settlement land.

Substitutions

15.(1) At the discretion of the director, a permit may be substituted for a license or other authorization or approval that could have been issued under another enactment.

(2) Where a permit is substituted for a license or other authorization or approval as set out in subsection (1), the permit may contain any terms and conditions necessary to satisfy the other enactment in addition to any terms and conditions necessary to satisfy this Act.

PART THREE PROHIBITIONS

Unauthorized Use or Occupation of Settlement Land or Resources

16.(1) No person shall access, occupy or use settlement land or resources except in accordance with

- (a) a right of access and use, as provided for in the final agreement; or
- (b) a permit, license or other authorization issued in accordance with this Act or another enactment or an allocation, lease, license of occupation of other similar instrument of tenure for settlement land.

(2) Subsection (1) does not apply to a citizen, unless they are engaged in a development.

Damage to Settlement Land

17. Except as may be provided in a permit, no person shall
- (a) cause significant damage to settlement land or to improvements on land;
 - (b) cause mischief to be committed on settlement land; or
 - (c) cause significant interference with the use and peaceful enjoyment of settlement land by citizens or any person who is authorized by the First Nations Council to occupy an improvement on settlement land.

Trespass

18. Prosecution of an offence under section 16 or 17 does not preclude a civil action in trespass initiated by a citizen, the First Nations Council or the First Nations Council on behalf of a citizen.

Litter

19. No person shall abandon or discard litter on settlement land except in a litter receptacle placed for the purpose of collecting litter or as provided in a permit.

Searching and Excavating

20. No person shall search or excavate for heritage resources or a Yukon First Nation burial sites on settlement land except as provided in a permit.

Accidental Discoveries

21.(1) If a person accidentally finds, discovers or otherwise locates any object that is or may be a heritage resource or a Yukon First Nation burial site, they shall take all necessary steps to safeguard the object and shall report the discovery as soon as practicable to the director.

(2) No person shall take any action that may jeopardize the safety or integrity of an object found as set out in subsection (1) or further disturb the area of settlement land which contains or contained the object, regardless of whether the activity was authorized by a permit or not, unless

- (a) if the person was engaged in an activity using settlement land in accordance with a right of access or use provided in the final agreement and they intend to resume the same activity, they have obtained a permit which contains terms and conditions respecting the object or the area of settlement land which contains or contained the object or, if the director refuses to issue this permit, an order made by the Yukon Surface Rights Board under the *Yukon Surface Rights Board Act (Canada)*; or
- (b) if the person is engaged in an activity not described in paragraph (a), they have obtained a permit which contains terms and conditions respecting the object or the area of settlement land which contains or contained the object.

(3) A person who fails to safeguard an object or site as required by subsection (1) commits an offence.

Documentary Heritage Resources

22. No person shall take, remove or otherwise bring into their possession any documentary heritage resources found on settlement land, other than public records or records which are the private property of any person at the time this Act comes into effect, except as provided in a permit.

Moveable and Non-Moveable Heritage Resources

23. No person shall take, remove or otherwise bring into their possession any moveable heritage resources, non-moveable heritage resources or non-public records found on settlement land and on those beds of waterbodies owned by the First Nations, other than records which are the private property of any person at the time this Act comes into effect, except as provided in a permit.

Fire Protection for Land and Resources

24.(1) There shall be a fire season in each year beginning on April 1 and ending on September 30, which may, by order, be extended or shortened by the director.

(2) During the fire season, the director may, by order, restrict or prohibit the kindling or starting of a fire for some or all purposes.

(3) No person may start a fire contrary to an order made in accordance with subsection (2) unless a permit authorizing the person to kindle or otherwise start a fire has been issued under this Act.

(4) An order issued under subsection (2) does not apply to a person who kindles or otherwise starts a fire in a stove, furnace or other device designed to confine the fire and suitable for that purpose.

(5) No person shall leave the vicinity of a fire that they have started or kindled, other than a fire kindled in a stove, furnace or other device suitably designed and capable of confining the fire, until the fire has been totally extinguished.

(6) Where an officer considers any flammable material dangerous to life or property, the officer may notify the person occupying the land on which the flammable material is located and once notified the person shall immediately remove the flammable material to the satisfaction of the officer.

(7) A person who finds a fire, other than a fire in a stove, furnace or other device designed to confine the fire and suitable for that purpose, shall do their utmost to extinguish the fire or prevent it from spreading and shall report the fire to an officer as soon as practicable.

(8) Where a fire is burning on settlement land, whether the fire is burning under the authority of a permit or not, the person responsible for the fire shall do their utmost to prevent the fire from spreading and to extinguish it if it does spread, and at the person's own expense, shall place their services and the services of their employees or contractors at the disposal of the officer for the purposes of preventing the fire from spreading and to extinguish the fire.

(9) A person who kindles or otherwise starts a fire in contravention of this section shall be held liable for costs incurred by the First Nations Council for preventing the spread of the fire, extinguishing the fire and for restoring or rehabilitating settlement land, resources or improvements on settlement land damaged by the fire.

(10) A person who fails to comply with a notification made under subsection (6) commits an offence.

Permits

25. The permits referred to in sections 19, 20, 22 and 23 and subsections 21(2) and 24(3) shall be issued following the procedures described in Part One of this Act, with the necessary modifications.

Emergencies

26.(1) Notwithstanding section 16 or subsection 24(3), a person may enter upon and use settlement land in an emergency and, if required, may kindle or otherwise start a fire for the sole purpose of cooking or preparing food or for obtaining warmth.

(2) Any damage caused to settlement land during an emergency must be reported as soon as practicable to the director.

(3) A person causing significant damage to settlement land or to any improvements on settlement land during an emergency shall be liable for the damage caused.

PART FOUR WITHDRAWAL OF SETTLEMENT LAND

Closure and Use of Lands

27. For the purposes of conserving and protecting settlement land and resources, the First Nations Council may
- (a) withdraw settlement land from use and occupation; and
 - (b) designate settlement land for certain uses consistent with the purposes of this Act, including designation of settlement land
 - (i) to protect and promote cultural, heritage, archaeological or anthropological values of citizens;
 - (ii) to preserve and promote traditional activities, languages, beliefs and oral histories including legends and the cultural knowledge of citizens; and
 - (iii) to conserve and protect fish, wildlife and their habitats.

PART FIVE ENFORCEMENT

Appointment of Officers

- 28.(1) The First Nations Council shall appoint such officers as may be necessary for the administration and enforcement of this Act and shall confer on an officer any or all of the powers or authority given to an officer under this Act.
- (2) The First Nations Council may enter into any agreements with other Yukon First Nations and other governments
- (a) to enable officers appointed under this Act to enforce designated legislation of the other Yukon First Nation or government; or

- (b) to enable designation of any person or class of persons employed by other Yukon First Nations or government to act as officers for the purposes of this Act.
- (3) Every officer appointed under subsection (1) and any person or class of persons designated in accordance with an agreement made under paragraph 2(b) shall be provided with an identification card by the First Nations Council stating the name, place of employment and the scope of authority of the person or class of persons identified.
- (4) Subject to any limitations respecting enforcement provided in an agreement made in accordance with paragraph 2(b), every person or class of persons designated in accordance with that agreement shall be deemed an 'officer' for the purposes of enforcing this Act.

Enforcement

29. Subject to section 28, every officer has the authority to enforce the provisions of this Act.

Assistance to Officers

- 30.(1) An officer may be assisted in carrying out their duties and powers under this Act by an officer appointed under the *Fish and Wildlife Act*, a peace officer or a conservation officer appointed under the *Wildlife Act (Yukon)*.
- (2) The owner of and every person found in any place in respect of which an officer is exercising powers or duties under this Act, shall
- (a) give the officer all reasonable assistance to enable the officer to exercise their powers and carry out their functions and duties; and
 - (b) provide all information necessary to the officer to enable the officer to exercise their powers and carry out their functions and duties.

Obstruction

31. No person shall hinder or obstruct an officer or any person who has been appointed by the First Nations Council to enforce or administer this Act, where such person is exercising their powers or carrying out their functions and duties under this Act.

Production of Permits

32. No person who is the holder of a permit or is attempting to exercise any rights or privileges carried by the permit shall refuse to show the permit to an officer upon request.

False Statements

33.(1) No person shall knowingly make any false or misleading statement, either orally or in writing, to an officer.

(2) A permit is void where it is issued based upon a false statement or false information given orally or in writing to an officer or the director.

Transfer of Permits

34. No person shall have physical possession of a permit issued to another person and claim to be that person or exercise or attempt to exercise any rights or privileges carried by the permit which the person would not otherwise have.

Duplication of Permits

35. No person shall alter, imitate or duplicate a permit.

Requirement to Stop

36.(1) The operator of a vehicle shall stop the vehicle when requested to do so by an officer who is readily identifiable as such.

(2) Upon request, an officer who exercises a power under subsection (1) shall identify themselves as an officer either by producing a copy of their identification card or by some other means and shall explain the purposes of the inspection.

Posting of Signs and Notices

37.(1) Where considered necessary or advisable in order to carry out the provisions of this Act, an officer may post signs or notices on settlement land.

(2) No person shall without lawful authority remove, alter, destroy or damage a sign or notice placed under the authority of this Act.

Inspection of Premises and Records

38.(1) For the purposes of ensuring compliance with any provision of this Act, an officer may, subject to subsection (3), at any reasonable time enter and inspect any place in which the officer believes, on reasonable grounds, there is any thing to which the provision applies or any document relating to its administration and the officer may

- (a) open or caused to be opened any container that the officer believes, on reasonable grounds, contains any such thing or document;
- (b) inspect the thing and take samples free of charge;
- (c) require any person to produce documents for inspection or copying, in whole or in part;
- (d) conduct any tests or analyses and take any measurements;
- (e) use or cause to be used any computer system at the place to examine any data contained in or available to the computer system and reproduce any data record from the computer in any form of a print-out or other intelligible output and remove the print-out or other form of output for copying; and
- (f) use any copying equipment at the place to make copies of any record or document.

(2) An officer may, without a warrant, seize any thing that is produced to the officer or that is in plain view during an inspection under subsection (1) if the officer reasonably believes that there has been a contravention of this Act and that the thing will afford evidence of the contravention.

- (3) The officer may not enter a dwelling-place except with the consent of the occupant or person in charge of the dwelling-place or under the authority of a warrant.
- (4) If on application by an officer only, without notice to the person to be affected by the warrant, a justice of the peace is satisfied by an information on oath that
- (a) the conditions for entry described in subsection (1) exist in relation to a dwelling-place;
 - (b) entry to the dwelling-place is necessary in relation to the administration of this Act; and
 - (c) entry to the dwelling-place has been refused or there are reasonable grounds for believing that entry will be refused
- the justice may issue a warrant authorizing the officer to enter the dwelling-place subject to any conditions that may be specified in the warrant.
- (5) For the purposes of carrying out the inspection, the officer may stop a vehicle or direct that it be moved to a place where the inspection can be carried out.

Search

- 39.(1) An officer with a warrant issued under subsection (2) may enter and search any place, including any premises, dwelling-place or vehicle in which the officer believes on reasonable grounds there is
- (a) evidence that a development is being or has been carried out in contravention of this Act;
 - (b) evidence that any activity which requires a permit is being or has been carried out in contravention of this Act; or
 - (c) any thing in the place that will afford evidence of a contravention of this Act.
- (2) Where on application by an officer only, without notice to the person to be affected by the warrant, a justice of the peace is satisfied by information on oath that there are reasonable grounds to believe that there is in any place referred to in subsection (1), any thing referred to in subsection (1), the justice may issue a warrant authorizing the officer named in the warrant to enter and search the place for the thing subject to any conditions that may be specified in the warrant.
- (3) In carrying out a search under this section, the officer may exercise any power mentioned in subsection 38(1).

Search without a Warrant

40.(1) Notwithstanding section 39, an officer may, without a search warrant, search any place other than a dwelling-place if the officer has reasonable grounds to believe

- (a) that an offence has been committed;
- (b) that there is in the place any thing that will afford evidence as to the commission of the offence; and
- (c) that there are exigent circumstances that make it impractical to obtain a search warrant.

(2) For the purposes of subsection (1)(c), exigent circumstances include circumstances in which the delay necessary to obtain the search warrant would result in danger to human life or safety, irreparable harm to the environment or loss or destruction of evidence.

(3) An officer may seize any thing that is found by the officer during the search under subsection (1), if the officer reasonably believes that the thing will afford evidence of the commission of the offence.

Custody of Seized Things

41.(1) If an officer seizes any thing under sections 38, 39 or 40, the officer may retain custody of the thing for a maximum of 30 days.

(2) If proper storage facilities are not available or if it appears that storage will be necessary for longer than 30 days or for any other reason the officer cannot properly store the thing, the officer shall appear before a justice of the peace for direction regarding the disposition of the thing seized.

(3) Where any thing is seized and brought before a justice of the peace, the justice shall, by order

- (a) detain it or direct it to be detained in the care of a person named in the order; or
- (b) direct it to be returned

and the justice may in the order authorize the examination, testing, inspection or reproduction of the thing seized upon such conditions as are reasonably necessary and directed in the order, and may make any other provision as in the opinion of the justice is necessary for its preservation.

(4) Nothing shall be detained under an order made under subsection (3) for more than four months after the time of seizure unless, before the expiration of that time period

- (a) upon motion, a justice of the peace is satisfied that having regard to the nature of the investigation, its further detention for a specific period is warranted and the justice so orders; or
- (b) a proceeding is instituted in which the thing may be required.

(5) Upon the motion of a person having an interest in a thing detained under subsection (3), and upon notice to the defendant, the person from whom the thing was seized, the person to whom the search warrant was issued and the prosecutor, a justice of the peace may make an order for the release of any thing detained to the person from whom the thing was seized where it appears that the thing detained is not longer necessary for the purpose of an investigation or proceeding.

Perishable Items Seized

42.(1) Notwithstanding section 41, if the seized thing is perishable, the officer may dispose of it or destroy it, and any proceeds of its disposition must be

- (a) paid to the lawful owner or person lawfully entitled to possession of the thing, unless proceedings under this Act are commenced within 90 days after its seizure; or
- (b) retained by the officer pending the outcome of the proceedings.

Forfeiture

43.(1) Notwithstanding section 41, if the lawful ownership or of entitlement to a seized thing cannot be ascertained within 30 days after its seizure, the thing, or any proceeds of its disposition, are forfeited to the First Nations Council.

(2) The owner of any seized thing may abandon it to the First Nations Council.

(3) Any thing that has been forfeited or abandoned under this Act is to be dealt with and disposed of as the First Nations Council may direct.

(4) Where a person is convicted of an offence under this Act, the convicting court may, in addition to any punishment imposed, order that any thing detained or seized, or any proceeds realized from their disposition, be forfeited to the First Nations Council.

No right of action

44. No right of action lies and no right of compensation exists against the First Nations Council, an officer or a person assisting an officer in accordance with section 30 for loss or damage occurring from the disposal of any thing under this Act or from the deterioration of any thing during the period when it is under seizure unless the First Nations Council, officer or person was negligent in the care of the thing.

Protection of officers and others

45. No officer or any other person assisting an officer in accordance with section 30 is liable for anything done or omitted in good faith execution of any duty or power under this Act.

Notice of Non-Compliance

46.(1) An officer may issue a notice of non-compliance to a permittee where the officer believes that a permittee or the development under the control of the permittee is not in compliance with this Act, the regulations or a permit.

(2) The notice under subsection (1) shall state

- (a) the nature of the non-compliance;
- (b) a request for voluntary compliance;
- (c) the steps which should be taken to achieve compliance; and
- (d) the date by which compliance must be effected.

(3) Where the officer is satisfied that a person to whom a notice of non-compliance was issued has effected compliance as set out in the notice, the officer shall withdraw the notice of non-compliance.

(4) No person shall ignore, disobey or disregard a notice of non-compliance issued under subsection (1).

Orders by Officers

- 47.(1) An officer may order the temporary suspension of a permit where the officer is of the opinion that any of the terms and conditions of the permit have not been complied with by the permittee.
- (2) Where the officer is satisfied that adequate steps have been taken by the permittee to remedy the conditions which led to the making of the order, the officer shall revoke the order and reinstate the suspended permit.
- (3) An order made under subsection (1) expires thirty days from the date of issue or after such shorter period as is specified in the order.
- (4) The director may extend the expiry date of an order made under subsection (1).
- (5) No person shall ignore, disobey or disregard an order issued under subsection (1).

Orders by the Director

- 48.(1) The director may, after giving the permittee reasonable notice and an opportunity to be heard, order the suspension or cancellation of a permit, where the director is of the opinion that
- (a) the permittee has failed to comply with any of the terms and conditions of their permit;
 - (b) the permittee is carrying on a development that fails to comply with this Act;
 - (c) the development is causing or is likely to cause impacts on settlement land, resources or citizens that were not anticipated at the time the permit was issued; or
 - (d) the permittee has undertaken the development in a manner that is detrimental to the health, welfare or safety of citizens.
- (2) The director shall immediately upon ordering the suspension or cancellation of a permit give notice of the order of suspension or cancellation to the permittee with reasons for the suspension or cancellation.
- (3) Where the director is satisfied that adequate steps have been taken by the permittee to remedy the conditions which led to the suspension or revocation, the

director shall reinstate the suspended permit or issue a new permit with revised or amended terms and conditions.

(4) No person shall ignore, disobey or disregard an order issued under subsection (1).

Appeal of Temporary Order

49.(1) A permittee who receives an order under subsection 47(1) may appeal the order within seven days of receipt of the order by delivering in person or by forwarding to the director, by registered mail, a written request for an appeal.

(2) Upon receipt of a request for an appeal, the director shall, as soon as practicable, after giving the permittee reasonable notice and an opportunity to be heard, reinstate the permit by canceling the order or order the suspension or cancellation of the permit in accordance with section 46.

(3) The director shall give the officer who issued the order under subsection 47(1) an opportunity to be heard in any appeal that may be requested in relation to the order.

Action to Restore Damage

50.(1) If a permittee fails to comply with any terms and conditions of a permit and has been notified of this failure in an order or notice of non-compliance, the director may take whatever action the director considers necessary to effect compliance with the permit, the order or notice of non-compliance.

(2) The costs of any action taken by the director may be recovered from the permittee as a debt due to the First Nations Council.

Service

51. An order, a notice or any other document that must be served under this Act, may be served by

- (a) personally giving the order, notice or other document to the person to whom it is directed;

- (b) mailing the order, notice or other document to the person to whom it is directed to the last known address for that person; or
- (c) if the person is unknown, affixing the order, notice or other document in a conspicuous location where the development or activity of concern is occurring.

PART SIX OFFENCES

Penalties

52.(1) Every person who violates a provision of this Act commits an offence and is liable upon summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding six months or both.

(2) On a court's own initiative or on application by counsel for the prosecution, a court that convicts a person of an offence under this Act, in addition to any other penalty imposed by the court, may order the person to take all or part of the action necessary to prevent, decrease or eliminate the impact of the offence on settlement land or resources and to restore settlement land and resources within the period of time specified in the order.

(3) An order under subsection (2) may contain such other conditions relating to the circumstances of the offence and of the person that contributed to the commission of the offence as the court considers appropriate to prevent similar unlawful conduct or to contribute to rehabilitation.

(4) Any fines paid into court under this Act shall be paid to the First Nations Council.

Continuing offences

53. Where a violation of this Act continues for more than one day, the person shall be deemed to have committed a separate offence for each day the violation continues.

Limitation Period

54. Proceedings relating to an offence under this Act shall not be commenced later than two years after the later of
- (a) the day on which the offence was committed; or
 - (b) the day on which evidence of the offence sufficient to justify a prosecution for the offence first came to the knowledge of an officer.

PART SEVEN
MISCELLANEOUS

Regulations

55. The First Nations Council may make regulations
- (a) respecting the management of moveable heritage resources, non-moveable heritage resources and non-public records;
 - (b) respecting the management of ethnographic moveable heritage resources and documentary heritage resources that are not public records or were the private property of any person at the time this Act came into effect;
 - (c) to manage and protect Yukon First Nation burial sites;
 - (d) respecting procedures for withdrawing and designating settlement land under section 27;
 - (e) the management of settlement land and resources withdrawn or designated under section 27;
 - (f) respecting the procedures for screening and approving applications for permits;
 - (g) prescribing any development for which a permit is not required;
 - (h) respecting the procedures for collecting, recording or otherwise obtaining information respecting Champagne and Aishihik traditional languages, beliefs and oral histories, including legends and cultural knowledge of citizens;
 - (i) respecting the procedures for the removal of any resources, other than fish and wildlife, from settlement land; and
 - (j) any other matter which the First Nations Council considers necessary to carry out the purposes and provisions of this Act.

Cooperative management

56. The First Nations Council may enter into cooperative agreements with other Yukon First Nations, governments and organizations for

- (a) the purposes of managing land and resources within the traditional territory;
- (b) the purposes of administering, implementing or enforcing this Act; or
- (c) any other matter relating to conservation of the natural environment of the traditional territory.

Delegation of authority

57.(1) The First Nations Council may, in writing, delegate the exercise of any power conferred or duty imposed on the First Nations Council under this Act to the director, another Yukon First Nation or other government and shall specify the terms and conditions under which the delegation is made.

(2) The First Nations Council may, by notice in writing, withdraw the delegation referred to in subsection (1).

(3) On an emergency basis, delegations made under subsection (1) may be withdrawn by the Chief and new delegations made by the Chief until the next meeting of the First Nations Council at which time subsection (2) shall come into effect.

(4) The director may, in writing, delegate the exercise of any power conferred or duty imposed on the director under this Act to an officer and shall specify the terms and conditions under which the delegation is made.