

Report

Yukon First Nations Settlement Land Development: Implementation Primer

Paul Kishchuk*

Abstract: This article is intended as a primer for the development of First Nations Settlement Land in the Yukon. The article builds on a previous *Northern Review* article by this author exploring the possibilities for development on Yukon First Nations Settlement Land since the Yukon updated its Land Titles Act in 2016 (see <https://doi.org/10.22584/nr57.2025.007>). This unlocked the potential of Settlement Lands for the benefit of Yukon First Nations citizens and beneficiaries, encouraging economic development throughout the Yukon. Three hypothetical scenarios are described in this report, with illustrations (swim lane diagrams) setting out the roles, steps, and activities required for collaborative development among Yukon First Nations, municipal, and Yukon governments. The three development scenarios are a Yukon–Yukon First Nation housing co-development, Yukon Government staff housing, and an industrial park on settlement land in an unincorporated community. The potential fiscal effects (personal income tax and property tax) of Settlement Land development for each of the scenarios are also explored.

Rapport

Le développement des terres octroyées par règlement aux Premières Nations du Yukon : Guide de mise en œuvre

Paul Kishchuk*

Résumé : Cet article est conçu comme un guide d'introduction au développement des terres de règlement des Premières Nations du Yukon. Il s'appuie sur un article antérieur paru dans le *Northern Review*, rédigé par le même auteur, qui explorait les possibilités de développement sur les terres de règlement des Premières Nations du Yukon depuis la mise à jour de la Land Titles Act en 2016 (voir <https://doi.org/10.22584/nr57.2025.007>). Cette réforme a permis de libérer le potentiel des terres de règlement au profit des citoyens et bénéficiaires des Premières Nations du Yukon, tout en stimulant le développement économique à l'échelle du territoire. Trois scénarios hypothétiques sont décrits dans ce rapport, illustrés par des diagrammes à couloirs précisant les rôles, les démarches et les activités requis pour un développement collaboratif entre les Premières Nations du Yukon, les gouvernements municipaux et le gouvernement du Yukon. Les trois scénarios de développement sont les suivants : codéveloppement de logements entre le Yukon et les Premières Nations du Yukon, logements pour le personnel du gouvernement du Yukon, et un parc industriel sur des terres octroyées par règlement dans une communauté non constituée en personne morale. Les effets potentiels des impôts (impôt sur le revenu personnel et impôt foncier) découlant du développement de ces terres sont également examinés pour chacun des scénarios.

Introduction

This article is intended as an implementation primer for the development of First Nations Settlement Land in the Yukon. The article builds on a previous *Northern Review* article by this author, published in June 2025, which explored the possibilities for development on Yukon First Nations Settlement Land (see <https://doi.org/10.22584/nr57.2025.007>).¹

The earlier article outlined how modernization of the Yukon’s *Land Titles Act* in 2016 made it possible for subsidiary title—including leasehold interests on First Nations Settlement Land—to be entered on the Government of Yukon’s land titles registry without extinguishing Indigenous rights and title. The entry of Settlement Land leasehold interests on the Yukon’s land titles registry has granted lending institutions (i.e., banks) the authority to seize a leasehold land title in case of a mortgage default. Such “bankable title” has opened the door to unlocking the potential of Settlement Lands for the benefit of Yukon First Nations citizens and beneficiaries, and to encouraging economic development throughout the Yukon.

The article uses “swim lane diagrams”² to illustrate the roles, activities, and steps for public and private sector partners to collaborate on Settlement Land development projects. Three scenarios, as hypothetical examples, are presented. The potential fiscal effects and the implications for income tax and property tax for each of the scenarios are also explored.

Settlement Land Development Roles, Activities, and Fiscal Effects

Many public and private sector entities are involved in Settlement Land development projects in the Yukon. Public sector entities include municipal, territorial, and federal governments, as well as First Nations governments. Private sector entities include banks, engineering and construction companies, and First Nations development corporations. Lessees, both residential homeowners and businesses, represent the demand side of the Settlement Land leasehold market.

Table 1 outlines the potential roles and activities of the many entities that could be involved in Yukon Settlement Land development projects. Note that development agreements would be collaboratively developed documents that confirm the jurisdictional parameters and roles of the development partners. The table also serves as the detailed key for the swim lane diagrams that follow (see Figures 1, 2, and 3).

Table I. Yukon Settlement Land Development Roles and Activities. Source: Author.

1. Yukon First Nations Governments	
A	Settlement Land owners
B	planning aligned with community values & municipal bylaws or territorial regulations
C	development agreements*
2. Yukon Government	
D	development agreements*
E	land titles registration (<i>Yukon Lands Act, 2015</i>)
F	planning assistance & project management
G	lands administration outside incorporated municipalities (planning, zoning subdivision)
H	financing for infrastructure construction
3. Municipal Governments	
I	development agreements*
J	planning & preliminary design (e.g., official community plan; road access & lot layout)
K	land administration (zoning bylaw, subdivision bylaw)
L	delivery of municipal services (e.g., water, wastewater, garbage, snow clearing)
4. Federal Government	
M	infrastructure funder
5. Private Sector Companies	
N	financing for infrastructure construction (e.g., banks)
O	project management & engineering (e.g., design, legal surveys)
P	construction of surface & subsurface elements**
6. First Nation Development Corporations	
Q	financing for infrastructure construction
R	engineering design, project management & permitting activities (e.g., YESAB proposals)
S	construction of surface & subsurface elements**
7. Lessees—Residential and Commercial	
T	residences
U	businesses
<p>Notes: *A development agreement is a collaboratively developed document that confirms the jurisdictional parameters and roles of the development partner ** <i>Surface</i> includes clearing, grubbing and grading, land remediation, roads, sidewalks, traffic control, landscaping, trails, parks, playgrounds. <i>Subsurface</i> includes water storage & distribution, wastewater collection & disposal, storm water, electrical, telephone, and cable.</p>	

In terms of fiscal effects, self-governing Yukon First Nations hold direct taxation powers.³ As a result, 95% of the personal income tax revenues from individuals living on Settlement Land (both First Nations citizens and non-citizens) can be allocated to the First Nation owning the Settlement Land.⁴ The volume of personal income tax revenues received by the First Nation varies depending on two factors: the number of individuals living on the Settlement Land, and the annual incomes of those individuals.

With direct taxation powers, self-governing Yukon First Nations could also negotiate access to the property tax base in Yukon municipalities. To date, none have done so as it is not clear that the revenues raised would be sufficient to deliver municipal services at the level required given that Settlement Land parcels are dispersed within municipal boundaries rather than forming a single block of land within a municipality. In the meantime, First Nations governments are obligated to pay property taxes to the municipalities within which Settlement Lands are located.⁵ Increased availability of housing and commercial development on Settlement Land would allow First Nations governments to shift their property tax burden to the leasehold owners of any properties located on Settlement Land—that is, instead of the First Nation government continuing to cover the cost of the property tax, the individuals and/or businesses leasing settlement land would now pay to the First Nation an amount equivalent to the property taxes.

Three development scenarios as hypothetical examples have been constructed to help illustrate what different Settlement Land development projects could look like. The three development scenarios are a Yukon–Yukon First Nation housing co-development, Yukon Government staff housing, and an industrial park on settlement land in an unincorporated community. These hypothetical examples are described below, together with diagrams that outline the roles and activities of the various entities. Potential fiscal impacts are also presented.

Scenario 1. Yukon Government – Yukon First Nation Housing Co-Development

In the first scenario, imagine that a new neighbourhood in Whitehorse is co-developed by a Yukon First Nation government and the Yukon government.⁶ In this hypothetical scenario, the self-governing First Nation has first amended their self-government agreement to allow for registration of Settlement Land on the Yukon Land Titles Registry. The new neighbourhood is approximately 20 hectares in size, with a portion of the neighbourhood located on Yukon government land and a portion located on Settlement Land. Lots on the Yukon government portion of the development are sold on a fee simple basis and lots on Settlement Land are leased for 125 years.⁷ Funding for subsurface infrastructure (e.g., water and sewer) is provided by the federal government across all 20 hectares of the development.

Government Roles

In this scenario, the Yukon First Nations government, in addition to owning the Settlement Land, would also contribute to planning in the form of a joint master plan that is aligned with the First Nation's land development values. The master plan would also conform with municipal bylaws, including zoning and subdivision bylaws. The First Nations government would participate in the collaborative drafting of a development agreement that confirms the jurisdictional parameters and roles of the Yukon, First Nations, and municipal governments.

The Yukon government would also participate in the collaborative drafting of the agreement confirming the parameters and roles of the development partners. In addition, leasehold and fee simple title for the individual building lots would be entered onto the Yukon's land titles registry. The Yukon government would also provide planning assistance and project management support for the development. In this scenario, the Yukon government may also provide financing for the construction of subsurface and surface infrastructure, as may the federal government.

The municipal government would also participate in the collaborative drafting of the development agreement and would provide land administration services including subdivision approval and any changes to zoning bylaws. The municipal government would also deliver municipal services in the completed neighbourhood, such as water, wastewater, garbage removal, and snow clearing.

Private Sector Roles

In terms of private sector roles, banks and other lending institutions would need to provide financing for lot purchases and construction financing. Engineering companies would provide legal survey and design services as well as project management services. A First Nations development corporation would be responsible for submitting the project proposal to a designated office of the Yukon Environmental and Socio-economic Assessment Board, and for providing engineering design and project management services as well as project financing. One or more First Nation development corporations and construction companies would build surface and subsurface elements (*surface* includes clearing, grubbing and grading, land remediation, roads, sidewalks, traffic control, landscaping, trails, parks, and playgrounds; *subsurface* includes water storage and distribution, wastewater collection and disposal, storm water, electrical, telephone, and cable).

Lessees – Residential and Commercial

Lessees, both homeowners and businesses, round out the entities involved in this hypothetical Scenario 1. Lease terms of up to 125 years can be expected for residential properties. Lease terms for commercial properties would typically be in the range of 25 to 50 years.⁸

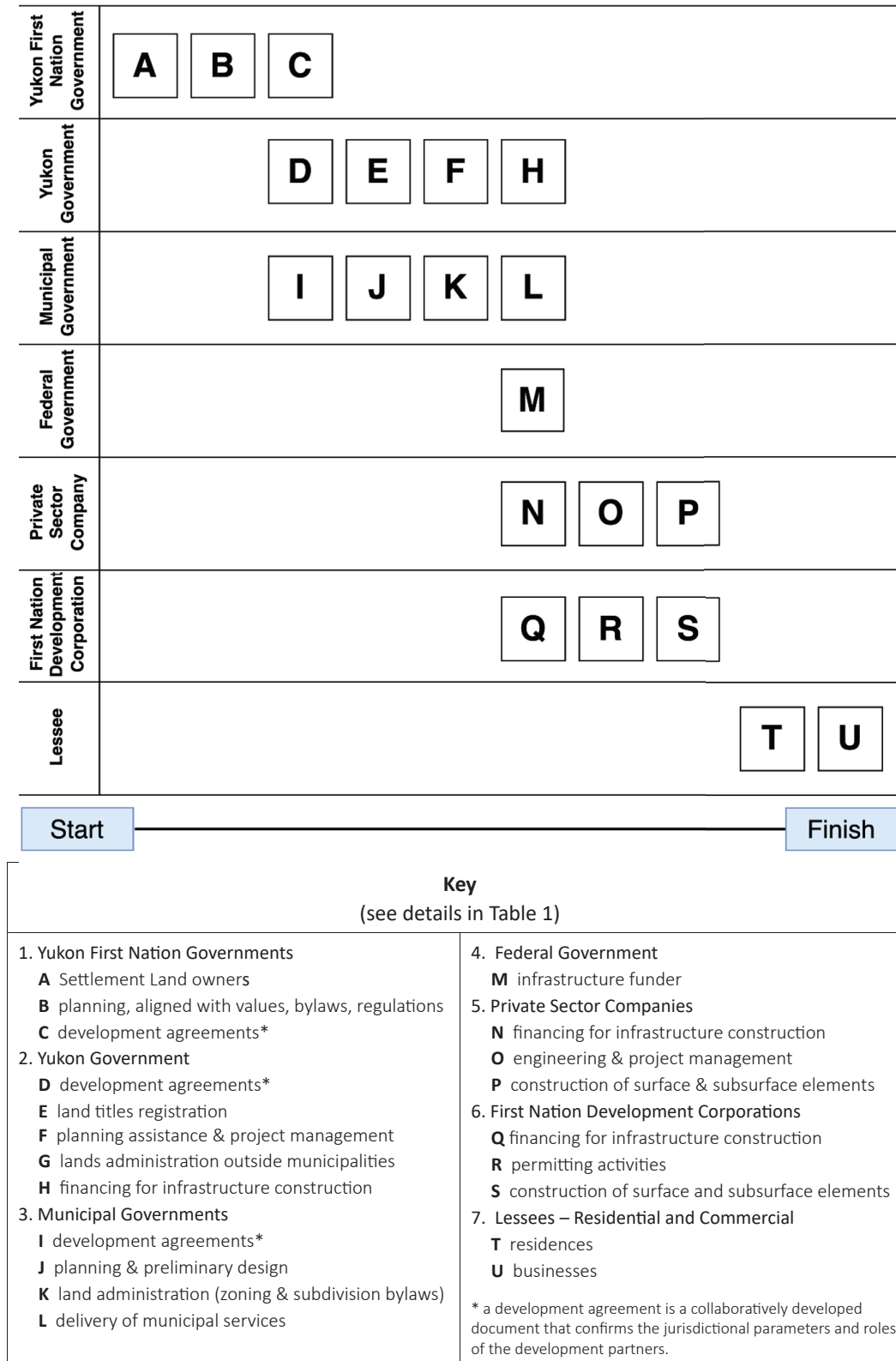
Fiscal Effects

In terms of Scenario 1's fiscal effects, the volume of personal income tax revenues raised and allocated to the Yukon First Nation government would correspond to the number of residents on the First Nations portion of the neighbourhood who are filing tax returns, and to the tax payable by each tax filer. For example, if one house is home to two tax filers, one with federal and territorial income tax payable of \$25,000, and the other with federal and territorial income tax payable of \$15,000, then \$38,000 in personal income tax revenues would be allocated to the First Nation, calculated as $(\$25,000 + 15,000) \times 0.95$. The personal income tax revenues for this hypothetical house, as well as all other dwelling units located in the Yukon First Nation portion of the neighbourhood, will flow to the Yukon First Nation in each year the leasehold arrangement is in place (e.g., for at least 125 years).

Until Yukon First Nations draw down authority to levy property taxes under self-government agreement provisions, they must pay property taxes to municipal governments, which in this scenario, would be the City of Whitehorse. The First Nation could, however, recover the property taxes through the lease arrangements, and so it could shift this property tax burden to the lessee (meaning the lessee would pay the property tax, not the First Nation).

Figure 1 presents a swim lane diagram illustrating the entities that would be involved in this scenario, and each of their roles and activities in the development process—that is, “who would do what and when.”

Figure I. Yukon – Yukon First Nation Housing Co-Development (scenario I) “swim lane diagram” illustrating the entities that would be involved and their roles, activities, and steps over time. Source: Author.



Scenario 2. Yukon Government Staff Housing

For the second hypothetical scenario, consider that a fourplex is built on the Settlement Land of a self-governing Yukon First Nation in an incorporated community outside of Whitehorse. In this example, the self-governing First Nation has amended their self-government agreement to allow for registration of Settlement Land on the Yukon land titles registry. The fourplex would be owned by the Yukon Housing Corporation and be built to house community health centre staff. Construction and project management for the fourplex would be undertaken by the First Nation's development corporation. Costs for subsurface infrastructure (e.g., water and sewer) would be shared between the federal government and the First Nation. Figure 2 illustrates what entity would undertake what activity and process throughout the project timeline.

Government Roles

In this scenario, the Yukon First Nation government would, in addition to owning the Settlement Land, undertake planning aligned with the First Nation's land development values. While a master plan would not be required, the development would conform with municipal bylaws, including zoning and subdivision bylaws. The Yukon First Nation government would participate in the collaborative drafting of a development agreement that confirms the jurisdictional parameters and roles of the Yukon First Nation and municipal governments.

In this scenario, the Yukon government's role would be limited to entering leasehold title for the fourplex units onto the Yukon's land titles registry. The federal government would provide financing for the construction of subsurface and surface infrastructure. The municipal government would participate in the collaborative drafting of a development agreement with the First Nation government, and would also provide land administration services including subdivision approval and changes related to zoning bylaws. The municipal government would also deliver municipal services such as water, wastewater, garbage removal, snow clearing to the fourplex.

Private Sector Roles

Banks and other lending institutions would provide construction financing to the First Nation development corporation. Engineering companies would provide legal survey and design services as well as project management services. The First Nation development corporation would be responsible for submitting a proposal to the designated office of the Yukon Environmental and Socio-economic Assessment Board, as well as for providing financing, engineering design, and project management services. The First Nation development corporation

would also build the surface and subsurface elements (as above, *surface* includes clearing, grubbing and grading, land remediation, roads, sidewalks, traffic control, landscaping, trails, parks, and playgrounds; *subsurface* includes water storage and distribution, wastewater collection and disposal, storm water, electrical, telephone, and cable). Construction of the fourplex would also be undertaken by the First Nation development corporation.

Lessees – Residential

In this scenario, the Yukon government is the only lessee and would enter into a lease for the fourplex (land and building) for 35 years.⁹

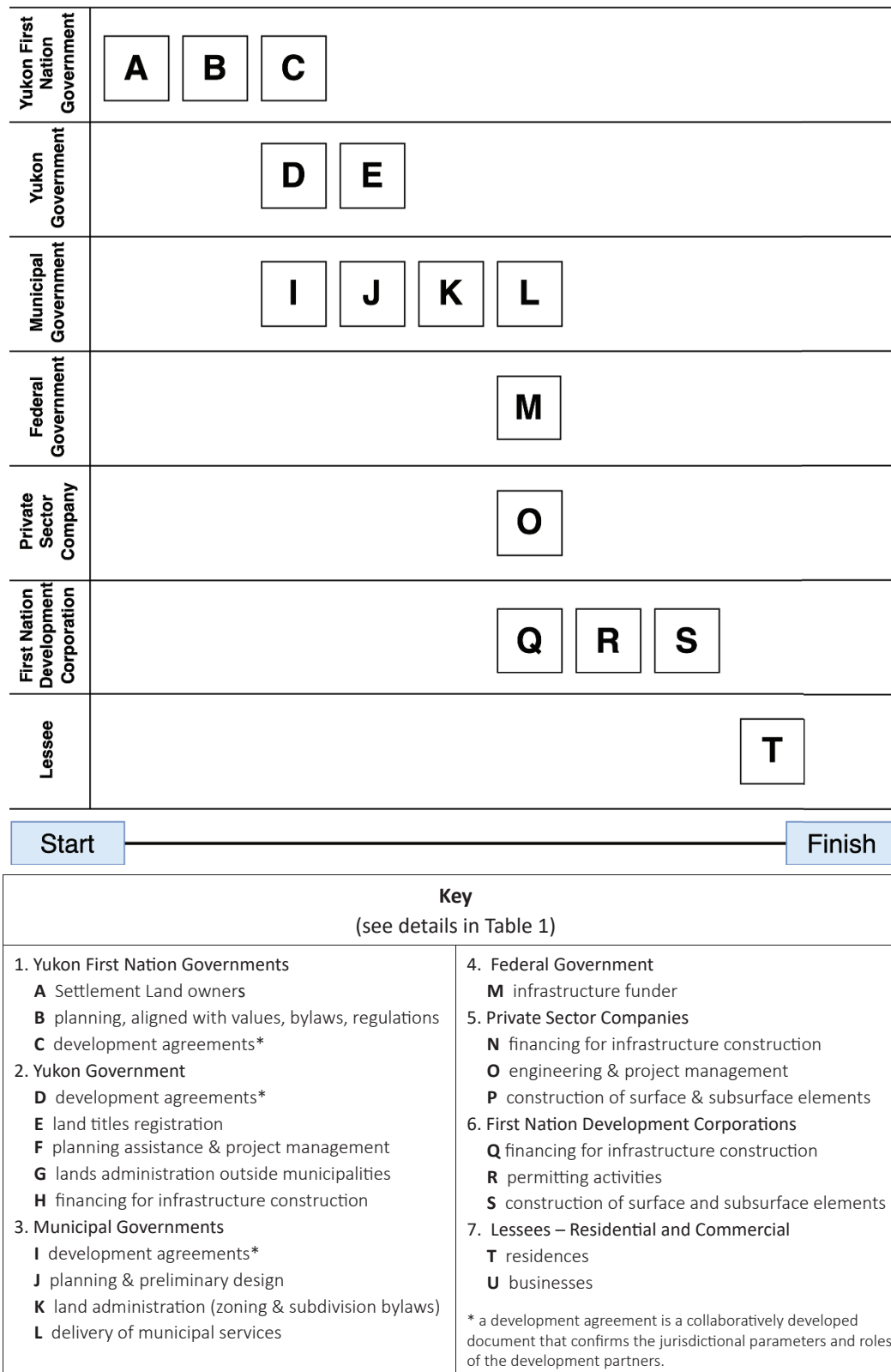
Fiscal Effects

In this second scenario, the volume of personal income tax revenues raised and allocated to the Yukon First Nation government would correspond to the number of people living in the fourplex who file income tax, and to the amount of tax payable by each taxfiler. For example, if there are a total of six taxfilers resident in the fourplex, and if the annual aggregate tax owing by all six is \$145,000, then \$136,800 in personal income tax revenues would be allocated to the First Nation (calculated as $\$145,000 \times 0.95$). This amount of personal income tax revenues—or whatever amount it is each year depending on the number of taxfilers and what they owe—would flow to the Yukon First Nation in each year the leasehold arrangement is in place (e.g., for 35 years).

As above, since a Yukon First Nation has yet to draw down property tax authority, the First Nation would remain liable for the fourplex's property taxes charged by the municipal government. The First Nation could, however, choose to recover the property taxes through the lease arrangements with the Yukon government, and therefore shift the property tax burden to the lessee.

Figure 2. Yukon Government Staff Housing (scenario 2) “swim lane diagram” illustrating the entities that would be involved and their roles, activities, and steps over time.

Source: Author.



Scenario 3. Industrial Area in an Unincorporated Community

The third scenario envisions the development of an industrial area on the Settlement Land of a self-governing Yukon First Nation in an unincorporated Yukon community. As with the other scenarios, the First Nation would first need to amend their self-government agreement (if they haven't already) to allow for registration of Settlement Land on the Yukon land titles registry. Construction of the industrial area could allow a mining company to locate its offices in the community, co-located with other businesses that provide supply and service support to the mine. This scenario assumes that the project is self-financed by the First Nation or a consortium of Yukon First Nations. It is also assumed that no one would be living in the industrial area.

See Figure 3 for this scenario's swim lane diagram illustrating what entity would undertake what activity and process throughout the project timeline.

Government Roles

In this scenario, the Yukon First Nation government, in addition to owning the Settlement Land, would undertake planning aligned with the First Nation's land development values. The First Nation government would also participate in the collaborative drafting of a development agreement that confirms the jurisdictional parameters and roles of the First Nation and Yukon governments.

The Yukon government would also participate in the collaborative drafting of the agreement confirming the jurisdiction and roles of the development partners. In addition, leasehold title for the individual building lots would be entered onto the Yukon's land titles registry. The Yukon government would also provide planning assistance and project management support for the development. As the project would be located outside of an incorporated municipality, responsibility for zoning and subdivision would default to the Yukon government, and the development would need to conform with territorial zoning and subdivision regulations. We can imagine in this hypothetical that the Yukon and federal governments would both provide financing for the construction of subsurface and surface infrastructure, in pursuit of their critical minerals development objectives. There is no role in this scenario for a municipal government.

Private Sector Roles

As this hypothetical project would be self-financed by the First Nation, there is no role in this scenario for banks and other lending institutions. Engineering companies would provide legal survey and design services as well as project management services. The First Nation development corporation would be responsible for submitting a project proposal to the designated office of the Yukon

Environmental and Socio-economic Assessment Board, as well as for providing financing, engineering design, and project management services. The First Nation development corporation would also build the surface and subsurface elements (as above for the other scenarios, *surface* includes clearing, grubbing and grading, land remediation, roads, sidewalks, traffic control, landscaping, trails, parks, and playgrounds; *subsurface* includes water storage and distribution, wastewater collection and disposal, storm water, electrical, telephone, and cable). Construction of the industrial area would be undertaken by the First Nation development corporation.

Lessees – Commercial

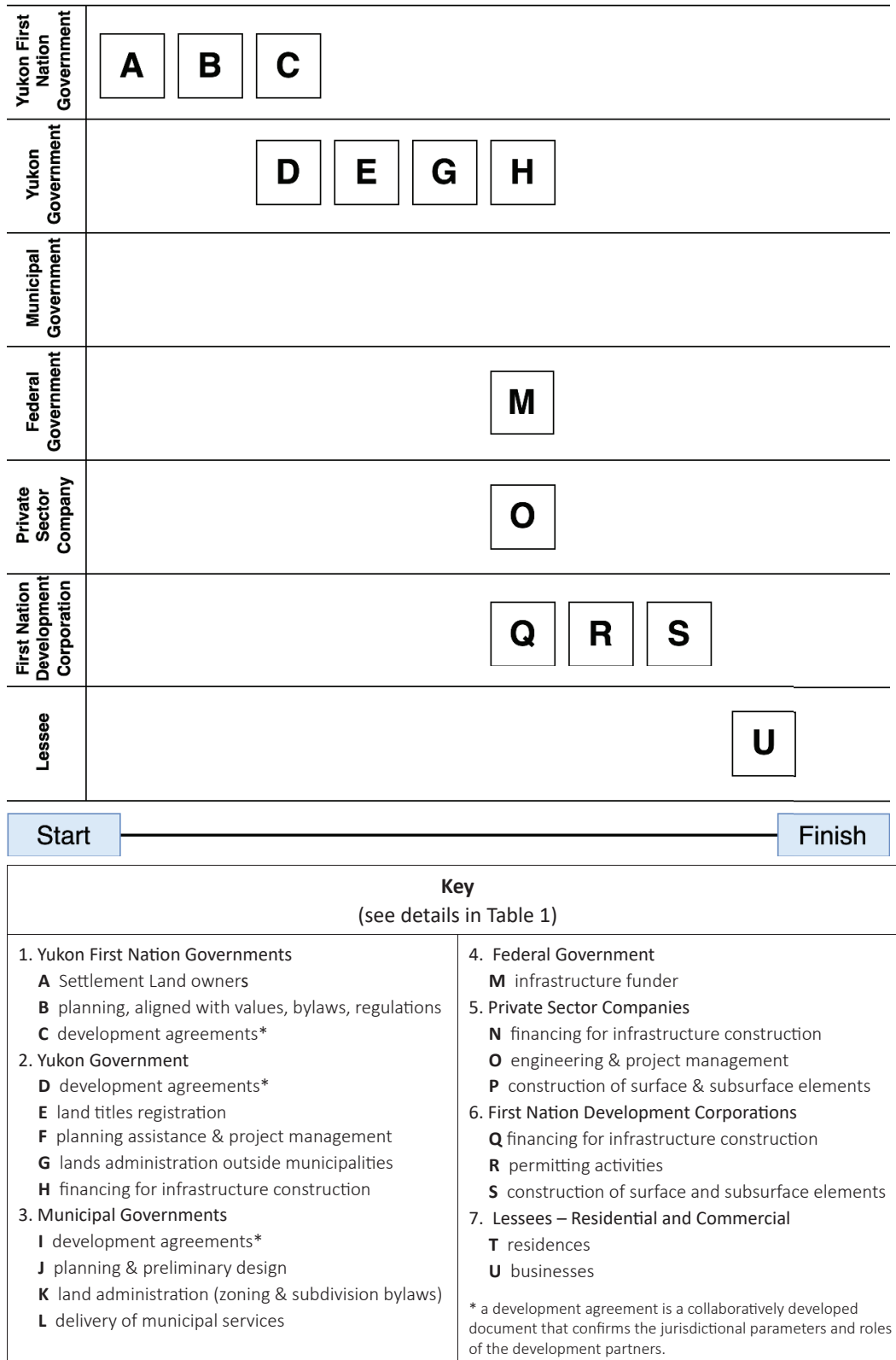
In this scenario, the mining company and each of the supply and service businesses would enter into 35-year leases with the Yukon First Nation.

Fiscal Effects

As no one lives in the industrial area, no personal income tax revenues would be available for sharing among the Yukon First Nation, territorial, and federal governments. Conceptually, drawing on the Yukon First Nation's direct taxation powers, corporate income tax revenues could be shared to the extent that an incorporated business has a building or other structure (a "permanent establishment") situated on Settlement Land.⁹ However, as the federal and Yukon governments have yet to negotiate a corporate tax sharing agreement with Yukon First Nations, it is not yet possible for Yukon First Nations governments to receive corporate income tax revenues associated with economic activity on Settlement Lands.

As the property tax field has not yet been occupied by any Yukon First Nation, the First Nation will pay all the property taxes associated with land and improvement in the industrial park. The First Nation could, however, recover the property taxes through the lease arrangements and so shift the property tax burden to the lessees instead.

Figure 3. Industrial Area in an Unincorporated Community (scenario 3) “swim lane diagram” illustrating the entities that would be involved and their roles, activities, and steps over time. Source: Author.



Conclusion

In this implementation primer, swim lane diagrams were used to illustrate how governments and private sector partners can successfully develop Yukon First Nations Settlement Lands. The diagrams outline the roles, steps, and activities to be undertaken by governments (Yukon First Nations, municipal, and Yukon) and private sector partners. The analysis can be used as a starting point for the collaborative discussions required to complete Settlement Land development projects. Three hypothetical development scenarios were presented. Potential fiscal effects of Settlement Land development for each of the scenarios, in the form of income tax and property tax, were also explored.

Notes

1. Paul Kishchuk, “Yukon First Nations Settlement Land Development,” *The Northern Review* 57 (2025): 51–72, <https://doi.org/10.22584/nr57.2025.007>.
2. For more on swim lane diagrams generally, see Whāraurau, “Quality Improvement Tools: Swim Lane Mapping,” National Centre for Infant, Child and Adolescent Mental Health (ICAMH) Workforce Development, New Zealand, <https://www.wharaurau.org.nz/all-resources/quality-improvement-tools-swim-lane-mapping>.
3. See Finance Canada, “First Nations Personal Income Tax Administration Agreements,” Government of Canada, last modified, 26 March 2026, <https://www.canada.ca/en/department-finance/programs/tax-policy/indigenous/tax-administration-agreements/first-nations-personal-income-tax.html>.
4. Under section 14.6 of the KDFN Final Agreement, the “Yukon Minister of Finance may enter into taxation agreements with the Kwanlin Dün First Nation”: The Kwanlin Dün First Nation Self-Government Agreement, 2004, <https://www.rcaanc-cirnac.gc.ca/eng/1298901032405/1542817159784>; section 5, Kwanlin Dün First Nation Personal Income Tax, Tax Room Sharing Agreement between the Government of Yukon and Kwanlin Dün First Nation, 9 December 2019, last updated 27 June 2025, <https://yukon.ca/en/kwanlin-dun-first-nation-personal-income-tax-room-sharing-agreement>; Paul Kishchuk, “Yukon First Nation Taxation: Personal Income Tax Sharing,” Northern Research Institute, May 2003; Paul Kishchuk, “Tax Monies: Opening Doors to Self-Government,” *Visions North*, Winter/Spring 2001.
5. See Council of Yukon First Nations, *An Understanding of the Umbrella Final Agreement*, Chapter 21, 2013, <https://cyfn.ca/wp-content/uploads/2013/08/ufa-understanding.pdf>.
6. Inspiration for this scenario was drawn from the Range Point neighbourhood currently under development by the Yukon and Kwanlin Dün First Nation governments, as described at: “Master Plan Finalized for a Range Point Neighbourhood Development,” Government of Yukon, 19 June 2023, <https://yukon.ca/en/news/master-plan-finalized-range-point-neighbourhood-development> and “Range Point Joint Master Plan Finalized,” Kwanlin Dün First Nation, <https://www.kwanlindun.com/heritage-lands-and-resources/range-point>.

7. This would be similar to the 125 year leases issued for the Copper Ridge West development owned by the Kwanlin Dün First Nation: See Chu Níikwän Development Corporation (n.d.), *Copper Ridge West: Welcome Home Whitehorse*, <https://www.chuniikwan.ca/copper-ridge-west>
8. For example, see Chu Níikwän Development Corporation, “The Lease Advantage,” <https://www.chuniikwan.ca/lease-advantage>.
9. See s 400(2), Income Tax Regulations, CRC, c 945, Department of Justice Canada: https://laws-lois.justice.gc.ca/eng/regulations/C.R.C.,_c._945/section-400.html