

Fact Sheet

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Timber on Mining Claims

This fact sheet provides information on the cutting and use of trees related to mining. If you require further information please contact your local Compliance Monitoring & Inspections office or visit the Forest Management Branch online at www.forestry.gov.yk.ca

Why is it important to consider timber when carrying out work related to mining?

Timber is a valuable public resource and the salvage and utilization of timber must be considered with any project involving the removal of trees. If you are cutting trees to use for mining-related work or clearing vegetation in order to carry out another mining-related activity, ensure you are familiar with any terms and conditions, standards, guidelines and operating procedures that apply to your timber harvesting activity including reclamation and/or clean-up obligations.

Do I have the right to cut down trees on my mineral claim so I can carry out mining activities?

Yes. Both the *Quartz Mining Act* and the *Placer Mining Act* authorize a claim holder to cut timber for mining purposes, including any purpose necessary to the operation of a claim. A claim holder may only use timber for the working of a claim and may not cut timber for commercial sale or personal use not directly related to operation of the claim. Under the *Quartz and Placer Mining Acts*, a claim holder may only cut timber where timber rights have not otherwise been granted prior to the staking of a claim. Standard operating conditions contained in mining land use regulations require a claim holder to salvage and stockpile timber suitable for sale when it is economically feasible to do so.

Contacts

**Yukon Government
Energy Mines and Resources
Forest Management Branch**

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Compliance Monitoring & Inspections

Klondike District (Dawson & Old Crow)

Dawson Office
Tel: (867) 993-5468

Kluane District (Haines Junction & Beaver Creek)

Haines Junction Office
Tel: (867) 634-2256

Northern Tutchone District (Mayo & Carmacks)

Mayo Office
Tel: (867) 996-2343

Carmacks Sub District Office
Tel: (867) 863-5271

Southern Lakes (Whitehorse & Teslin)

Whitehorse Office
Tel: (867) 456-3877

Teslin Sub District Office
Tel: (867) 390-2531

Tintina District (Watson Lake & Ross River)

Watson Lake Office
Tel: (867) 536-7335

Ross River Sub District Office
Tel: (867) 969-2243

Other Agencies

Community Services

Corporate Affairs

Tel: (867) 667-5314
Toll Free: 1-800-661-0408
local 5314
Fax: (867) 393-6251
-Business Registration

Energy Mines & Resources

Land Management Branch

Land Use

Tel: (867) 667-5215
Toll Free: 1-800-661-0408
local 5215
Fax: (867) 393-6340
-Land Use Permits

Highways & Public Works

Transportation Maintenance Branch

Tel: (867) 667-5644
Toll Free: 1-800-661-0408
local 5644
-Access Permits to build roads
within the highway rights-of-way

Yukon Workers' Compensation

Health and Safety Board

Tel: (867) 667-5645
Toll Free: 1-800-661-0443

Yukon Environmental and Socio-economic Assessment Board (YESAB)

Tel: (867) 668-6420
Toll Free: 1-866-322-4040

City of Whitehorse

Planning & Development Services

Tel: (867) 668-8346
-Business Licence Bylaw 99-04

Can I use the trees once I have cut them down?

Timber harvested during mining activities may be used for purposes directly related to mineral exploration, development or production. Harvested timber that will not be used for mining purposes remains the property of the Yukon government unless permitted. Otherwise, contact your local Compliance Monitoring & Inspections office for disposal of unwanted timber on your claim. If you are interested in retaining the timber for purposes not related to mining, you must apply for a Forest Resources Permit or a timber harvesting licence depending on the use of the timber. This can be done through your local Compliance Monitoring & Inspections office.

As a claim holder, do I have the exclusive right to the timber on my claim(s)?

No. In staking a claim, you have the right to use the timber for mining-related purposes on your claim but you do not have the exclusive right to all the timber on that claim other than timber used to directly support mineral exploration, development or production. Mining legislation does not confer rights to surface resources such as trees.

As a claim holder will I be notified when EMR initiates a planning area that encompasses my claim(s)?

Yes, you will be notified and given the opportunity to comment on the draft Timber Harvest Plan.

In addition, timber use associated with mining does not inhibit the government's ability to manage forest resources. The Department of Energy Mines & Resources may develop an area for timber harvesting and timber rights can be issued under the *Forest Resources Act* on existing mineral claims. It is important to note that public notification and planning may be required prior to issuing these rights.

As a claim holder, will I be notified when an application is received by EMR for cutting timber within my claim area?

Yes. Once a third party indicates an interest in the timber on a claim, the Mining Recorder will contact the claim holder and request a mine plan indicating timber requirements. The claim holder will need to provide the Mining Recorder with specific details on what their timber requirements are in respect to the mining operations, reclamation program, camp locations, settling ponds, what species of timber is required and where on the claim the timber is located. The claim holder will also be asked the volume of timber and the timing when the timber will be utilized for mining purposes.

Can I stake a claim on top of a Harvesting Licence or a Forest Resources Permit?

Yes. However, the exclusive rights to that timber will have already been assigned to another party. If you require timber for your mining work, you will need to apply for a Forest Resources Permit to harvest timber at another location. Your local Compliance Monitoring & Inspections office can provide more information on applying for a Forest Resources Permit.



If I have a Land Use Permit to clear and develop a site such as a road leading to my mineral claim, do I have the right of ownership to the trees I cut?

No. The trees remain the property of the Yukon government unless you are issued a Forest Resources Permit transferring ownership to you and allowing you to remove the timber from the site. If you do not obtain a permit, the Forest Management Branch will try to ensure the utilization and/or the fair and equitable disposal of salvage timber. This is usually done by issuing timber rights to a commercial forest industry client and/or to the public for personal use.

What if I want to cut the timber on my mineral claim or on vacant public land for purposes not related to mining?

The *Quartz Mining Act* and *Placer Mining Act* only allow the harvesting of timber for mining-related purposes. Clients who wish to harvest wood for other purposes can apply for a licence and/or permit under the *Forest Resources Act* subject to the applicable fees at your local Compliance Monitoring and Inspections Office. This process allows for integrated forest planning and resource development to be carried out in advance of harvesting activities. More information on commercial and personal harvesting of trees can be found in Fact Sheets 1 & 2.

Are there any fees associated with a Harvesting Licence or Forest Resources Permit?

There is no application fee for a Forest Resources Permit but if you are awarded rights to the timber, stumpage fees will likely apply. If you are applying for a commercial harvesting licence, application fees range from \$10 to \$100 depending on the volume of wood you wish to harvest and stumpage fees will also apply. See Fact Sheet 4, "Forest Resource Fees," for more information on application and stumpage fees.

If a person is authorized to harvest timber on a mineral claim or if a claim is staked over a timber disposition, there must be some discussion and/or agreement between the two parties prior to activities commencing with regards to timing of work taking place, clean-up and/or reclamation.

A note on compliance and enforcement in Yukon's forests:

Compliance and enforcement are a significant part of managing our forests for their long term health and to ensure that we can continue to realize the many benefits they provide. As a forest user, it is your responsibility to ensure you are complying with applicable laws, regulations and any terms and conditions outlined in permits and/or licences. For more information about your responsibilities and possible penalties for non-compliance, read Fact Sheet #5 or contact your local Compliance Monitoring & Inspections office.