

# Proposed Annual Allowable Cut Regulation Content

*The following document contains the concepts that will be used to develop the Annual Allowable Cut Regulation. You are invited to review these concepts and provide comments and recommendations to the Forest Management branch of the Department of Energy, Mines and Resources.*

*For information on how to comment, please contact the Forest Management branch.*

*Comments must be made in writing and can be sent via regular mail, electronically or delivered by hand. The Forest Management branch appreciates your participation in this process.*

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## **Basic Concepts**

- The *Forest Resources Act* established the Director of the Forest Management Branch as the statutory decision maker for an Annual Allowable Cut (AAC).
- The purpose of the regulation is to ensure that harvesting is carried out within sustainable levels.
- An AAC takes into account both the technical factors (such as timber supply analysis) and socio-economic factors identified by government.
- The regulation specifies the factors the Director must consider in the determination, including input from First Nations and the public.
- The AAC can be redetermined if circumstances change.
- Considerations for apportioning the AAC to various forms of license are established.
- A public rationale document is required to explain how the AAC has been determined.

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## LEGISLATIVE REFERENCE:

### *Forest Resources Act* PART 3 – DISPOSITION OF FOREST RESOURCES

#### **Determination and apportionment of allowable cut**

- 16(1) The Director may determine the allowable amount of timber that may be harvested annually in a specified area as prescribed by regulation.
- (2) The amount referred to in subsection (1) is to be known as the annual allowable cut.
- (3) After having made a determination under subsection (1), the Director may, by written notice, apportion the annual allowable cut so as to ensure that forest resource harvesting opportunities are available to a range of size and scale of operations.

## 1. Purpose

The purpose of this regulation is to ensure that the harvesting of forest resources is carried out within sustainable periodic levels, recognizing public objectives and other land uses.

## 2. Definitions

(1) Definitions used in this regulation have the same meaning as under Part 1 of the *Forest Resources Act*.

(2) Please use the following definitions for this regulation:

**abnormal damage:** mortality or deterioration of forest resources in excess of historical norms

**annual allowable cut:** the volume or area that may be harvested annually within a defined management unit

**cut control:** the allowable variation in the annual harvest rate either above or below the annual allowable cut

**non-timber resource:** forest resources other than trees

**known information:** information that is reasonably available and of suitable quality

## 3. Application

Where an annual allowable cut has been determined for one or more forest resources in an area it applies to the maximum harvest rate authorized under the act and is subject to cut control provisions in this regulation. An annual allowable cut:

- a. establishes the sustainable amount of forest resource harvesting that may occur annually in the area;
  - b. includes harvesting whether or not it has been authorized by a license or permit;
- and,

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- c. determines sustainable harvest levels for non-timber forest resources.

### **4. Area to which an annual allowable cut applies**

The Director may determine an annual allowable cut for timber or other forest resources. This annual allowable cut should be determined at least once every 10 years, for:

- a. the public land in a Forest Resource Management Plan area that has been designated by the Minister;
- b. each woodlot license area and community forest area; or,
- c. an area specified by the Minister for harvesting of forest resources.

### **5. First Nations and Public Input**

Prior to determining an annual allowable cut or a redetermination of an annual allowable cut, the Director shall

- (1) notify any First Nation whose interests may be affected and the public and make available all relevant materials (considerations);
- (2) invite any First Nation and the public to provide input on the relevant materials (considerations) within at least 30 days; and
- (3) consider the input received from First Nations and the public.

### **6. General Considerations**

In determining the annual allowable cut for an area, the Director shall consider, in addition to considerations listed above and in subsequent sections:

- a. the economic, social and environmental objectives of the government, as expressed by the Minister, for the general region and for the entire Yukon;
- b. effects of alternative rates of harvesting within specific areas on long-term timber supply for the Yukon;
- c. potential effects of varying harvest rates on community socio-economic conditions;
- d. the short and long-term implications to Yukon of alternative rates of forest resource harvesting from the area; and,
- e. abnormal damage to forest resources by fire, insects or other factors, and major salvage programs planned for the area.

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## **7. Considerations where a Forest Resource Management Plan applies**

Where a Forest Resources Management Plan applies, the Director shall, in determining the annual allowable cut, consider:

- a. the forest management objectives and other land-use objectives approved for the area;
- b. an analysis of the timber supply in the area;
- c. in the case of an annual allowable cut for non-timber resources, an analysis of those resources;
- d. the area of forest where harvesting may be undertaken over time as described in the forest resource management plan;
- e. the composition and expected rate of growth;
- f. the proposed silviculture systems to be used;
- g. regeneration of forest resources after harvest;
- h. physical and economic operability of the area identified for harvest;
- i. the standard of utilization, including any allowance for damage and waste during harvesting;
- j. loss of forest resources due to fire, insects or disease;
- k. loss of forest land to other uses; and,
- l. any other factors that impact the harvest level.

## **8. Considerations where a Forest Resource Management Plan does not apply**

Where a Forest Resource Management Plan does not apply, the Director shall apply a conservative approach in determining the annual allowable cut and consider:

- a. any existing plans or objectives for the area that are approved by the government;
- b. an analysis of the timber supply in the area;
- c. known information about the timber supply in the area;
- d. in the case of an annual allowable cut for non-timber resources, known information about those resources;
- e. the area of land that is suitable for harvest;
- f. the composition and expected rate of growth;
- g. the proposed silviculture systems to be used;

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- h. regeneration of forest resources after harvest;
- i. physical and economic operability of the area identified for harvest;
- j. the standard of utilization, including any allowance for damage and waste during harvesting;
- k. loss of forest resources due to fire, insects or disease;
- l. loss of forest land to other uses; and,
- m. any other factors that may effect the harvest level.

### **9. Considerations for a Woodlot License area or Community Forest**

When the annual allowable cut for the area covered by a woodlot license or a community forest is not a component of the regional annual allowable cut, the Director shall, in determining or approving the annual allowable cut, consider:

- a. any existing plans or objectives for the area that are approved by the government, including the applicable requirements of an Forest Resources Management Plan;
- b. an analysis of the timber supply in the area;
- c. in the case of a annual allowable cut for non-timber resources, known information about those resources;
- d. the area of land that is suitable for harvest;
- e. the composition and expected rate of growth;
- f. the proposed silviculture systems to be used;
- g. regeneration of forest resources harvested;
- h. physical and economic operability of the area identified for harvest;
- i. the standard of utilization, including any allowance for damage and waste during harvesting;
- j. loss of forest resources due to fire, insects or disease;
- k. loss of forest land to other uses; and,
- l. any other factors as may be appropriate.

### **10. Redetermination**

(1) The Director may determine a new annual allowable cut in circumstances where:

- a. forest resources have been damaged or likely will be damaged by either fire, insects, disease, wind or other occurrences requiring salvage at rate exceeding the current annual allowable cut (abnormal damage);

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- b. forest resources have been damaged by fire, insects, disease, wind or other occurrences and will not be salvaged (abnormal damage);
  - c. new information or analysis of forest resources indicates that the annual allowable cut should change;
  - d. a new or amended Forest Resource Management Plan applies and is substantially changed in its objectives or area from the previous plan; and,
  - e. other factors indicate that the annual allowable cut requires redetermination.
- (2) Where a redetermination results in a reduction in the annual allowable cut, the Director may:
- a. Notify the various license holders of reductions to the annual allowable cut and the decision of the Director to apportion the annual allowable cut.
  - b. If the reduction will impact existing licenses, inform license holders of the reduction at least two years before it takes effect.
- (3) Where a redetermination results in an increase in the annual allowable cut, the Director may apportion the amount of the increase.

### **11. Existing Annual Allowable Cut Determinations**

Existing annual allowable cut determinations or annual allowable cut letters of agreement are considered annual allowable cuts under the Act and Regulations if they;

- a) are consistent with any applicable Forest Resources Management Plan, and
- b) have been made available to the public.

### **12. Partition**

In determining the annual allowable cut the Director may specify portions of the allowable cut attributable to different types of timber and terrain in different parts of public land within an area to which the annual allowable cut applies.

### **13. Apportionment**

(1) The Director may specify a portion of the annual allowable cut determined for a plan area to be available for disposition as harvesting licenses or a community forest.

In making a decision to apportion the annual allowable cut, the Director shall consider:

- a. historical and existing uses of forest resources in the area, including licenses presently in force;
- b. applicable information that is available in a Forest Resources Management Plan;
- c. the economic and social objectives of the government, as expressed by the Minister, for the general region and for the entire Yukon; and,

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d. any other factors as may be appropriate.

(2) The Director shall invite any First Nation and the public to provide input on apportionment within at least 30 days; and

- a. consider any input received from First Nations; and
- b. consider any input received from the public.

### **14. Cut Control**

(1) For the purposes of managing and reporting on forest resources harvested, the annual allowable cut in an area must:

- a. not exceed 150% in any reporting year; and,
- b. not exceed 110% in a five year reporting period.

(2) If the harvest of forest resources exceeds the maximum allowable cut in a five year period, the Director shall either reduce the amount by which it is exceeded from the subsequent five-year period or decide to do a redetermination based on new information.

(3) If the harvest of forest resources is less than the annual allowable cut in a five year period, the Director may increase the allowable annual cut for the subsequent five-year period by an equivalent amount.

(4) For the purposes of this section a year is June 1 to May 31.

### **15. Rationale**

The Director shall make a determination, redetermination or apportionment of the annual allowable cut for an area, the documentation of the considerations and reasons for the decision public within 60 days.

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