

Fact Sheet

Compliance and Enforcement in Yukon's Forests

This fact sheet provides information on compliance and enforcement of legislation in Yukon forests. If you require further information please contact your local Client Services & Inspections office.

Why is compliance and enforcement important in Yukon's forests?

Yukon's forests play an important role in the cultural, social and economic lives of many Yukoners. Compliance and enforcement is a significant part of managing our forests to ensure their long term health and ensure that we continue to realize the many benefits they provide.

Who is responsible for enforcing the legislation and conditions of using Yukon forests?

Compliance and enforcement of forest resource activities is primarily carried out by the Yukon Government's Natural Resource Officers who are designated as Forest Officers under the *Forest Resources Act*. Officers are located in most Yukon communities and provide inspection, enforcement and client support services.

In carrying out their inspection/compliance duties Forest Officers may receive assistance from other agencies, such as the Forest Management Branch, Yukon's Department of Environment, the RCMP or the Department of Fisheries and Oceans Canada.

It is important to note that all forest users are responsible for ensuring they are complying with applicable laws, regulations and the terms and conditions of their permits or licenses. To learn more about what you can and can not do in Yukon forests contact your local Client Services & Inspections office or visit www.forestry.gov.yk.ca

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Contacts

Yukon Government Energy Mines and Resources Forest Management Branch

Physical Address:

Mile 918 Alaska Highway
Tel: (867) 456-3999
Toll Free: 1-800-661-0408
local 3999
Fax: (867) 667-3138
Email: forestry@gov.yk.ca

Client Services & Inspections Branch Districts:

Dawson City Office

Tel: (867) 993-5468
Fax: (867) 993-6233

Haines Junction Office

Tel: (868) 634-2256
Fax: (867) 634-2675

Mayo Office:

Tel: (867) 996-2343
Fax: (867) 996-2856

Carmacks Sub District Office

Tel: (867) 863-5271
Fax: (867) 863-6604

Whitehorse Office

Tel: (867) 456-3877
Fax: (867) 393-7404

Teslin Sub District Office

Tel: (867) 390-2531
Fax: (867) 390-2682

Watson Lake Office

Tel: (867) 536-7335
Fax: (867) 536-7331

Ross River Sub District Office

Tel: (867) 969-2243
Fax: (867) 969-2610

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

What actions could place me in non-compliance with the *Forest Resources Act* and regulation and which may lead to legal action being taken?

While any contravention of the *Forest Resources Act* or *Forest Resources Regulation* results in an enforceable infraction, the following provide some examples that could lead to enforcement and/or legal action:

- ▶ harvesting without an appropriate licence or permit;
- ▶ failure to comply with the terms and conditions of a licence or permit;
- ▶ failure to comply with an order or notice;
- ▶ use of a forest resource road without authorization; or,
- ▶ transporting timber without a timber mark.

This is not meant to be a comprehensive list and other infractions do exist. It is your responsibility to ensure you are complying with applicable laws, regulations and the terms and conditions of your permits or licences.

Will my forest resource operation be inspected?

All permits/licences issued under the *Forest Resources Act* are subject to inspections by Forest Officers. Depending on the scale of the forest operation and the past performance of the operator the complexity and the number of inspections occurring during the life of the licence/permit will vary.

Forest Officers check harvesting areas to ensure individuals have the appropriate licences or permits. Forest Officers also ensure that forest operators are harvesting in compliance with the terms and conditions of permits/licences, that environmental damage is not occurring, that any notices or orders are being followed with corrective action being taken and assisting the operator in staying compliant with the *Forest Resources Act* and regulation.

What penalties may I face if I am not in compliance?

Forest Officers have several options to assist in meeting compliance and enforcement objectives including, but not limited to:

- ▶ Working with the client to resolve issue;
- ▶ Notices of Non-compliance;
- ▶ Fines under the Summary Conviction Regulations;
- ▶ Ministerial, Protection and Directors Orders; and,
- ▶ Termination, cancellation or suspension of a licence or permit.

Decisions on enforcement measures will be made taking into consideration the most appropriate tool necessary to obtain compliance, and when required, to promote general deterrence. For a full description of the tools above see the *Forest Resources Act* Compliance and Enforcement Policy.

Will I be given the opportunity to correct the issue prior to being penalized?

A primary philosophy of the *Forest Resources Act* is to promote voluntary compliance through education. Depending on the severity of an infraction, a Forest Officer may initially provide instruction requesting compliance by the operator but can choose to move directly to other enforcement tools available under the act. Regardless of the enforcement tool chosen, officers will attempt to work with individuals and businesses to resolve the issue and ensure future compliance.

Will I be required to appear in court for non-compliance?

You may be required to appear in court should legal charges or an injunction be initiated as a result of a violation. In addition, you may be required to appear in court in instances when a violation results in serious harm or risk to human life or health and/or the environment, or when attempts were made to conceal or obstruct the investigation of an offense.

Is there an appeal process?

Should they desire, license and permit holders have the ability under the *Forest Resources Act* to appeal to the Director of the Forest Management Branch if they have been issued an order or notice of noncompliance by a Forest Officer. If the case is subject to a decision from a legal court, normal judicial process would apply.