

Fact Sheet

9

Appealing *Forest Resources Act* Administrative Decisions

This fact sheet provides information on making an appeal of administrative decisions applied under the *Forest Resources Act*, including decisions made by the director of the Forest Management branch.

Under the *Forest Resources Act*, there are two types of appeals: 1) appeals of director's decisions and, 2) appeals of protection orders made to the director.

1. Appeals of Director's Decisions

If you are affected by a director's decision, you may initiate an appeal within 30 days of that decision in accordance with the *Forest Resources Act* and Regulations. If you are appealing (in this situation you are known as "the appellant") you must give written notice of the appeal within 30 days of the decision to **all of the following people**:

- the assistant deputy minister of the Sustainable Resources Division (the person delegated on behalf of Energy, Mines and Resources);
- the director of the Forest Management branch; and
- anyone whom you view to be affected by the appeal.

The appeal is submitted as a written notice, which includes at a minimum:

- name and contact details;
- a copy of the director's decision being appealed;
- a statement (description) of how the client is affected by the director's decision; and
- a statement indicating the grounds for the appeal.

Failure to supply this minimum information may result in dismissal of an appeal. During the hearing process, you may be requested to provide more information, for example, if you need clarification on a particular matter.

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

Compliance Monitoring & Inspections

Clondike District (Dawson & Old Crow)

Dawson Office
Tel: (867) 993-5468

Kluane District (Haines Junction & Beaver Creek)

Haines Junction Office
Tel: (868) 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

Yukon

Energy, Mines and Resources
Forest Management Branch

For appeals concerning decisions by the director of Forest Management branch, submit to:

Assistant Deputy Minister (Delegate)

Sustainable Resources Division

Energy, Mines and Resources

Government of Yukon

Box 2703

Whitehorse, Yukon

Y1A 2C6

Phone: 867-456-3827

Fax: 867-393-6340

Hearings

A hearing provides the person appealing opportunity to make submissions in writing (written notices) and, in some cases, verbally. In other words, depending on the circumstances the person appealing can supply their submissions in writing or verbally at an in-person appeal hearing.

For an effective appeal, please ensure you:

- include all supporting evidence; and
- meet all the appeal requirements of the Forest Resources Act and Regulations.

During an Appeal

If an appeal is underway, the decision of the director remains in effect. For example, if a harvesting licence or permit is suspended due to a decision, then the licence or permit remains suspended and a client may not continue to operate until the outcome of an appeal overturns the suspension.

Final Decision

Appeals will:

- confirm the director's decision; or
- hand down a new decision (which supersedes the director's decision); or
- refer the matter to the director for reconsideration.

2. Appeals to the Director

The *Forest Resources Act* sets out a process by which a licence or permit holder can appeal to the director of Forest Management branch for a protection order issued by a forest officer or natural resources officer.

If you have been issued a protection order, then you may appeal to the director of the Forest Management branch **in writing by close of business within seven (7) calendar days of the date of issue.**

For appeals **to the director**, submit to:

Phone: 867-456-3999
Fax: 867-667-3138
Email: forestry@gov.yk.ca

Mailing Address:
Box 2703 (K-918)
Whitehorse, Yukon
Y1A-2C6

Physical Address:
Mile 91807 Alaska Highway
Whitehorse, Yukon

You have appealed to the director of the Forest Management branch. What happens next?

1. If an appeal to a protection order was provided to the director in writing within seven days of issue then the client is entitled to a hearing. More information may be requested during the hearing process (for example, if clarification is needed on a particular matter).
2. After a hearing takes place, the director will (within seven days) make the decision either to cancel or confirm the order or provide amendments as appropriate.

If you require further information on the *Forest Resources Act* or the appeals process for administrative decisions made in relation to the *Forest Resources Act*, please contact your Area Forester or visit the Forest Management branch online at www.forestry.gov.yk.ca.

The information contained in this fact sheet is an overview. If you are considering an appeal you should review those sections of the *Forest Resources Act* and Regulations that apply. If you are contemplating an appeal of a decision you may wish to consider seeking professional legal services to assist in the process.