

Proposed Planning Regulation Content

The following document contains the concepts that will be used to develop the Planning 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.

Contact information:

By Mail:

Nicole Hulstein
Department of Energy, Mines and
Resources K-918
Box 2703
Whitehorse, YT
Y1A 2C6

Physical Address:

Forest Management Branch
918 Alaska Highway

By Phone: (867) 456-6110

Fax: (867) 667-3138

Email: nicole.hulstein@gov.yk.ca

Basic Concepts

- The planning regulation includes provisions for content of a forest resources management plan, and the process and content for a timber harvest plan, a woodlot plan and a site plan.
- The forest resources management plan is a strategic, overarching, landscape level plan intended to provide broad direction on how resource management activities are undertaken.
- The timber harvest plan is a development plan, required for fuel wood licences and timber resource licences but not woodlot licences.
- The woodlot plan is a development plan required for woodlot licences.
- The site plan is a site specific operational plan, required as part of a cutting permit submission issued under a harvesting licence.
- The timber harvest plan, woodlot plan and site plans will be consistent with a forest resources management plan in effect.
- The forest resources management plan and the timber harvest plan will address access management.

Proposed Planning Regulation Content

- Director may develop standards that may be used as default operating procedures for inclusion in a timber harvest plan, a woodlot plan and a site plan.

LEGISLATIVE REFERENCE:

Forest Resources Act PART 2 – FOREST RESOURCES MANAGEMENT PLANS

Purpose and scope of forest resources management plans

6(1) The purpose of a forest resources management plan is to

- (a) establish the requirements for forest resources management;
- (b) identify areas in which forest resource harvesting may occur; and
- (c) to establish guidelines for harvesting in the area to which the plan applies.

6(2) A forest resource management plan must take into account the principles set out in paragraph 17.5.5 of chapter 17 of the final agreements and any matters prescribed by regulation.

Implementation of plans

10 The Minister must make best efforts to implement a forest resources management plan accepted or varied under subsection 8(5) or 9(6).

Forest Resources Act PART 3 – DISPOSITION OF FOREST RESOURCES

Restrictions on harvesting licences

20(3) No harvesting of timber may occur until a timber harvest plan or a woodlot plan is approved by the Director, except that up to 1000m³ of timber may be authorized for timber harvesting on a one time basis in a woodlot under the authority of a woodlot licence prior to approval of a woodlot plan;

Timber resource licence

22(1)(e) establish that all harvesting must be consistent with the approved timber harvest plan;

Woodlot licence

23(a)(f) establish that all harvesting must be consistent with the approved woodlot plan;

Fuel wood licence

24(1)(f) establish that all harvesting must be consistent with the approved timber harvest plan;

Forest Resources Act PART 6 – GENERAL

Regulations

92 The Commissioner in Executive Council may make regulations

- (a) describing the matters to be considered in the preparation of forest resources management plans;
- (b) describing the process for preparing timber harvest plans and woodlot plans appropriate to the harvesting to be undertaken and the content of these plans;

Proposed Planning Regulation Content

Definitions

1. 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:

harvesting: in relation to timber, means falling, forwarding, decking, and processing of trees in the forest as well as skid trail and skid road construction associated with these activities and the rehabilitation of these structures.

identified values: means forest resource values identified by the Forest Resources Management Plan in effect.

known: means information that the Director has indicated to be known

- i. in the case of an Forest Resources Management Plan, at least two months in advance of the appointment of a planning committee by the Minister or
- ii. in the case of a Timber Harvest Plan, at least 4 months in advance of the submission of the plan for approval.

objective: means the desired future state or condition of forest land, a forest resource, or forest resource use.

site plan: is an operational plan prepared and approved in accordance with Part Five of this regulation.

strategy: means a description of verifiable steps or practices that will be carried out in respect of a particular objective.

Forest Resources Management Plans

2. Development of Forest Resources Management Plans

Forest resource management plans must be prepared according to the requirements of the Act and these regulations.

3. Forest Resources Management Plan Requirements

(1) A forest resource management plan must:

- a) outline the purpose, goals and objectives of forest management in the planning area;
- b) contain a map at a scale and in a format satisfactory to the Director showing the boundary of the plan area and any forest resource emphasis zones, and existing developments and land use;

Proposed Planning Regulation Content

- c) describe known forest resource values, and features identified to be addressed in the plan under Sections 8(2)(d) or 9(3)(b) of the Act;
- d) describe basic ecological processes and conditions in the planning area;
- e) describe socio-economic conditions within the planning area;
- f) describe traditional uses, and values of forest resources by First Nations;
- g) describe archeological and heritage potential within the planning area;
- h) describe existing land uses that might limit or constrain forest resource management activities;
- i) include access management considerations;
- j) describe forest resource management zones, rationale for their delineation, resource emphasis within them, and other pertinent information associated with them;
- k) describe key issues and landscape objectives;
- l) identify strategies to manage key issues and values and mitigate impacts on identified forest resource values;
- m) describe monitoring of goals and objectives and adaptive management strategy; and,
- n) include any other information the planning committee feels important.

Timber Harvest Plans

4. Purpose of the Plan

- (1) The timber harvest plan identifies forest resource features and objectives within the harvest area and description of any proposed harvesting or access construction and management strategies.
- (2) Timber harvest plans must be consistent with the requirements of any forest resources management plan in effect at the time the timber harvest plan is approved.

5. Process for the Preparation and Approval of Timber Harvest Plans

- (1) A Timber harvesting plan must be;
 - a) Prepared according to this regulation, including any standards established under this regulation.
 - b) Approved by the Director, or a person delegated by the Director
- c) The timber harvest plan must be prepared in a format or form acceptable to the Director.

Proposed Planning Regulation Content

- d) Prior to approval the timber harvest plan must be available for public review for no less than 30 days and those First Nations whose traditional territory wholly or partially falls within the timber harvest plan notified.

6. Timber Harvest Plan Objectives in Areas without a Forest Resources Management Plan

- (1) Where no appurtenant forest resources management plan has been given effect, objectives for the area under the plan will take into account the following principles:
 - a) sustainable use of forest resources;
 - b) integrated and balanced approach to the management and protection of interests in and uses of forest resources in a watershed;
 - c) integrated forest resources management;
 - d) forest resources harvesting and management customs of Yukon First Nations;
 - e) fish and wildlife harvesting rights and management plans;
 - f) the knowledge and experience both of the Yukon First Nations and scientific communities in forest resources management and use; and
 - g) implementing the plan on a watershed basis.

and will include:

- i) the maintenance of an economically valuable supply of commercial timber;
 - ii) the conservation of soil productivity and soil hydrological function;
 - iii) the conservation of water quality, fish habitat, wildlife habitat and, biodiversity;
 - iv) the conservation of cultural heritage resources; and,
 - v) any other forest resource values identified in the planning area.
- (2) In preparing a timber harvest plan for greater than 1,000m³ of timber harvesting, in an area without a forest resources management plan the preparer must notify the affected First Nation and invite that First Nation to identify First Nations traditional use considerations within the planning area.

7. Term of Timber Harvest Plan

- (1) The timber harvest plan expires when activities for which it applies are completed.
- (2) The timber harvest plan may be cancelled and or suspended by order of the Director due to fire, insects or diseases or other similar factors.

Proposed Planning Regulation Content

8. Timber Harvest Plan Amendment

- (1) The holder of a harvesting license or forest resources permit exceeding 25m³ must adhere to the approved timber harvest plan unless exempt.
- (2) Amendments to the timber harvest plan may be approved by the Director if the Director is satisfied that they protect the public interest and conform to the Act and this Regulation and are consistent with any forest resources management plan in effect for the area.
- (3) A timber harvest plan may be amended if:
 - a) a new forest resources management plan or a forest resources management plan is amended where new values and objectives are identified, that materially affects the public interest, for the plan area; and,
 - b) by order of the Director due to fire, insects or diseases or other similar factors.
- (4) At the request of the Director, the amended timber harvest plan will be available for public and First Nation review for a period of no less than 30 days.

9. Contents of a Timber Harvest Plan

- (1) Notwithstanding section 5 of this Regulation, a timber harvest plan must:
 - a) contain a map at a scale and in a format satisfactory to the Director showing the boundary of the plan area with known values identified in the forest resources management plan, and attributes of the planning area showing proposed harvesting and road building activities;
 - b) outline the results of values assessments that have been undertaken;
 - c) include a schedule of harvesting activities, including the method and season of harvest, with associated estimates of areas and volumes to be harvested;
 - d) include access management considerations;
 - e) include management strategies for the protection of values identified in assessments and the forest resources management plan; or management of the objectives described in section 6 of this regulation;
 - f) include ecosystem description; and,
 - g) any other information the Director feels is applicable to the planning area.

10. Existing Timber Harvest Plans

Existing timber harvest plans or forest development plans are considered timber harvest plans under the Act and regulations if they;

- a) are consistent with any applicable forest resources management plan, and
- b) have been made available for public review.

Proposed Planning Regulation Content

Woodlot Plan

11. Purpose of the Plan

- (1) The woodlot plan identifies forest resource features and objectives within the woodlot area and describes any proposed harvesting or access construction and management strategies.
- (2) Woodlot plans must be consistent with the requirements of any forest resources management plan in effect at the time the woodlot plan is approved.

12. Woodlot Plan Objectives in areas without Forest Resources Management Plan

Where no appurtenant forest resources management plan has been given effect, objectives for the area under the woodlot plan will be:

- a) the maintenance of an economically valuable supply of commercial timber;
- b) the conservation of soil productivity and soil hydrological function;
- c) the conservation of water quality, fish habitat, wildlife habitat, and biodiversity;
- d) the conservation of cultural heritage resources; and,
- e) any other identified resource values.

13. Process for the Preparation and Approval of Woodlot Plan.

- (1) The woodlot plan must be
 - a) prepared according to this regulation, including any standards established under this regulation;
 - b) approved by the Director, or a person delegated by the Director.
- (2) The woodlot plan must be prepared in a format or form acceptable to the Director.
- (3) Prior to approval, the woodlot plan must be available for public review for no less than 30 days and those First Nations whose traditional territory wholly or partially falls within the woodlot plan must be notified.

14. Term

- (1) The woodlot plan expires when activities for which it applies are completed.
- (2) The woodlot plan may be cancelled or suspended by order of the Director due to fire, insects or diseases or other similar factors.
- (3) The woodlot plan will have a term not exceeding the woodlot license for which it applies.

15. Amendments

- (1) The holder of woodlot license must adhere to the approved woodlot plan.

Proposed Planning Regulation Content

- (2) Amendments to the woodlot plan can be approved by the Director if the Director is satisfied that they protect the public interest and conform to the Act and this Regulation and are consistent with any forest resources management plan in effect for the area.
- (3) A woodlot plan may be amended if:
 - a) a new forest resources management plan or an forest resources management plan is amended where new values and objectives are identified, that materially affects the public interest, for the plan area;
 - b) by order of the Director due to fire, insects or diseases or other similar factors.
- (4) At the request of the Director, the amended woodlot plan will be made available for public and First Nation review for a period of no less than 30 days.

16. Contents of Woodlot Plan

- (1) Notwithstanding section 13 of this Regulation, a woodlot plan must:
 - a) contain a map at a scale and in a format satisfactory to the Director showing the boundary of the plan area with known values identified in the forest resources management plan, and attributes of the planning area showing proposed harvesting and road building activities;
 - b) outline the results of values assessments that have been undertaken;
 - c) include a schedule of harvesting activities including the method and season of harvest with associated estimates of areas and volumes to be harvested;
 - d) include access management considerations;
 - e) include management strategies for the protection of values identified in assessment and the forest resources management plan; or management of objectives described in section 12 of this regulation;
 - f) include ecosystem description; and,
 - g) any other information the Director feels is applicable to the planning area.

Part 5 - Site Plan

17. Process for the Preparation and Approval of Site Plan.

- (1) The site plan process is consistent with provisions of an approved forest resources management plan, timber harvest plan or woodlot plan.
- (2) A site plan must be approved by the Director, or a person delegated by the Director
- (3) The site plan must be prepared in a format acceptable to the Director.
- (4) In preparing a site plan, the preparer must consider the most recent forest resources information available and any information the Director makes known.

Proposed Planning Regulation Content

- (5) The site plan may be required to be made available for public viewing on request with reasonable notice at the holder's place of business.

18. Expiration of the Site Plan and Forest Management Obligations

- (1) Once operations are completed on the cutting permit, according to the approved site plan, the embedded reforestation plan remains as an obligation for regeneration of the harvested site until the Director declares the area free growing under Section 5 of the Silviculture Regulation.
- (2) Any forest management obligations that are outstanding after the Director has declared an area to be free growing revert back to the crown.

19. Contents

Notwithstanding Section 17 of this regulation, a site plan must be submitted in a form acceptable to the Director and;

- a) contain a map at a scale and in a format satisfactory to the Director showing the boundary of the proposed harvest area with known values, and attributes of the harvesting area showing details of harvesting and road building activities;
- b) outline site and stand details;
- c) outline stand level objectives and measures that will be used to protect resources identified within and adjacent to the harvest area, as identified in the timber harvest plan or woodlot plan;
- d) provide a proposed harvest schedule, expected duration of operations, required access and soil conservation practices;
- e) include access management considerations; and
- f) contain a reforestation plan outlining commitments to restocking the harvest area and the timing of silviculture activities required to meet commitments.

20. Existing Site Plans

Existing site plans are considered site plans under this regulation if they are consistent with any applicable forest resources management plan or timber harvest plan in effect.

Standards

21. Standards

For the purposes of these regulations, the Director may develop management guidelines, standards, manuals or guidebooks that may be used as default operating procedures for inclusion in the timber harvest plan, woodlot Plan, site plan or forest resources permit.

Proposed Planning Regulation Content

