

Proposed Silviculture Regulation Content

The following document contains the concepts that will be used to develop the Silviculture 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 purpose is to ensure that silviculture treatments are consistent with public objectives and good forest stewardship.
- The regulation guides work done by the government and industry on public land.
- The regulation provides for standards and guidelines to be set by the Director of the Forest Management Branch.
- Reforestation is required after timber harvesting unless it is specifically exempted or determined to be unnecessary.
- Areas contributing to the annual allowable cut (AAC) of timber that are damaged by fire, insects, wind or other natural events must be assessed.
- A forest health report is required at least once every 5 years.
- The public must be notified about silviculture treatments.

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LEGISLATIVE REFERENCE:

Reforestation:

***Forest Resources Act* PART 3 – DISPOSITION OF FOREST RESOURCES – Timber resources licence**

22(1)(i) where the licensee is to be responsible for reforestation, the conditions and standards of reforestation.

Woodlot licence

23(1)(j) where the licensee is to be responsible for reforestation, the conditions and standards of reforestation.

***Forest Resources Act* PART 6 - GENERAL**

Regulations

92 The Commissioner in Executive Council may make regulations

92 (q) establishing requirements for reforestation,

Forest Health:

***Forest Resources Act* PART 4 – FOREST ROADS AND FOREST HEALTH Research – insects, diseases and forest resource management**

34(2) The Director may develop research and monitoring plans and programs to
(a) investigate the spread, effect and control of insects and pests as it relates to the protection of forest resources; and
(b) support advances in forest resource management.

1. Purpose

The purpose of this regulation is to ensure that silviculture treatments are conducted in a manner consistent with the maintenance of healthy ecosystems, diversity of forest resources and good stewardship.

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:

Forest Health: a desired condition of the forest in relation to landscape management objectives. Factors include biotic and abiotic influences on a forest that have an adverse effect on the health of trees and other plants. Biotic influences include fungi, insects, plants, animals, bacteria, and nematodes.

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Abiotic influences include frost, snow, fire, wind, sun, drought, nutrients, and human caused injury. Forest health programs generally involve 1) the establishment of long-term monitoring systems to detect forest health issues and 2) the identification of forest management policies that outline how, when and where forest health issues will be managed.

Reforestation: The re-establishment of young forests on forest land.

Silviculture Plan: A plan for reforestation, prepared as a component of the site plan.

Silviculture treatment: Work that is carried out in areas that have been impacted by harvesting, fire, insects, or any other form of disturbance that ensures the regeneration of young healthy stands. Activities may include: site rehabilitation and preparation, planting, seeding, spacing, fertilization, and pruning.

Site Plan: An operational plan prepared and approved in accordance with the planning regulation, which contains the silviculture plan.

Stocked or Stocking: A measure of the area occupied by acceptable trees, relative to the management goals.

3. Application

- (1) A person who carries out silviculture treatments on public land shall only do so in accordance with this regulation.
- (2) Section 8 (Forest Health) applies throughout Yukon.

4. General

- (1) A person who plans or carries out silviculture treatments shall do so in a manner that protects and conserves other forest resources in the area treated.
- (2) Except as specified in sub-sections 4(3) and 4(4), no person shall harvest timber or carry out a silviculture treatment, unless it is done according to a plan that has been:
 - a. prepared according to this regulation, including any standards established under this regulation; and
 - b. approved by the Director or a qualified forest practitioner acceptable to the Director.
- (3) A person is exempt from Section 4(2) if:
 - a. the silviculture treatment is conducted on an area of one hectare or less, and complies with all other aspects of the Act and this regulation; or,

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- b. the treatment is conducted for a purpose specified as exempt by the Minister.
- (4) The Minister may, individually or through the establishment of a list of specified treatments, exempt a person, with or without conditions, from the provisions of Section 4(2) for the purposes of carrying out:
- a. Geophysical surveys;
 - b. Exploration for minerals or petrochemical resources;
 - c. Right-of-way clearing for a road, pipeline or power transmission line; or
 - d. Other uses as appropriate.

5. Standards

- (1) The Director may establish standards for the following:
- a. The collection and use of seed and vegetative material to be used for reforestation;
 - b. Defining an acceptably stocked site, including the species, distribution health, age and viability of trees;
 - c. The protection of natural regeneration;
 - d. The protection of water, soils, wildlife habitat or other resource values;
 - e. The protection of forest health and biological diversity;
 - f. The prevention and control of invasive species;
 - g. The acceptable content and format of a site plan or silviculture plan; and
 - h. Other purposes as appropriate.
- (2) The Director may establish guidelines for the following:
- a. The process/processes for conducting silviculture surveys;
 - b. The encouragement of natural regeneration;
 - c. Thinning, pruning, or fertilizing stands;
 - d. Site preparation for planting;
 - e. The process/processes for carrying out forest health treatments; and
 - f. Other purposes as appropriate.

6. Reforestation

- (1) A person who holds a permit or licence to timber harvest is required to reforest the area in accordance with this regulation unless:

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- a. The person is exempt from reforestation requirements under a harvesting license, cutting permit or an agreement with the Minister;
 - b. The person is exempt under Section 4(4);
 - c. The area, upon completion of harvesting, is determined to be acceptably stocked to the satisfaction of the Director;
 - d. The approved plan for the area indicates that it will regenerate to an acceptable standard naturally; and
 - e. The area harvested is less than 1 hectare in size, and does not result in a contiguous not stocked opening of greater than 1 hectare.
- (2) In an area where timber contributing to the Annual Allowable Cut has been killed by fire, insects or other processes, and where the area damaged exceeds 50 hectares in size, the Director shall
- a. Assess the area to determine whether the damage will materially affect the annual allowable cut previously determined for the area, and if so, prepare a silviculture plan appropriate for the area.
- (3) Trees planted on public land are the property of Yukon government.

7. Silviculture Treatment

- (1) The Director may plan and undertake silviculture treatments to improve the quality or quantity of forest resources in an area provided such treatment is consistent with the objectives of any approved Forest Resources Management Plan in effect.

8. Forest Health

- (1) Not less than once every 5 years the Director shall provide to the Minister a report on the status of forest insect and disease infestations in Yukon.

9. Research

- (1) The Director may develop or approve research and monitoring plans and programs.
- (2) No part of this regulation prevents a person from carrying out research activities that have been approved by the Director.

10. Public Notice

- (1) A person who undertakes a silviculture treatment that has not been subject to public review and comment through other means, shall:
- a. inform the public of the type, location and timing of the proposed treatment at least 60 days before work commences;

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- b. invite the public to make comments for a period of at least 30 days;
and,
- c. demonstrate to the satisfaction of the Director that comments received have been considered.

