

Forest Resources Act: An Overview of Regulatory Tools

April 15, 2014

*Prepared for the
Dawson Regional
Planning Commission*

**Energy, Mines and Resources
Forest Management Branch**



Yukon
Energy, Mines and Resources
Forest Management Branch

Forest Resources Act

- *Forest Resources Act* (FRA) came into effect January 31, 2011.
- First post-devolution, modern, Yukon legislation.



Forest Resources Regulations

- Provide more detailed interpretation of the FRA;
- Contains more prescriptions on areas such as:
 - Required contents of Plans;
 - ***Forest Resource Roads (See Part 7)***

Operational Standards

- 'The Director may develop management guidelines, standards... for forest resource harvesting.' (FRA Reg. S.23)

Forest Resources Management Plans

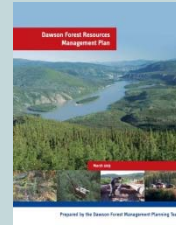
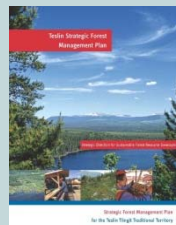
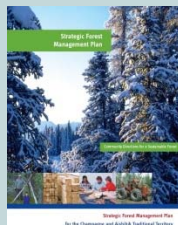
- FRMPs take into account the principles set out in 17.5.5 of UFA.
- Planning process/es set out in the FRA include provisions for joint planning committees for planning public land and settlement land, notifications for public and first nations input.
- An FRMP provides identification of land base for Timber Supply Analysis, followed by Annual Allowable Cut (AAC) determination.

- **FRMP Highlights:**

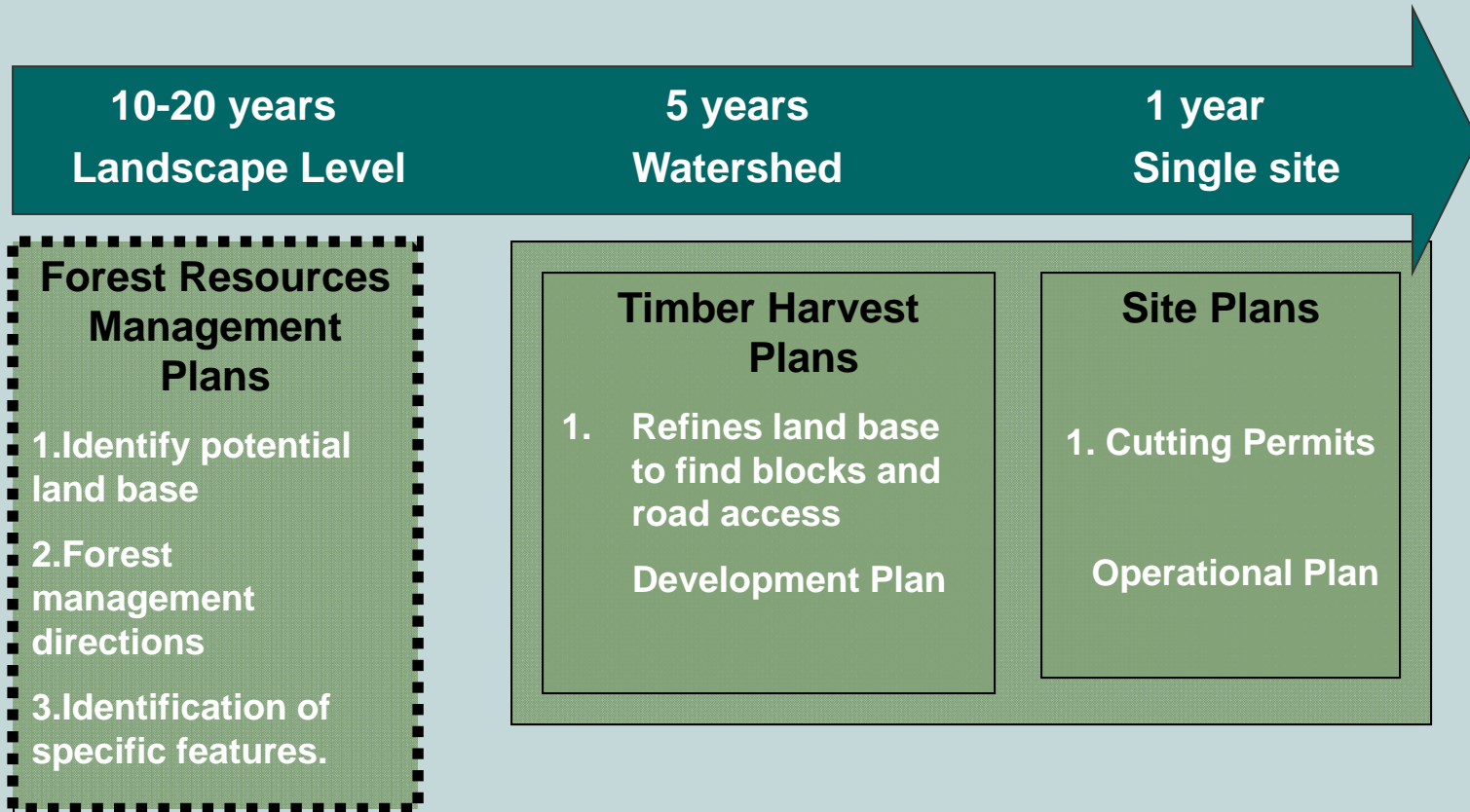
- Describes state of the Planning Area (eg. based on assessment reports)
- Provides management direction for multiple values, for example:
 - ‘Strategic Directions from Key Issues’
 - Focal Species;
 - Landscape Connectivity
 - Summary of Landscape Units. **See Key Values.**
- Canadian Council of Forest Ministers (CCFM) – Goals, Objectives and Indicators

- **Dawson FRMP completed March 2013**

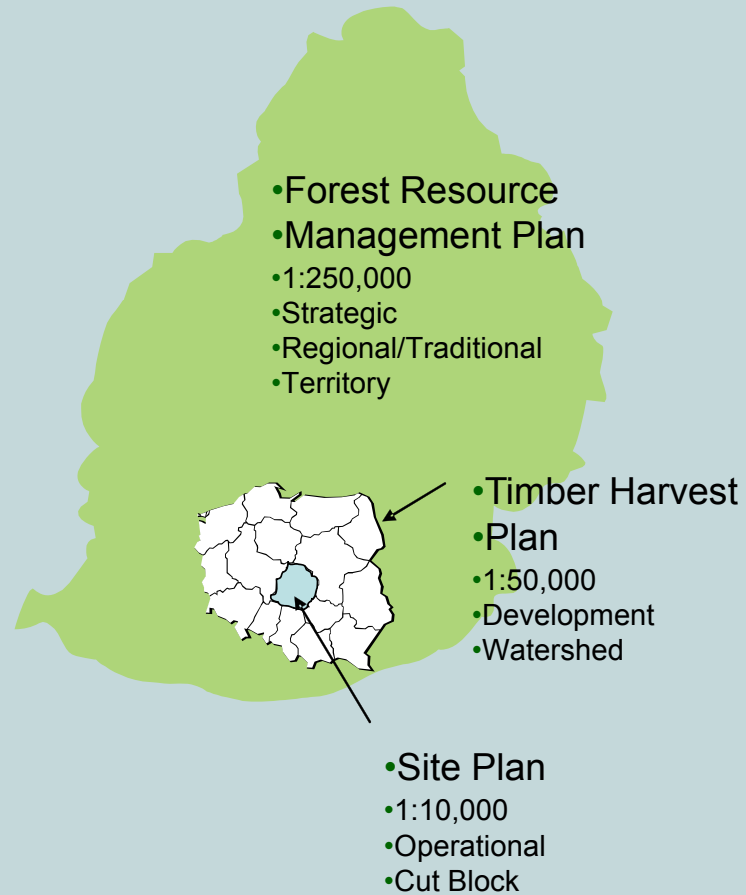
- Work of the Planning Team – extensive inputs (TH, DoE, public, industry...)



Planning Levels



Planning Scales



Harvesting Licenses

Key Tenure Types	Limits	Other
Fuel Wood License	May be issued for up to 20,000m ³ over 5 years	Not assignable, will require a timber harvest plan
Forest Resource Permit	Not exceeding 3 years	Used for non commercial timber harvest, or commercial use of other forest resources when and if required
Timber Resources Licence	Volumes apportioned from AAC or Annual Limits, Not exceeding 10 yrs, with option for one time renewal of 10 yrs.	Limited when Forest Resource Management Plan is absent Will require a Timber Harvest Plan, More than one operator may be in same area. Assignable by Ministerial agreement

Forest Resources Regulation

Forest Resources Roads

- The purpose of the regulation is to ensure forest resource roads are **constructed, maintained, used and decommissioned in an appropriate manner.**
- The regulation does not address the decision to build a road, this is done through planning. However tools are provided within the regulation to manage access.
- Roads built to access forest resources are not roads under the *Highways Act*.
- The regulation requires that a construction, maintenance or industrial use of a road be authorized by a permit and sets out the basic requirements of a permit, including fees. It also provides for exemptions under certain circumstances.
- Maintenance of an active Forest Resource Road is mandatory.
- Requirements are included for safe use, and for restricting use or closing roads as required, **eg. for seasonal access.**

Forest Resource Roads

- Forest Management Branch regulates these roads.
- Road Use is part of a Cutting Permit
- Can allow for use by other industries, in order to reduce or eliminate the duplication of access onto the land base (and linear disturbance).

Winter Road





Operational Standards

- Standards support and implement the Regulations. Standards are mandatory and Guidelines are best management practices.
- During FRA development, these operational standards were developed through Technical Advisory Groups consisting of FMB and DoE Staff.
- These documents were taken out for targeted review, for 90 days in conjunction with the regulations.
- Development of further Standards is ongoing.

Approved Operational Standards

- Field Marking
- Wetlands Riparian Management
- Riparian Management on Streams and Lakes
- Wildlife Features
- Soil Conservation
- Historic and Archaeological Resources
- Incorporation of Land User Interests

YUKON FOREST RESOURCES ACT
Wildlife Features Standard

REGULATORY REFERENCE

Forest Resources Regulation
PART 2 - PLANNING
DIVISION 5 - GENERAL
Guidelines and standards

23 The Director may develop management guidelines, standards or manuals identifying operating procedures for forest resource harvesting and related activities as described in a timber harvest plan, a woodlot plan or a site plan.

OBJECTIVES

- Ensure that important wildlife and ecological features are given adequate protection during forestry planning and operations.
- Where wildlife features are known, or identified during planning, appropriate measures will be put in place to conserve these features.
- Wildlife features include: mineral licks, bear and wolverine dens, nest sites, beaver dams, cavity nesting and wildlife trees, game trails, cliff faces, and fish over-winter spawning areas.

GENERAL GUIDELINES

- The wildlife key area database should be consulted for mapped locations of such features, values and attributes (Environment Yukon).
- Where terrain features or other obstacles make it necessary to encroach on identification buffers for specific features, the operations must be conducted in a manner that maintains the integrity of that feature.
- When wildlife features are encountered during harvest operations, efforts will be made to avoid disturbance of the feature. Consideration will be given to alternate harvest methods.
- Leave snags where worker safety is not compromised and the retention is consistent with site objectives.

SPECIFIC FEATURES

Mineral Licks

The management objective is to maintain use of the lick by wildlife and to prevent easy access to the lick by hunters.

Standards:

- Mineral licks shall not be disturbed or destroyed.
- Maintain cover around licks and wildlife trails to licks.

Guidelines:

- A minimum 200m no disturbance buffer of should be implemented around mineral licks.

Effective Date:

Beaver Dams and Lodges

The management objective is to maintain furbearer populations.

Standards:

- Beaver dams shall not be disturbed unless a permit to remove them is authorized.

Guidelines:

- Incorporate consideration of beaver dams and lodges into riparian management plans.

Game trails

The management objective is to maintain local migration corridors for wildlife. This should be done repetitively over long time-scales.

Guidelines:

- Where documented game trails are known in advance, a no disturbance buffer averaging in width of 200m should be implemented around the game trail.
- Where possible, do not disturb or destroy known, significant game trails.
- Where roads bisect a game trail, minimize activity within 100m of the road the road right-of-way. Also may consider other options including notching sightlines.

Fish over-wintering or spawning habitat

The management objective is to maintain critical habitats for fish.

Guidelines:

- Where fish over-wintering or spawning habitat is known in advance, site roads and stream crossings should avoid these habitats.
- Refer to road construction, surveying and stream crossing standards when wintering or spawning habitat is identified during road surveys and construction.
- In fish bearing streams ensure fish can pass through all manmade structures that water substrate is not changed to the point of creating new water features that benefits fish passage.

Cliff Faces for Nesting

The management objective is to maintain conditions suitable for the use of the cliff nesting birds and other wildlife.

Standards:

- Active cliff face for nesting minimum 300m no disturbance buffer.

Guidelines:

- Based on the ecological requirements and sensitivity to forestry operations for species utilizing the cliff, management options for the surrounding forest considered which will maintain the habitat value of the nesting site.

Raptor Tree Nests, Stick Nests

The management objective is to maintain breeding opportunities for raptors and the landscape.

Standards:

- Raptor tree nests and stick nests shall not be destroyed.
- Raptor tree nests and stick nests require a minimum 50m no activity buffer harvesting is to occur between April 1 and September 30 of any year.
- Between April 1 and September 30 of any year; a buffer is not required if determined to be inactive by a qualified professional.

Revision Date: February 25, 2014

Guidelines:

- Consider seasonal operating windows to avoid disturbing active dens.
- Where possible, incorporate nests into retention planning surrounding forest.
- Where possible, retain forest cover around nests to last long-term habitat values, provide windthrow protection.
- When found, consider groups of raptor nests (2 or other raptor nest) as a single feature to be managed individually raptor nest separately and incorporate it into retention areas.

Bear Dens

The management objective is to minimize disturbance to bear dens.

Standards:

- Bear dens shall not be damaged or disturbed.
- Structures and features that may be bear dens for confirmation of their status by a qualified professional and retention area from Table 1.
- If a suspected bear den is encountered during road construction, it must immediately be reported to a Forest Officer. The den shall be suspended until it is assessed by a qualified professional and the appropriate no disturbance buffer applied.

	Active Bear Dens	
	No Disturbance Buffer Radius(m)	No Disturbance
Grizzly Bear	200	
Black Bear	100	

Table 1. Minimum No Disturbance Buffers and Retention Areas

- Active black bear dens require a no disturbance buffer of 100m.
- Black bear dens occupied by a sow with cubs require a no disturbance buffer of 12.5 hectares.
- Active grizzly bear dens require a no disturbance buffer of 28 hectares.
- Permanent bear dens (e.g. natural rock cavities) require a no disturbance buffer of 200m radius (12.5 hectares).
- Bear dens containing bears of unverified species require adaptive management.
- Principles of adaptive management will be applied to retention areas where unknown.

Guidelines:

- Consider seasonal operating windows to avoid disturbing active dens.
- Landscape level management is the preferred to reserve zones and habitat connectivity.

Revision Date: February 25, 2014

Safety

- The above identified "no disturbance buffers" are intended to provide for bears and their den habitats. Working in bear country at any time of year requires diligence and application of safety practices, as described in publications: How you can Stay Safe in Bear Country (Environment Yukon, 2013), and Industrial Activity in Bear Country (Environment Yukon, 2010).

DEFINITIONS

Active Den - is one where there is evidence of current use or use that season as assessed by a qualified wildlife biologist.

Inactive Den - is one that historically has been used but is not currently occupied by a qualified professional.

Permanent Den - is one which has not been excavated out of the ground and is natural rock cavities and has been confirmed by a qualified wildlife biologist.

No Disturbance Buffer - is a temporary area of inactivity in order to minimize disturbance to a bear den and maintain forest cover in the surrounding area.

Retention Area - is an area of inactivity which remains during and after operations to minimize disturbance to a bear den and maintain forest cover in the surrounding area.

Adaptive Management - is the practice of identifying site conditions such as topography and other pertinent factors to determine the most appropriate size, location of buffers and retention areas.

Qualified Professional - is an individual who through suitable education, experience, knowledge, may reasonably be relied on to provide advice within his or her area and is practicing or providing advice which is applicable to their area of expertise.

Cliff Face for Nesting - is a cliff face or outcrop which has historically been used to support breeding, nesting, or roosting birds.

Game Trails - are trails or corridors showing evidence of significant levels of use have been documented by wildlife surveys or local knowledge.

Inactive Nest - is one that historically has been used but is not currently occupied by a qualified professional.

Approval signature
Lyle Dinn
Director, Forest Management Branch

Feb 27, 2014
Date

Revision Date: February 25, 2014

Compliance and Enforcement

- The FRA contains a full suite of compliance and enforcement tools, including:
 - Non-compliance notice
 - Stop work order
 - License suspension and/or cancellation
 - Inspection, searches, seizure and forfeiture
 - Tickets (*Summary Convictions Act*)
- Carried out by Compliance Monitoring and Inspections Branch, EMR.



An aerial photograph of a winter landscape. The scene is dominated by snow-covered mountains and a dense forest of evergreen trees. A wide, winding river flows through the valley, its banks also covered in snow. The sky is a clear, pale blue. The text "Thank You" is centered in the upper half of the image.

Thank You

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