

### **Purpose:**

To provide clarity respecting the phrases ‘forest management practices’ under section 5 of the *Private Managed Forest Land Act* (the Act), ‘forest management objectives’ under sections 12 to 16 of the Act, and ‘forest management activities’ under section 21 of the Act. All of the relevant legislation is set out in Appendix A to this bulletin.

### **Interpretation:**

The phrases ‘forest management practices’, ‘forest management objectives’ and ‘forest management activities’ are similar but are used very differently under the Act.

#### ***Forest management practices***

The phrase ‘forest management practices’ is contained in section 5 of the Act. Section 5 sets out the object of the Council as being to encourage forest management practices on private managed forest land, taking into account the social, environmental and economic benefits of those practices. Therefore the phrase ‘forest management practices’ goes to the underlying mandate of the Council. The Council has established a Statement of Principles which it uses to ensure that it is meeting its objects respecting encouraging forest management practices. The Statement of Principles is set out in Appendix B to this bulletin.

#### ***Forest management objectives***

The phrase ‘forest management objectives’ is used in each of sections 12 to 16 of the Act. These sections establish government objectives respecting soil conservation, water quality, fish habitat, critical wildlife habitat and reforestation. These forest management objectives provide the scope within which the Council may establish forest practice regulations under section 43 (1) (e) and (f) of the Act.

#### ***Forest management activities***

The phrase ‘forest management activities’ is contained in section 21 of the Act. That section provides restrictions on local governments in the adoption of bylaws or the issuance of some permits if the bylaw or permit would directly or indirectly restrict a forest management activity on private managed forest land. The phrase ‘forest management activity’ is not defined in the Act but is in section 1 (2) of the Private Managed Forest Land Regulation. The definition is further expanded on in Schedule A of that regulation.

The Council does not administer section 21 of the Act as it relates to local government and not the Council. Similarly, the Council does not *directly* regulate the matters referred to either in the definition of ‘forest management activity’ or the related Schedule A.

Some of the listed forest management activities are also forest management practices that are constrained under the Private Managed Forest Land Council Regulation, 2007 (Council regulation). For example, activities related to timber harvesting, silviculture, and road construction and maintenance are generally forest management activities under Schedule A and are constrained under



the Council regulation within the context of the government's forest management objectives in sections 12 to 16 of the Act. This means that an activity respecting silviculture is

- Generally a forest management activity for the purposes of section 21 of the Act,
- Constrained under the Council regulation as it relates to reforesting areas (i.e. this is consistent with the government's forest management objective for reforestation), and
- Not constrained under the Council regulation as it relates to treatments such as pruning or fertilization on successfully regenerated stands or mature stands (i.e. any such constraint would not be consistent with government's forest management objective for reforestation).

Some of the items listed in Schedule A for forest management activities do not relate to topics which are the subject of government forest management objectives. As a result, there cannot be a constraint in respect of them contained in the Council regulation. Some examples of these types of activities include

- aggregate production and processing,
- agroforestry and silvopasture systems, and
- harvesting and sale of botanical forest products.

Other examples of forest management activities in Schedule A for which there cannot be a related constraint in the Council regulation include those forest management activities related to structures (e.g. dwellings).

The Council administers subject matter listed as a 'forest management activity' in Schedule A only if and to the extent that the subject matter is

- consistent with a government forest management objective, and
- the subject of a requirement or constraint contained in the Council regulation.

Date: Oct 27, 2009

Approved: Original signed  
Trevor Swan, Chair

## APPENDIX A - Relevant Legislation

### PRIVATE MANAGED FOREST LAND ACT:

#### Object of Council

- 5 The object of the council is to encourage forest management practices on private managed forest land, taking into account the social, environmental and economic benefits of those practices.

#### Soil conservation

- 12 The forest management objective for private managed forest land with respect to conservation of soil for areas where harvesting has been carried out is to protect soil productivity on those areas by minimizing the amount of area occupied by permanent roads, landings and excavated or bladed trails.

#### Water quality

- 13 (1) The forest management objective for private managed forest land with respect to water quality is to protect human drinking water, both during and after harvesting.
- (2) Nothing in subsection (1) requires an owner to retain additional streamside trees or additional understory vegetation to address problems with water quality that originate outside of the owner's private managed forest land.

#### Fish habitat

- 14 (1) The forest management objective for private managed forest land with respect to the protection of fish habitat, both during and after harvesting, is to retain sufficient streamside mature trees and understory vegetation to protect all of the following:
- (a) a natural variation in water temperatures;
  - (b) sufficient cover for fish;
  - (c) a continual source of large woody debris for stream channel stability purposes;
  - (d) a vigorous mass of roots capable of controlling stream bank erosion;
  - (e) a filter to prevent the transport of sediment into stream channels;
  - (f) woody debris sufficient for in-stream habitat;
  - (g) a source of nutrients to the stream through litter fall.
- (2) Nothing in subsection (1) requires an owner to retain additional streamside trees or additional understory vegetation to address problems with fish habitat that originate outside of the owner's private managed forest land.

#### Critical wildlife habitat

- 15 The forest management objective for private managed forest land with respect to critical wildlife habitat is to facilitate the long term protection of that habitat by



- (a) providing a reasonable opportunity for a person designated in writing by the deputy minister to the minister responsible for the administration of the Wildlife Act to assess whether critical wildlife habitat is present on private managed forest land, and
- (b) fostering efforts of the government and the owners to enter into agreements for the protection of any critical wildlife habitat identified under paragraph (a).

#### **Reforestation**

- 16** The forest management objective for private managed forest land with respect to reforestation of areas where timber has been harvested or destroyed is to promptly regenerate the areas with a healthy, commercially valuable stand of trees that is not impeded by competition from plants or shrubs.

#### **Restriction on local government authority regarding uses of private managed forest land**

- 21** (1) A local government must not
- (a) adopt a bylaw under any enactment, or
  - (b) issue a permit under Part 21 or 26 of the *Local Government Act*
- in respect of land that is private managed forest land that would have the effect of restricting, directly or indirectly, a forest management activity.
- (2) For certainty, this section applies if the bylaw or permit would have the effect described in subsection (1) even though the bylaw or permit does not directly apply to land referred to in that subsection.

#### **PRIVATE MANAGED FOREST LAND REGULATION:**

##### **Definitions**

- 1** (2) For the purpose of section 21 (1) of the Act, forest management activity means an activity, process or use, including structures and facilities that support the activity, process or use, that is described in Schedule A and that is related to or carried out for the production or harvesting of forest resources on or from the owner's private managed forest lands, for as long as the land is classified under the *Assessment Act* as managed forest land.

##### **Schedule A –Forest Management Activities**

- 1** Forest management activities include the following:
- (a) silviculture and timber harvesting activities;
  - (b) transportation, delivery, handling and sale;
  - (c) dryland sorting and scaling;
  - (d) road, bridge and trail construction and maintenance;
  - (e) drilling and blasting;
  - (f) aggregate production and processing;
  - (g) storage and repair of equipment and vehicles;



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- (h) slash and prescribed burning;
- (i) treatment of noxious weeds, introduced plants, competing vegetation, other pests and damaging agents;
- (j) protection of forest crops including but not limited to fire protection and suppression and wildlife management;
- (k) safety and security measures;
- (l) water storage, including reservoirs for providing water for fire protection purposes or other use;
- (m) agroforestry and silvopasture systems;
- (n) soil production, improvement or processing;
- (o) site rehabilitation and improvement;
- (p) disposal of wood waste;
- (q) harvesting and sale of botanical forest products;
- (r) portable processing of forest resources;
- (s) one dwelling per registered parcel unless additional dwellings are permitted under applicable local bylaws;
- (t) forest management administration, including accommodation of personnel.