

REGULATION 76 - 76

under the  
CROWN LANDS ACT  
(O. C. 76 - 313)

Filed April 28, 1976.

Under section 7<sup>4</sup> of the Crown Lands Act, the Lieutenant-Governor in Council makes the following Regulations:

FOREST RESERVE TIMBER REGULATION.

1. This Regulation may be cited as the Forest Reserve Timber Regulation and shall apply to the forest reserve set aside by Order in Council 73-709.

Interpretation

2. In this Regulation, unless the context otherwise requires it,  
a) "cunit" means one hundred cubic feet of solid wood;  
b) "District Forester" means a person designated as such under the Forest Service Act;  
c) "hardwood" means all species of deciduous trees in the forest reserve;  
d) "Forest Authority" means the New Brunswick Forest Authority as established by Order in Council 73-882;  
e) "Minister" means the Minister of Natural Resources;  
f) "royalty" means the charge for forest products cut on the forest reserve; and  
g) "softwood" means all species of coniferous trees in the forest reserve.

3. (1) The Minister is responsible for the management of timber within the forest reserve.

(2) The Minister may delegate or assign specific responsibilities for the better carrying out of the management of the forest reserve.

4. (1) No cutting, excavation or construction shall be permitted in the forest reserve;

- a) within three hundred feet of the centre line of a highway or resource access road;
- b) within two hundred feet of the centre line of a road designated as a forest road by the Minister;

- c) within two hundred feet of the bank or shore of any stream or lake; and
- d) within any area specifically restricted in the harvesting plan;

without the approval of the District Forester.

(2) When, subsequent to the approval of a harvesting plan the Minister issues a lease for a camp site, sugary or other type of lease, the area placed under lease shall forthwith be deemed to have been withdrawn from harvesting and no timber shall be cut within the area leased except with permission of the District Forester.

### Harvesting Plan

5. (1) The District Forester shall designate areas within the forest reserve when timber harvesting may be carried out.

(2) Department of Natural Resources, in cooperation with the Forest Authority, shall prepare a harvesting plan which may include:

- a) the areas to be harvested;
- b) the location of roads and restricted areas;
- c) a detailed cruise of the areas to be harvested;
- d) the quantities of wood to be cut classified by species and size;
- e) the harvesting methods to be used;
- f) operational restrictions resulting from recreation, fish and wildlife management requirements; and
- g) the method of scaling to be employed.

(3) No timber shall be cut or harvested and no cutting permit shall be issued until such time as the proposed harvesting plan has been approved by the District Forester.

### Cutting Permits

6. (1) Cutting permits will be issued by the District Forester on the basis of approved harvesting plans.

(2) A cutting permit issued to the Forest Authority shall specify:

- a) the quantity of wood by species and primary end use that may be cut;
- b) the minimum diameters by species to be cut;
- c) the method of scaling forest products to be used; and
- d) any additional requirements stipulated by the District Forester.

### Forest Fire Protection

7. The provisions of the Forest Fire Act and Regulations apply to all persons conducting an industrial operation within the forest reserve.

### Access Road

8. (1) Timber growing on an area to be bulldozed for the construction of a road, landing, yard, camp site or any other purpose shall not be cut or removed from such area unless, prior to such cutting and removal, the written approval of the District Forester has been obtained.

(2) Access roads shall not be constructed within the forest reserve without the written approval of the District Forester.

(3) All roads within the forest reserve shall be constructed to the standards prescribed by the harvesting plan or by Regulation.

### Royalty

9. (1) Within one month after receiving an invoice, the Forest Authority shall pay to the Province a royalty on all forest products cut on the forest reserve and indicated on the invoice at the following rates:

- a) all portions of spruce, balsam fir and pine trees with a minimum length of 12 feet and a minimum diameter of 7 inches, inside bark, per cunit \$6.00
- b) all other spruce, fir and pine smaller than the minimum specifications set out in clause (a), per cunit \$4.50
- c) hardwood, per cunit \$2.00
- d) for all other wood products not specified, the royalty shall be 15 per cent of the market value thereof at the mill, place of shipment or place of consumption in the Province.

(2) Notwithstanding the rates set out in subsection (1) the Minister may charge a lower royalty on all wood cut for salvage, silvicultural and aesthetic purposes where the removal of such wood is uneconomical but is part of a forest improvement program approved by the Minister.

(3) Where hardwood is chipped in tree form at a harvesting location rather than at the sawmill the royalty shall be computed by weighing the chips and converting the weight to a cunit measurement. No royalty will be charged on chips produced from undersized material and branches. In determining royalty, a fixed per centage of the volume of whole tree chips will be deducted through regulation after negotiation.

### Payment and Interest

10. (1) Until the royalty is paid or arranged for to the satisfaction of the Minister all timber cut within the forest reserve shall remain the property of the Crown.

(2) Monies payable as royalties, penalty charges or any other fees or charges levied against wood cut by the Forest Authority or its contractors shall be paid to the Minister of Finance at Fredericton.

(3) Interest at the rate of 1½% per month simple interest shall be charged on all over-due accounts.

## Scaling

11. (1) All timber cut on the forest reserve shall be scaled in accordance with Scaling instructions issued by the Director of the Forests Branch of the Department of Natural Resources.

(2) All scale returns shall be signed by a scaler properly licensed under the provisions of the Scalers Act.

(3) If the Forest Authority or one of its contractors removes from the forest reserve any timber which has not been scaled by a properly licensed scaler, or for which arrangements for scaling have not been made with the District Forester, the District Forester may estimate the quantity of timber so removed and charge a royalty at double the rates provided for in section 9.

(4) If the Forest Authority or one of its contractors wishes to object to the scale of any scaler and claim for overcharge of royalty it shall file an objection with the Director of Forests Branch as soon as possible and shall furnish a sworn statement made by a properly licensed scaler showing, for each species separately, the timber in respect to the objection filed.

## Timber Returns

12. Not later than the 31st day of May in each and every year the Forest Authority shall file with the Minister a return showing by permit number the quantity of each species cut and removed from the cut-over areas during the 12 months previous to March 31.

## Wasteful Cutting Practices

13. (1) Wasteful cutting practices shall include, but shall not be restricted to, the following:

- a) the felling of any tree higher than 12 inches above the ground;
- b) the failure to utilize tops to 4 inches diameter (inside bark);
- c) the failure to cut any tree required to be cut under the provisions of a permit;
- d) the cutting of any trees specifically designated to be left uncut; and
- e) the long-butting of any tree not defined as a cull under the New Brunswick Scalers Regulations and not utilizing any cut, logged or bulldozed tree,

(2) Upon his belief that a wasteful cutting practice is being carried on, the District Forester may order that such cutting cease.

## Penalties

14. (1) Penalty charges for failure to comply with the provisions of the foregoing sections of this Regulation shall be levied and billed against the Forest Authority on report of such violations as follows:

- a) for commencing or allowing a contractor to commence a cutting operation on the forest reserve without first having obtained a permit to do so from the District Forester; or continuing an operation after the permit to do so has expired or has been suspended or cancelled; fifty dollars for each day or part of a day that the cutting operation is in progress or double royalty on the volume cut during this time;
- b) for cutting, excavation or construction within restricted areas described in subsection 4(1), 50 cents per tree in addition to costs incurred by District Forester to restore and regenerate the area;
- c) for contravening any terms of a permit, fifty dollars for each day or part of a day that the contravention takes place;
- d) for long-butting, and not utilizing cut, lodged or bulldozed trees, 50 cents per tree;
- e) for cutting of trees specifically designated to be left uncut, 50 cents per tree; and
- f) for the commission of any other wasteful cutting practices included in section 13, 50 cents per tree.

15. The District Forester may immediately suspend a cutting permit upon failure by the Forest Authority to comply with the terms of the cutting permit.

-----