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**NEWFOUNDLAND AND LABRADOR
REGULATION 61/13**

*Sustainable Forest Management
Planning Regulations
under the
Forestry Act
(O.C. 2013-164)*

(Filed June 5, 2013)

Under the authority of section 38 of the *Forestry Act* , the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's , June 5, 2013.

Robert C. Thompson
Clerk of the Executive Council

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Short title

1. These regulations may be cited as the *Sustainable Forest Management Planning Regulations* .

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Definitions

2. In these regulations

- (a) "Act" means the *Forestry Act* ;
- (b) "primary forest access road" means a road that provides or will provide access for the purpose of conducting forestry activities and which
 - (i) has a driving surface of at least 6 metres in width, and
 - (ii) is designed and constructed to support tractor trailer traffic;
- (c) "secondary forest access road" means a road that provides or will provide access for the purpose of conducting forestry activities and which
 - (i) has a driving surface of less than 6 metres in width, and
 - (ii) is designed and constructed to support tractor trailer traffic;
- (d) "tertiary forest access road" means a road that provides or will provide access for the purpose of conducting forestry activities and which
 - (i) has a driving surface of less than 6 metres in width, and
 - (ii) is not designed or constructed to be used in the summer months or for tractor trailer traffic.

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5 year operating plan

3. (1) Where a person is required to submit a 5 year operating plan under the Act, that person shall consult with

- (a) representatives of the government of the province and of Canada ;
- (b) local forestry industry; and
- (c) other persons and interest groups having an interest in that plan,

in order to identify the concerns and problems that exist or may exist with respect to the activities proposed to be carried out under that plan.

- (2) A consultation under subsection (1) shall
 - (a) determine management issues of the parcel to which the plan applies;
 - (b) receive recommendations respecting the development of management strategies that address resource use concerns; and
 - (c) receive recommendations respecting the protection of the environment within the parcel to which the plan applies,

and the person required to submit the 5 year operating plan shall include in that plan a report summarizing the consultation process held, issues raised, input and recommendations received and a list of the persons consulted.

(3) Consultations under this section shall be held in public in a manner that the minister may determine to be appropriate.

- (4) A 5 year operating plan shall be prepared and submitted to the minister in a form and

manner that is satisfactory to the minister and shall include, with respect to the parcel covered by that plan,

- (a) a description of the geographical location and features of the parcel relative to the forest management district in which it is located;
- (b) a physical description of the parcel referred to in paragraph (a) that includes a description of the topography, geology, soil and climate;
- (c) a description of the forested ecosystems within the parcel;
- (d) a description of the social, economic and recreational conditions associated with the forest resources within that parcel;
- (e) a general discussion of the forest ecosystem productivity, natural processes, and interactions between the forest ecosystem and geology, hydrology, climate, forest succession and natural disturbance patterns within the parcel;
- (f) a description of all forestry activities and natural disturbances that occurred within the parcel over the previous 5 year period;
- (g) the results of the most recent timber resource analysis completed under subsection 6(1) of the Act for the parcel;
- (h) the specific goals and objectives of sustainable forest management for the parcel;
- (i) the specific management strategies to be employed to achieve the stated goals and objectives of the 5 year operating plan;
- (j) a description of the forestry activities proposed for implementation during the 5 year operating plan period including the volume and area of timber to be harvested, the length and location of primary forest access roads to be constructed, the location and extent of area to be silviculturally treated, the timber harvesting methods to be employed, the location of operating areas and the location, nature and extent of decommissioning and rehabilitation activities scheduled for the parcel;
- (k) a summary of the consultations carried out and a statement of the concerns of public and government agencies respecting the potential environmental effects of the proposed forestry activities on the social, economic and recreational conditions associated with the forest resources within the parcel;
- (l) details of site specific measures designed to mitigate the adverse environmental effects of the proposed forestry activities determined during consultations referred to in paragraph (k);
- (m) a summary of decisions reached during consultations and resulting strategies intended to be used to address concerns and other mitigating measures designed to protect and sustain the social, economic and recreational conditions associated with the forest resources within the parcel;
- (n) a forecast description of the future forest structure and composition anticipated from the implementation of the proposed forest activities under the plan;
- (o) a description of the monitoring activities and procedures to be implemented for corrective action during the period covered by the plan;
- (p) the process for amending the plan; and
- (q) maps of a scale and detail satisfactory to the minister that show the location of the parcels relative to the forest management district and the province and the location of all proposed forestry activities within the parcel covered by the plan, excluding secondary forest access roads and tertiary forest access roads.

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Harvest area

4. (1) An operating area designated in a 5 year operating plan for commercial timber harvesting shall contain not more than twice the volume of timber eligible to be harvested in accordance with the proposed cut level specified in the 5 year operating plan for that operating area.

(2) An operating area designated in a 5 year operating plan primarily for domestic timber harvesting shall be of a size that the minister considers to be sufficient to meet the needs of the area residents in consideration of other resource management objectives, sound environmental practices and the principles of sustainable development.

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Submission and review – 5 year operating plan

5. (1) A 5 year operating plan shall be submitted to the minister at least 75 days before the commencement date of the plan.

(2) The minister shall, not more than 14 days after receipt of the 5 year operating plan,

(a) review the plan for compliance with section 3; and

(b) provide written notice to the person who submitted the plan of acceptance of the plan or deficiencies in the plan.

(3) Where there are deficiencies in the plan the minister shall

(a) provide the person who submitted the plan an opportunity to correct deficiencies in the plan; and

(b) upon being satisfied that the plan complies with section 3, provide written notice of the acceptance of the plan to the person who submitted the plan.

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Time of application of plan

6. (1) A 5 year operating plan shall cover the period from January 1 of the first year of the plan until December 31 of the fifth year of the plan.

(2) Notwithstanding subsection (1), the minister may, with the approval of the Lieutenant Governor in Council, extend the period of a 5 year operating plan for the purpose of synchronizing the commencement date with that of other 5 year operating plans within the same district or adjoining districts.

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Annual operating plan

7. An annual operating plan shall be prepared for a parcel or parcels, in a form and manner and containing the information that is satisfactory to the minister, for a period of one year commencing on January 1 and shall include

(a) a description of the geographical location of the parcel or parcels relative to the forest management district in which it is located and other geographical features;

(b) an explanation of all cutting rights arrangements that may affect the forestry activities proposed under that plan;

(c) a description of the forestry activities proposed for implementation during the annual operating plan period including the volume and area of timber to be harvested, the length and location of primary forest access roads, secondary forest access roads and tertiary

forest access roads to be constructed, the location and extent of area to be silviculturally treated, the timber harvesting methods to be employed, the location of timber to be harvested within operating areas and the location, nature and extent of rehabilitation activities scheduled for the parcels;

- (d) details of site specific measures designed to mitigate potential adverse environmental effects of forestry activities that are raised during public consultation referred to in section 3; and
- (e) overview maps of a scale and detail satisfactory to the minister and showing the location of operating areas in a forest management district and in the province that are covered by the annual operating plan and shall include the location of secondary forest access roads and tertiary forest access roads.

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Submission and review – annual operating plan

8. (1) An annual operating plan shall be submitted to the minister at least 45 days before the commencement date of that plan.

(2) The minister shall, not more than 30 days after receipt of the annual operating plan

- (a) review the plan for compliance with section 7 and the 5 year operating plan; and
- (b) provide written notice to the person who submitted the plan of acceptance of the plan or deficiencies in the plan.

(3) Where there are deficiencies in the plan the minister shall

- (a) provide the person who submitted the plan an opportunity to correct deficiencies in the plan; and
- (b) upon being satisfied that the plan complies with these regulations provide written notice of the approval of the plan to the person who submitted the plan.

(4) Notwithstanding subsections (2) and (3) the minister may approve an annual operating plan that does not comply with the 5 year operating plan provided that the annual operating plan does not exceed the following modifications to a 5 year operating plan permitted under subsection 30(4) of the *Environmental Assessment Regulations, 2003*:

- (a) within one kilometre of an operating area described in the 5 year operating plan, an additional area for timber harvesting that is, in total, not more than 50 hectares in each year of the plan;
- (b) within a forest management district, an additional area for silviculture treatment of not more than 20% of the total operating area described in the 5 year operating plan over the 5 year term of the plan;
- (c) within an operating area described in the 5 year operating plan, not more than one kilometre, in total, of new primary forest access road in addition to existing and proposed primary forest access roads in each year of the plan; and
- (d) adjacent to an operating area described in the 5 year operating plan, not more than half a kilometre, in total, of new primary forest access road in each year of that plan.

(5) Where the minister identifies forestry activities in an annual operating plan that do not comply with the 5 year operating plan and which exceed the modifications permitted under subsection (4), the minister shall not approve the plan and shall provide written notice to the person who submitted the annual operating plan, that the plan is not approved.

(6) A person who submits an annual operating plan to the minister shall provide written notice to the minister of forestry activities that differ from those proposed in the 5 year operating plan.

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Annual report

9. (1) The person who submitted an annual operating plan shall prepare an annual report on the forestry activities carried out during the currency of the plan for the year immediately preceding the submission of the report.

(2) An annual report under these regulations shall be submitted to the minister on or before September 30 of the year immediately following the year in which the plan was implemented in a format determined by the minister.

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Amendments

10. The minister may approve amendments to a 5 year operating plan and an annual operating plan where the amendments comply with these regulations.

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Forest service maps

11. A sustainable forest management plan or a part of a sustainable forest management plan shall be prepared using the most recent land area and timber volume statistics and cover type maps produced by the forest service of the province.

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