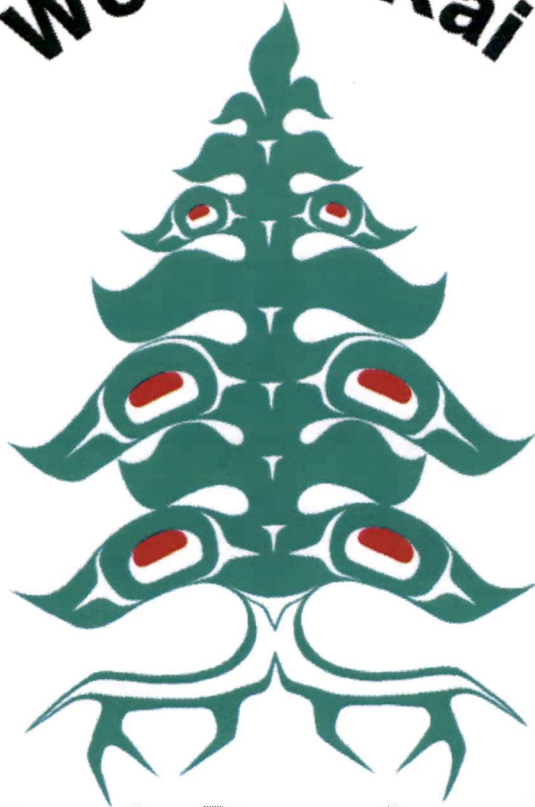


We Wai Kai



Lands Department

WE WAI KAI NATION

TIMBER CUTTING AND REMOVAL PROCESS AND PERMIT POLICY

DECEMBER 2016 (DRAFT)



WE WAI KAI NATION TIMBER CUTTING AND REMOVAL PROCESS AND PERMIT POLICY

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1. Introduction

The We Wai Kai Nation Timber Cutting and Removal process and permit policy is developed to govern forestry operations on reserve lands by ensuring that all forest practices on reserve land are carried out in accordance with the We Wai Kai Nations environmental and cultural values as well as the Provincial regulations and legislation. This process is designed to guide the Director of Lands, who will be responsible for overseeing natural resources development on We Wai Kai Nation Lands. It is also an attempt to accommodate both the collective interests of all Nations members and individual commercial interests.

2. Definitions

Cutting Permit (CP) means a permit that has been issued by the We Wai Kai Nation for the harvesting or salvaging of timber on We Wai Kai Nation Lands.

Forest Development Plan (FDP) means an operational plan that illustrated where proposed forest harvesting and related development such as road building is to take place on We Wai Kai Nation Lands over the project period of development and must not exceeding five (5) years.

Harvest means removal of timber and includes timber salvaging.

Site Plan (SP) means a detailed plan for forest harvesting operations including cut block and road development at the site-specific level.

We Wai Kai Lands means all lands that have been reserved and set apart by Her Majesty the Queen in Right of Canada for the use and benefit of the We Wai Kai Nation.

3. We Wai Kai Nation Forestry Planning Review Process

3.1 There are two steps to forest harvesting on We Wai Kai Nation Lands. The first step involves two levels of planning: broad strategic plans known as Forest Development Plans which set out the Band's general approach to utilizing its forest resources, and more specific Site Plans which determine actual harvesting activities on individual sites. The second step involves issuing legally binding permit documents which give a proponent the legal authority to carry out forest harvesting operations according to the Nations laws and policies.

4. Timber cutting and Removal for the Purpose of Development:

4.1 An applicant who is applying for a permit to cut and remove timber for the purpose of development must provide a Forest Development Plan (FDP) that projects where proposed harvesting and road related development will take place during an agreed upon period not exceeding five (5) years.

4.2 All harvesting, including salvage, Christmas tree cutting and firewood cutting during that period must be consistent with the Forest Development Plan.

4.3 All Forest Development Plans **MUST** be prepared by a Professional Forester and should be guided by the principles of sustainable resource management.

5. The Site Plan

5.1 Once an FDP is formally approved, all timber cutting will be done in accordance with individual Site Plans that are consistent with the FDP. A Site Plan is a detailed plan for each cut block and road development. It is prepared or overseen by a Registered Professional Forester and may describe one or more cut areas. It is designed to illustrate the existing conditions in the proposed harvest area as well as the details of the proposed harvesting operation in accordance with standards adopted by the We Wai Kai Nation. The Site Plan captures site specific information as it relates to the ecology, geology and hydrology of the proposed harvest activity, as well as the intended form of harvesting and special measures such as including leave trees or "patches" and reforestation prescriptions.

5.2 The Site Plan is used to review the operations' compatibility with its environment and to assess how the harvesting will impact values such as soils, riparian areas, habitat, recreation and cultural use and visual quality. The duration of any given Site Plan for a cut block is from the start of pre-harvest development until the cut area returns to 'free to grow status' as defined by the Site Plan. A Site Plan created for road development is in effect for as long as the road remains in use.

5.3 The following information must be included with in a Site Plan:

- a. An appropriately scaled Site Plan map (1:5000 or 1:10,000 depending upon opening size) that indicated where the proposed development is located on the current FDP map and includes the following features:
- North Arrows
 - Legend
 - Contour lines
 - Block boundaries
 - Established roads
 - Proposed roads
 - Labeled and classified water (e.g. W1 wetland, S4 stream etc.)
 - Bridges and culverts
 - Landings
 - Terrain features
 - Forest Cover information
 - Elevation
 - Skidding/yarding direction
 - Existing infrastructure (buildings, camps, etc)
- b. The map must be stratified and labeled to indicate areas where:
- Different harvesting methods will be used, including “no harvest” areas
 - Wildlife tree patches will be created, and
 - Riparian areas exist, labeled RMZ for riparian management zone, RRZ for riparian reserve zone and buffer zone.

The map must also indicate the presence of fish-bearing streams, heritage sites and habitats requiring protection.

A summary table of all blocks covered by the Site Plan must also be included. The table is to include the size of each cut block, volume by tree species, and the proposed Silviculture system to be used. For example:

Cut Block #	Area (ha)	Volume (m3)				Total Vol (m3)	Silv System
		Sx	Pl	Fdi	At		
101	29.5	2300	4700	500	0	7500	Clear Cut with Reserves
102	18.7	1500	5100	300	0	6900	Clear Cut with Reserves

- 5.4 The Site Plan must also include details on the harvesting methods to be used as well as the proposed season of operations, including:

- Silviculture system – clear cut, clear cut with reserves, selective, partial cut, etc.
- Equipment to be used
- Season
- Rationale for opening size
- Direction of skidding relative to water courses and other identified values
- Post-harvest prescription
- Slash disposal method
- Deactivation and rehabilitation plans for roads and landings
- Reforestation prescription
- Site preparation methods, if recommended
- Species composition and density
- Planting specific instructions- e.g. select high spots in low lying areas
- Forest health concerns – e.g. prevalence of gall rust, stem rust etc.
- Free growing requirements- spacing, density, height etc.
- Cultural use sites
- Wildlife habitat, including any habitats protected by the Species at Risk Act and provincial endangered species legislation
- Heritage sites
- Fisheries

- Community watersheds
- Recreation features
- Aesthetics and visual quality
- Additional comments which may include logging production, contingency plans etc.
- Canadian Environmental Assessment Act screening information

6. Timber cutting and Removal for Firewood

- 6.1 Applicants who are applying for a permit to cut and remove timber exclusively for firewood are not required to provide a Forest Development plan nor a Site Plan. The Nation will provide the individual with a map of a designated cutting and removal area upon receipt of an application.
- 6.2 Only timber previously fallen or on the ground may be used for firewood and a maximum of five (5) cords of wood per household, per year, can be removed from the area. The firewood must only be transported to the residence identified on your permit application, and only in the vehicle bearing the licence plate number that you provide in your application. As for firewood lengths; must be cut to a length not greater than 46 cm (18 inches).
- 6.3 Any firewood cut under this permit is for personal use only and cannot be sold. Any person in violation will be subject to a penalty fee established by the Chief and Council of the We Wai Kai Nation.
- 6.4 Persons engaging in firewood cutting under this permit will assume all risk of loss or injury and save harmless the We Wai Kai Nation from all and any claims.

7. Issuing a Cutting Permit

7.1 Application for a cutting permit

The Director of Lands will work with the Chief and Council to apply to the Provincial Ministry of Forests for a Timber Mark for the We Wai Kai Nation Reserve Lands.

Chief and Council of the We Wai Kai Nation authorizes the Director of Lands to issue timber cutting or removal permits for cutting or removal of timber from We Wai Kai Nation Lands provided the following requirements have been met;

1. The applicant applies to the Director of Lands for a timber cutting or removal permit in the form specified by Chief and Council or the Director of Lands;
2. The applicant provides a Forest Development Plan, Site Plan and if required a map showing the area where the timber is proposed to be cut or removed;
3. If requested by the Director of Lands, the applicant must provide a copy of an Environmental Assessment and an archeological overview or assessment;
4. The applicant agrees in writing to only use qualified fallers and to follow all applicable safety standards and regulations;
5. The applicant agrees to either:

- a. Cut the timber and donate it to Elders and community members for firewood, in which case no timber Fee applies; or
 - b. Carry out a timber cruise and pay the Timber Fee established by the We Wai Kai Nation on a per cubic meter basis to cut the timber for sale off Reserve;
6. For sale of timber under option 5b, the applicant shall:
- a. Provide a timber cruise from a certified professional to value the timber proposed for cutting or removal;
 - b. Ensure that all timber that is removed from the Reserve is scaled, stamped and licensed under the Provincial system;
 - c. Pay the Timber Fee established by the We Wai Kai Nation; and
 - d. Ensure that any non-marketable timber is made available to the We Wai Kai Nation member for firewood.