

# TOWARD SUSTAINABLE FORESTRY

## A POSITION PAPER

Dept. of Natural Resources,  
Working Paper, 1997-01



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## Summary

This position paper outlines several forest management related issues and contains recommendations to address the immediate and longer term concerns.

Unlike most Canadian provinces, the majority of forest land in Nova Scotia is privately owned. Industries that manufacture wood into secondary forest products such as lumber, pulp and paper, depend on private lands as their primary source of wood supply. Aside from the direct responsibility for management of Crown lands and protecting wildlife and other forest resources, the Province has a role to play in supporting and promoting the sustainable development of the forest resource on all lands.

In recent years, the emphasis in forestry has increasingly focused on developing approaches that support sustainable development. During this same period, demand for wood fibre has increased substantially, raising questions about the sustainability of future harvest levels and forest management practices generally.

The province conducts forest inventories for the entire province, and estimates sustainable harvest levels for policy and planning purposes. Over the most recent five-year period, softwood harvests have exceeded the sustainable supply level. With government funding for silviculture activities on private lands declining, there is increasing concern that the province's forests, private lands in particular, may not be able to sustain present and future harvest levels. This fundamental issue necessitates change in the Province's policy approach to private land forestry.

There is also widespread concern that harvesting and other forest management practices are not sustainable and that forest stands are being harvested while they are still immature.

The Department is recommending that all wood buyers be required to register each year, report on their activities, and have an approved wood acquisition plan before buying pulpwood, sawlogs, and wood chips in Nova Scotia. The Department also recommends that the Province continue to provide incentives and technical support for silviculture operations on woodlot holdings.

The Position Paper also contains recommendations on the environmental aspects of forestry operations. In this regard, the forest/wildlife guidelines would become mandatory on all lands, a code of practice would be developed for Crown lands, and all industrial harvesting operations would have to be registered with the Department of Natural Resources before harvesting begins.

The Department also proposes making data and information on forests and forestry more readily accessible and available in future, and that there should be an ongoing process for public consultation and input on forestry issues.

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## Introduction

This position paper sets out new policy initiatives designed to keep Nova Scotia's approach to sustainable forest management abreast of current requirements and capable of meeting future needs.

Two important issues are addressed in this position paper. First, the report outlines measures recommended by the Department of Natural Resources to ensure that forest harvesting, especially on private lands, does not exceed the capacity of our forests to grow timber. This is a matter of increasing concern in Nova Scotia. Action must be taken to ensure that this valuable resource continues to provide multiple benefits for Nova Scotians. Second, recommendations in this paper respond to the need to ensure that forest management practices are in keeping with commitments to maintain, protect or enhance biodiversity and other forest values and uses.

This report focuses directly on forest management policy and issues. It is not intended to address issues such as the utilization or processing of forest products, the development of new products, the marketing of forest products, or other related matters that may be of interest in a broader forest policy or strategy context. Any required changes to present policy with respect to these matters will be addressed after further consultations and stakeholder input.

## Background

### What is the Policy Framework Relative to Private Lands?

The essential elements of Nova Scotia's approach to forest management are contained in *Forestry: A New Policy for Nova Scotia 1986* and legislation (Forests Act, Crown Lands Act, Forest Enhancement Act). This policy was developed and the supporting legislation was put in place following the work of the Nova Scotia Royal Commission on Forestry (1982-84) and reaction to the report that followed (*Forestry - Report of the Nova Scotia Royal Commission on Forestry 1984*).

The 1986 forest policy was adopted before "sustainable development" became a touch phrase. While the 1986 policy embraced concepts of integrated resource management and concerns relating to sustainable harvests and uses of the forests, it did not anticipate the changes that have taken place since. The National Forest Strategy, Canada Forest Accord, Nova Scotia Forest Accord, Convention on Biological Diversity and other initiatives supported by Nova Scotia, and the Province's response to these and other undertakings in the form of action plans and related commitments, reflect evolving values and concerns, as well as society's changing needs and expectations.

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The 1986 policy underlines the importance of private lands in Nova Scotia and the perceived need to assist landowners in effectively managing their lands. The policy was developed at a time when public funding was readily available to assist private landowners in managing their lands for forestry purposes. Financial incentives were offered to landowners to achieve improved practices and greater productivity. These incentives amounted to almost full government reimbursement for approved silviculture treatments.

## Why Does the Policy Need to be Changed?

As long as federal/provincial agreement funding was available for forestry development, the incentive approach was preferred. However, since the federal government terminated funding support, full or complete reliance on the incentive approach is no longer possible.

In addition, the demand for forest products has increased significantly over the past ten years. This has led to significant harvest increases, especially on private lands.

Increased harvesting activity, along with greater sensitivity and awareness about environmental issues and other uses and users of the forest, have given rise to strong expressions of concern by many Nova Scotians.

## Recent Developments

### What is the Relationship to the Coalition Process?

*The Department looked to the Coalition of Nova Scotia Forest Interests for input and advice on the sustainable forestry issue and the process confirmed the need for decisive action.*

A Coalition of Nova Scotia Forest Interests, made up of representatives from various organizations with an economic stake in the forestry sector, was formed in August 1993 at the invitation of the Minister of Natural Resources. This Coalition was initially concerned about the impending loss of federal funding for forestry development and the impact it would have on sustainable harvests. The Coalition developed strategy options to present to government that would address the longer term sustainability of the resource. A discussion paper, *A New Forest Strategy for Nova Scotia, 1996*, was developed and a public consultation process was led by Voluntary Planning. Voluntary Planning reported on the results of the consultations, *Public Response to Coalition of Nova Scotia Forest Interests Discussion Paper*, in November 1996. Although criticism of the Coalition process overshadowed substantive forest management concerns, many who participated in the public consultations want to see action taken.

The Department looked to the Coalition of Nova Scotia Forest Interests for input and advice on the sustainable forestry issue and the process confirmed the need for decisive action. The Department accepts the views expressed during the consultations that further consultation and input on other elements of policy and strategy are needed before decisions are taken.

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## Isn't the Round Table on Environment and Economy Addressing These Same Issues?

In early 1996, the National Round Table on the Environment and the Economy initiated a regional project on the "issue of overcutting on private woodlots in the Maritimes". Two multi-stakeholder meetings were held in the region to discuss the issue, and a "State of the Debate" report on private woodlot management is expected in the near future. This report will not contain recommendations specific to any province.

The Nova Scotia Round Table on the Environment and the Economy has launched a forest sustainability project and is currently researching data availability to "properly assess the sustainability of the wood supply in Nova Scotia". They are reviewing a report on what data currently exist and the limitations pertaining to these data. The Nova Scotia Round Table plans to consider recommendations on the "sustainability of Nova Scotia forestry".

This position paper should assist the Round Table in considering the situation and in evaluating possible alternatives.

## Where Does Certification of Sustainable Forest Management Fit?

Concern about sustainability issues has led to the development of voluntary processes to certify that forest products are produced from sustainably managed forests. The Canadian Standards Association (CSA) developed a certification process on behalf of the Canadian industry, which is available for use. The Forest Stewardship Council (FSC), an international coalition of organizations and individuals with a stake in forestry issues, is also involved in a certification initiative. The International Organization of Standards (ISO) has a working group tasked with the application of ISO's Environmental Management System Standard (ISO 14000) to forestry practices. These private sector initiatives are capable of facilitating and encouraging sustainable forest management to the extent that they may be utilized by industry or private landowners in the future.

The Department supports the development of voluntary certification processes, provided they meet the criteria accepted by the Canadian Council of Forest Ministers and are consistent with the National Forest Strategy. These certification processes complement provincial forest policy. As far as the Department is aware, certification systems developed or being developed are compatible with existing or proposed policy in Nova Scotia.

The recommendations contained in this position paper respond to these and other recent developments.

*The Department supports the development of voluntary certification processes, provided they meet the criteria accepted by the Canadian Council of Forest Ministers and are consistent with the National Forest Strategy.*

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## Sustainable Harvests

### What Does the Department Know About Estimating Sustainable Harvest Levels?

*Sustainable harvest estimates or projections are derived through the use of a computer simulation model that uses forest inventory data and other information.*

The Department of Natural Resources has maintained a provincial forest inventory for the past 30 years or so. This inventory is the basis for making estimates of the volumes by major tree species groups growing in the forest. Coupled with other data, it is possible to make harvest level projections that the forests can support. This inventory produces quantitative measures for broad policy and planning purposes. It compares favourably to similar programs in other jurisdictions.

The Department prepares wood supply projections for all forest lands based on the forest inventory for broad policy, planning and reporting purposes. The Department has no role or responsibility in limiting, controlling or allocating the private land harvest.

Sustainable harvest estimates or projections are derived through the use of a computer simulation model that uses forest inventory data and other information. The other information used in these simulations includes the impact present and future investments in silviculture may have on forest growth and productivity, and other behavioural factors that are not part of the forest inventory. It is not a precise science since assumptions must be made about what may or may not happen in future. Nevertheless, the procedures used are capable of producing reliable estimates.

The Province has a responsibility to estimate the sustainable harvest for Crown lands, to use those estimates in making decisions about the timing and allocation of the Crown land harvest, and to ensure harvests are sustainable.

The Department has undertaken an integrated resource management planning (IRM) project for Crown lands that will provide a comprehensive review of the value and alternative uses of resources occurring on these lands. This project reviews forest management decision making processes and includes provisions for public review and input at regional and local levels. The strategy resulting from the project will define how Crown lands will be managed to meet various objectives, including the sustainable supply of forest products.

### What are the Results?

In recent years, the Department has estimated that, with the programs in place under the most recent federal/provincial agreement, the province's forests are capable of sustaining an annual harvest of 3.8 million cubic metres of softwood species and 1.5 million cubic metres of hardwood species. These estimates are predicated on the continuation of federal/provincial type fund-

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ing programs. The termination of federal funding support means that the silviculture program on private lands in the current five-year time frame (1996-2000) may not be capable of sustaining an annual harvest of 3.8 million cubic metres of softwood species in the future.

## What are the Trends in Harvesting?

The Department of Natural Resources conducts an annual forest production survey required in the Forests Act. While there are weaknesses in the procedures used to collect such data, the survey enables the Department to report regularly on harvest levels. The results of these annual surveys for the period 1981-1995 are summarized in Appendix 1.

In the early 1980s, the annual harvest of softwood species on all lands averaged 2.7 million cubic metres. This increased to an average of 3.7 million cubic metres between 1986 and 1990 and to 4.0 million cubic metres from 1991 to 1995. Harvests of hardwood species have not been particularly significant. In the 1981-85 period, they averaged 0.5 million cubic metres annually and increased to 0.7 million cubic metres in the 1986-90 period. For 1991-95, the average annual hardwood harvests remained at 0.7 million cubic metres.

Exports of pulpwood and sawlogs are sometimes blamed for increased harvesting. Exports increased from an annual average of 0.1 million cubic metres in the 1981-85 period to 0.3 million cubic metres annually in the 1986-90 period. Exports remained unchanged between 1991-95, although they were estimated at 0.7 million cubic metres in 1995, more than double the 1994 level. Exported volumes originated on private land.

Exports increased from 3.5 per cent of the harvest in the 1981-85 period to 7.5 per cent of the harvest in the 1991-95 period, and stood at 14.1 per cent of the total harvest in 1995. The Department has been attempting to improve the accuracy of such data and has greater confidence in the 1995 figures than those for earlier years.

These summary data give a good indication of the trend in forest harvesting over the past 15 years. The average industrial harvest, which is predominantly softwood species, increased by 43 per cent between 1981-85 and 1991-95. Most of this increase occurred on small private lands where the average annual harvest doubled during this same period. During this period, harvests on Crown land and large private lands remained relatively unchanged.

## Can Present Harvest Levels be Maintained in Future?

Overall, the average annual harvest in the 1991-95 period is within the combined sustainable harvest levels mentioned above. However, the average annual softwood harvest in the 1991-95 period is 0.2 million cubic metres over the estimated sustainable harvest of 3.8 million cubic metres for

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all tenure categories - based on the sustainable levels achieved with programs funded under the expired federal/provincial agreement. Perhaps most alarming is the apparent trend to even larger harvests, as indicated by the 1995 harvest of softwoods at 4.8 million cubic metres. Inasmuch as the increase reflects increased harvesting on small private lands, it seems reasonable to conclude that overharvesting is a potentially serious problem demanding immediate action.

### What Does the Department Recommend?

The open ended demand for sawlogs and pulpwood quality fibre is leading to harvests that are clearly not sustainable in the longer term. Funding for the silviculture program on small private holdings (2 000 hectares or less) is no longer assured and incentives alone may not be capable of offsetting ever increasing harvests. The fact that harvests are increasing while silviculture activity on private lands is declining is recognized as a serious problem for the forestry sector. Various solutions have been proposed, but consensus on what to do, even within the sector, has not been reached. Those who represent woodlot owner interests have clearly indicated they want continued unimpeded access to all markets and the ability to sell to whomever they want when they want. Additionally, it is not perceived to be an appropriate role for government to be involved in the decision making process on private land. With the exception of the need to respond to environmental requirements, harvesting and scheduling decisions should be made by the owners of the resource.

*Devise a framework that responds to the need and respects traditional rights of ownership.*

The key is to devise a framework that responds to the need and respects traditional rights of ownership. This suggests that a greater responsibility for the maintenance of the forest resource should be placed with those who are generating the demand (i.e. the industry). The Department therefore recommends the following be implemented as soon as possible:

- Require all buyers of forest products (sawmills, pulp and paper mills, exporters) to register annually and comply with specified requirements. A valid annual registration will be a prerequisite to carrying on business as a buyer of forest products in Nova Scotia.
- Require buyers proposing to acquire more than 1000 cubic metres of forest products annually to submit a wood acquisition plan for approval, stipulating how wood volumes to be sourced from Nova Scotia forests will be sustainable. The plan must describe how the required silviculture program will be undertaken on **any** lands from which wood fibre may be harvested. In the case of private suppliers, the buyer may use one or a combination of the following approaches, taking full advantage of funding incentive programs available from government sources.

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- stewardship or contract arrangement involving buyers and suppliers, either individually or collectively,
  - silviculture payment arrangement; clearly separate from the payment for wood and earmarked for silviculture on identifiable properties,
  - contribution to a dedicated silviculture fund; separate from the payment for wood, at an acceptable rate per unit of wood to be acquired.

The recent Stora/Nova Scotia Landowners and Forest Fibre Producers Association joint management plan is a good example of a workable arrangement.

- Province to offer financial and technical assistance in implementing such arrangements.

The wood acquisition plan must include enough information to permit the Department to analyse the impact on the future wood supply and provide the necessary assurance that the silviculture program can be carried out. The plan must also provide sufficient detail to permit subsequent monitoring, verification and auditing by the Department or a qualified independent body.

The intent of these proposed requirements is to link silviculture needs more directly with demand.

These recommended regulations will require an amendment to the Forests Act. It is proposed this be done in time for the 1998 operating season.

In the interim, regulations will be introduced under the Forests Act to implement a buyer registry and reporting system to begin the task of collecting more complete data. A draft of the proposed regulations is attached as Appendix 2.

## Sustainable Practices

### What is the Issue?

The environmental and visual impacts of forestry operations are frequently the focus of criticisms and expressions of concern by recreationists, tourism operators, other forest users and the public. Various solutions have been proposed in recent years, ranging from banning clearcutting to making the Forest/Wildlife Guidelines and Standards regulations.

The need to develop guidelines for forest management to protect genetic, species and habitat diversity is specifically referenced in the National Forest Strategy, as is the need for public and private forest management agencies to include specific measures to maintain forest biodiversity in management planning.

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## What is the Situation?

*Comprehensive data are not available to indicate to what extent harvesting of immature stands may be a problem.*

The Forest/Wildlife Guidelines and Standards, which specify maximum clearcut size, riparian zones adjacent to watercourses, wildlife travel corridors and other requirements relative to forest management operations, were adopted in 1989. They are mandatory on Crown land operations and are a condition of landowner participation in silviculture incentive programs administered by the Department. They have been promoted and encouraged on other private lands and there has been a significant degree of compliance. Nevertheless, some forest operators remain oblivious to these needs. There is strong support for making them mandatory for all operators and enforcing them.

The concept of a comprehensive forest practices code, which would include the Forest/Wildlife Guidelines and Standards, and other requirements deemed important to sustainable forest management, was proposed by the Coalition and discussed during the recent public consultations. Response to this proposal was mixed.

There are also concerns that increasing demand for forest products is leading to the harvesting of immature stands that should form part of the future wood supply. Action on this is strongly advocated by some and a return to the Small Tree Act approach has been suggested as a possible solution.

Comprehensive data are not available to indicate to what extent harvesting of immature stands may be a problem. However, the frequency with which the issue has been raised indicates a need to consider accumulating better data.

## What Does the Department Recommend?

There is widespread recognition of the need to be proactive in requiring that standards be established for all forest lands. The Department proposes the following:

- Update the Forest/Wildlife Guidelines and Standards and regulate those elements that are amenable to regulation. The Department will monitor and enforce these regulations to ensure compliance. This will necessitate an amendment to the Forests Act. Draft regulations are included in Appendix 3.
- Develop a comprehensive code of forest practice. Adopt as a regulation under the Crown Lands Act and encourage its use on private lands. The Department believes the code should be considered for use on private lands after it has been put into use on Crown lands.

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- Require by regulation that all industrial harvesting operations (or those over a threshold size of two hectares) be registered at the local Department office before harvesting begins. This will allow monitoring by the Department to ensure that immature stands are not being harvested and/or to improve harvesting practices generally.
  - Support these initiatives with a strong, coordinated education-extension-communications effort.

These measures will place responsibility on the forest operator and the landowner. If subsequent monitoring indicates that immature stands or other undesirable harvesting practices are a problem, prior approval of harvesting plans may be required.

## Collection and Reporting of Data

### What is the Issue?

One of the issues frequently raised in discussions of forestry or forest practices is the availability and reliability of data and information on the condition of the forests, the volume of products harvested, and the sustainability of harvests. The Coalition of Nova Scotia Forest Interests flagged this as a barrier to effective programming, and subsequent consultations confirmed that this view is widely held.

### What is the Situation?

As mentioned previously, the Department conducts an annual forest production survey. The information is compiled and distributed by the Department as a report. There are at least two problems with the collection and distribution of this information. First, it is not as complete as many would like. Reporting by industry (sawmills, pulp and paper mills, large landowners) is believed to be reliable but difficulty is sometimes encountered in collecting and organizing information from all sources. The result is that there may be under reporting of harvest data. Second, the information is not available as quickly as it should be. The information is of greatest use if it is accurate and available in a timely way.

*The result is that there may be under reporting of harvest data. Second, the information is not available as quickly as it should be.*

The ability of the Department to estimate sustainable future harvest levels through the use of a computer simulation model was referenced earlier. This capability was developed primarily for internal planning purposes, but there are increasing expectations that the Department will use it to determine whether harvest levels are sustainable and to report on the results of such simulations and comparisons. The Department has not undertaken

*The National Forest Strategy contains commitments for governments to report regularly on the state of the forests and to improve the availability of information.*

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to report on such information other than on an occasional or ad hoc basis. However, various stakeholders have expressed a need for such data and information. An expectation has developed that information on supply and demand relationships and other indicators of forest sustainability will be more readily available in the future. Those with an interest in the forestry sector clearly need better information to make informed decisions and give input to issues. In addition, the National Forest Strategy contains commitments for governments to report regularly on the state of the forests and to improve the availability of information.

### What Does the Department Recommend?

The Department recognizes the deficiencies in existing data availability and reporting arrangements and recommends the following:

- Buyers of forest products will be required to promptly report on wood volumes acquired as a condition of maintaining their registered buyer status. The Department will organize and publish these data annually.
- The Department will regularly publish and distribute a “state of the forest” report. It will contain an assessment of the ability of the province’s forests to meet various demands, including sustainability of harvests and related data. The first report will be published during the 1997-98 fiscal year and every three to five years thereafter.

It is anticipated that the “state of the forest” report will complement information that may be contained in state of the environment reports by the Department of Environment.

## Stakeholder Participation and Input

### What is the Situation?

Over the past several years, there have been two opportunities for dialogue and input on forestry and forestry related issues. Since the National Forest Strategy was adopted and the Canada Forest Accord was signed in 1992, the Forestry Sector Committee of Voluntary Planning has coordinated the preparation of action plans and the Nova Scotia Forest Accord, signed in December 1994. In 1996, after two years of deliberations, the Coalition of Nova Scotia Forest Interests prepared and distributed a discussion paper, with province wide consultations led by Voluntary Planning.

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## What is the Department's Response?

The Department recognizes the need for input and dialogue on forestry issues on an ongoing basis. The following are proposed:

- Establish a provincial forum (either a reconstituted Coalition or a Forestry Sector Committee) comprised of various stakeholders to provide for ongoing consultation and input to the government on forest related policy, strategy, and issues. This forum should provide an opportunity for input by all interested stakeholders.
- Establish advisory committees to provide an opportunity for consultation, dialogue and input at the community level, and to provide advice to the Department on local needs.

The latter will complement consultations on the Department's integrated resource management planning (IRM) process for Crown lands.





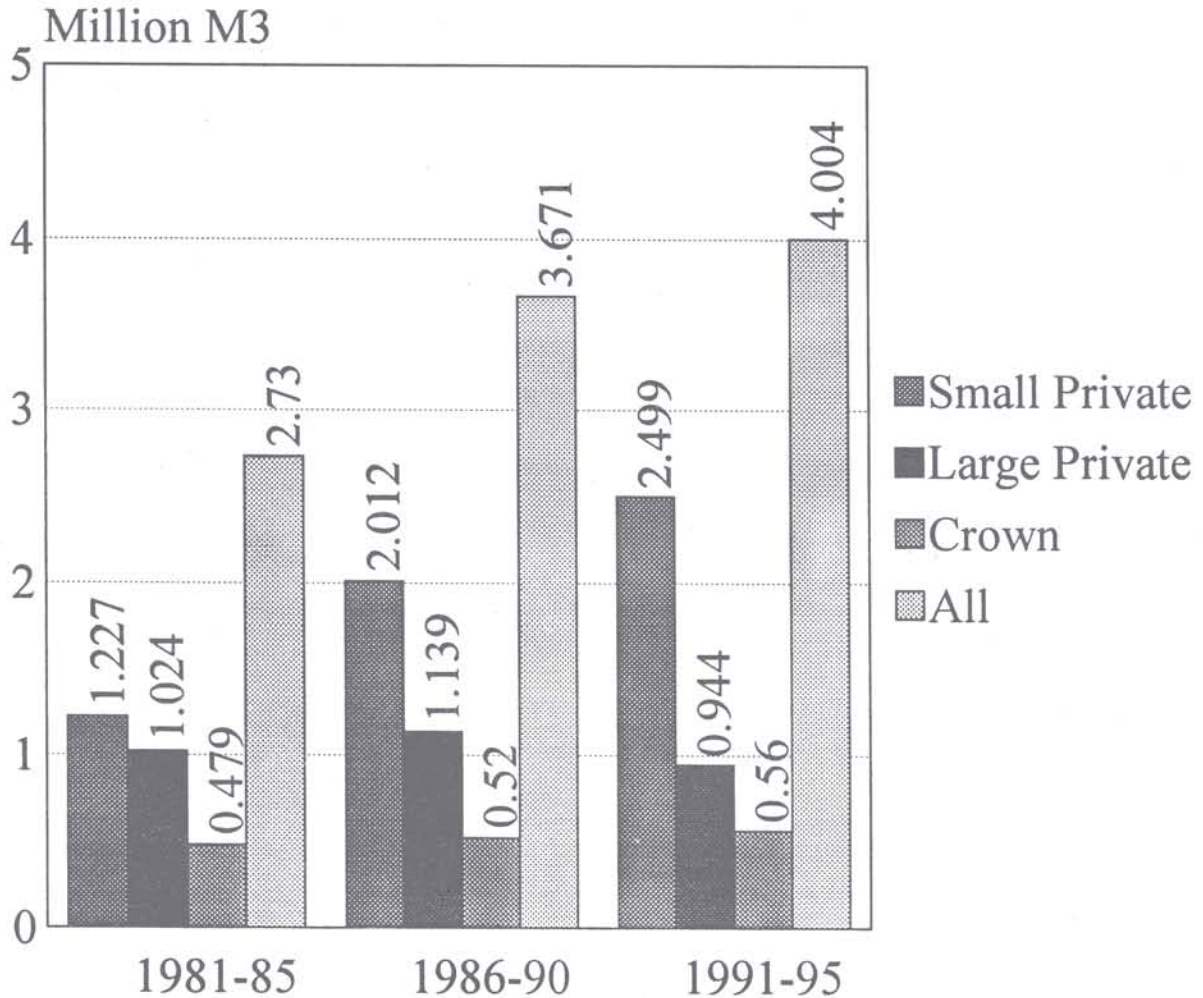


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# Appendix 1

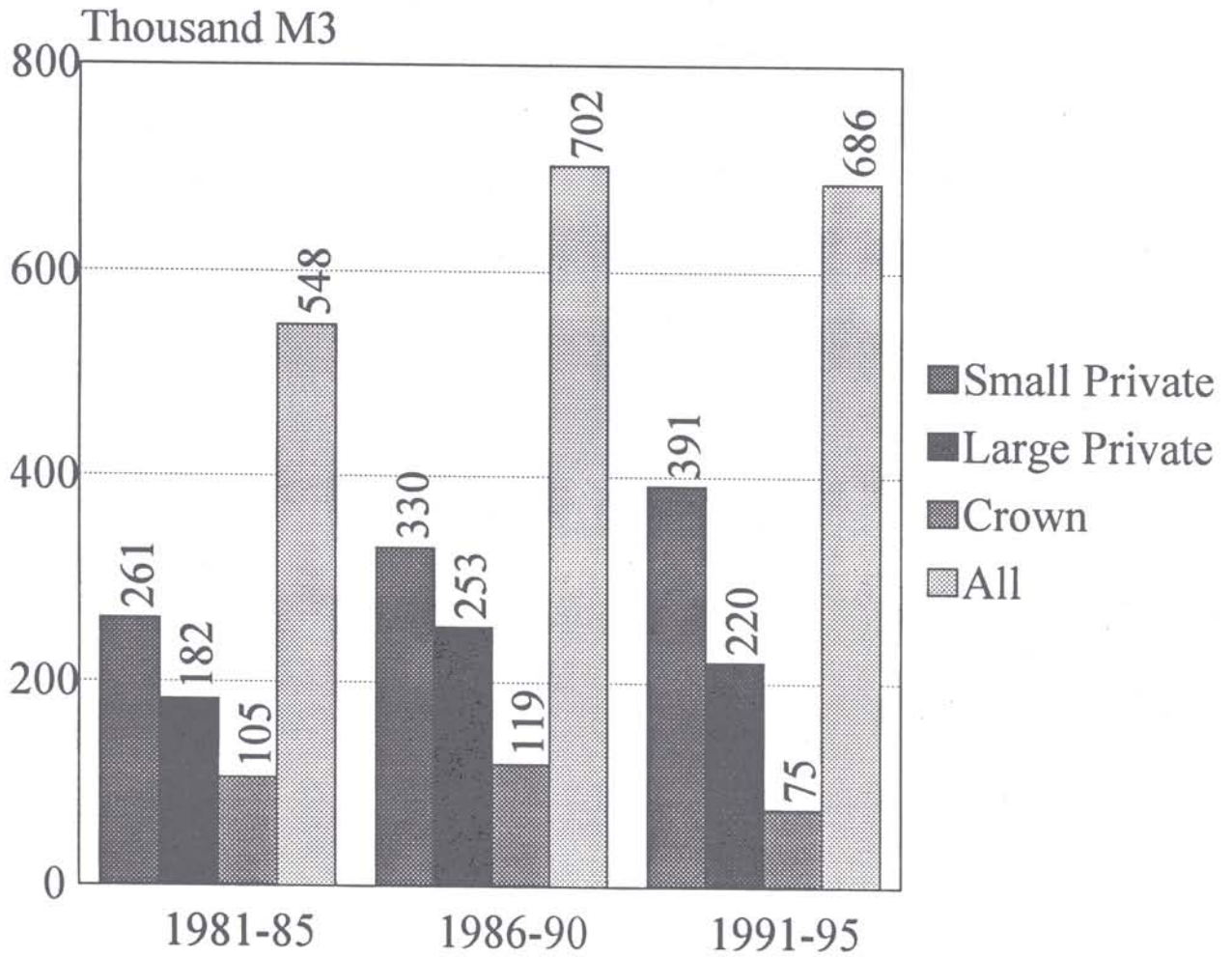
# Softwood Harvest

Period Average/Yr



# Hardwood Harvest

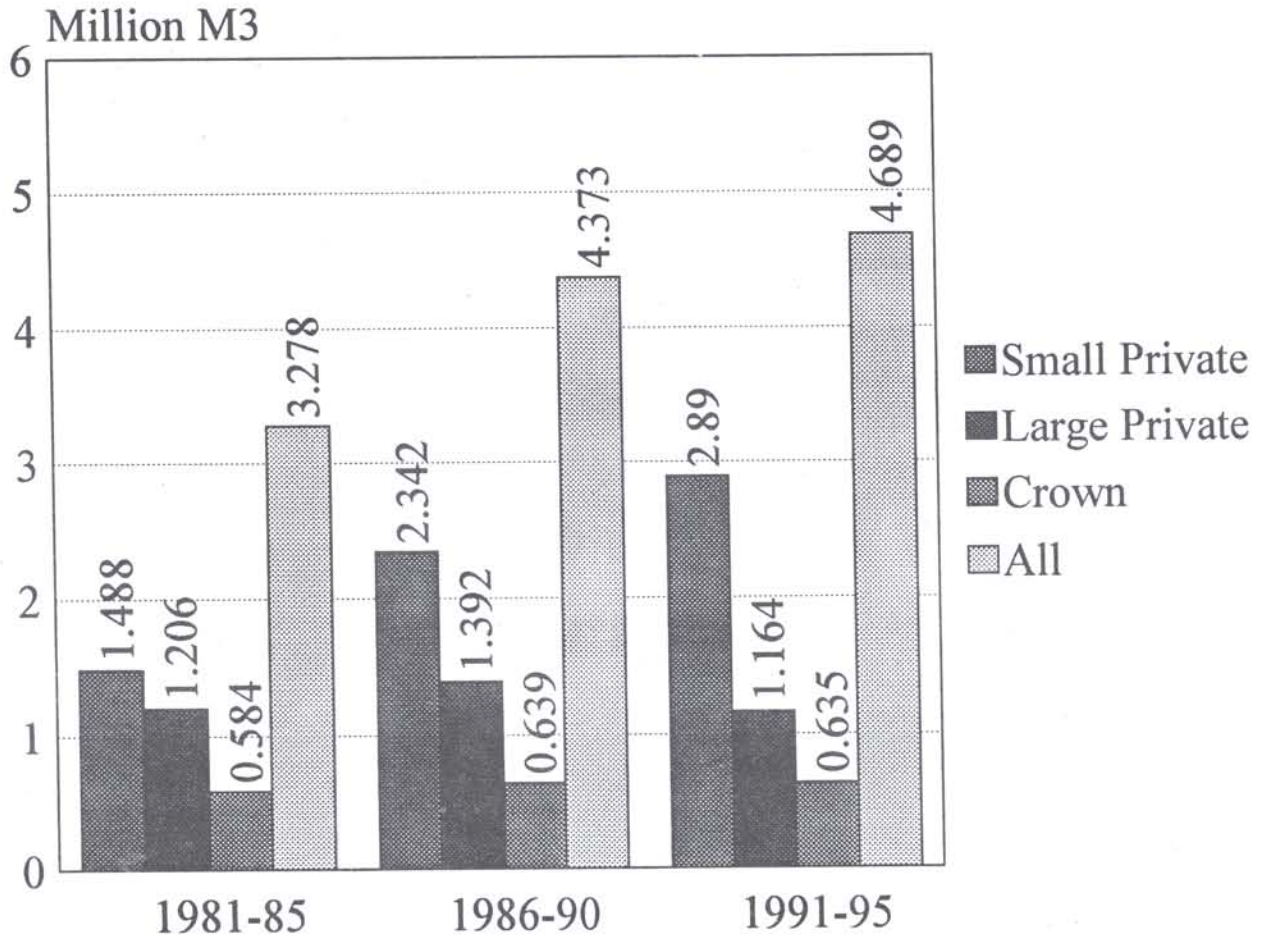
Period Average/Yr



includes firewood

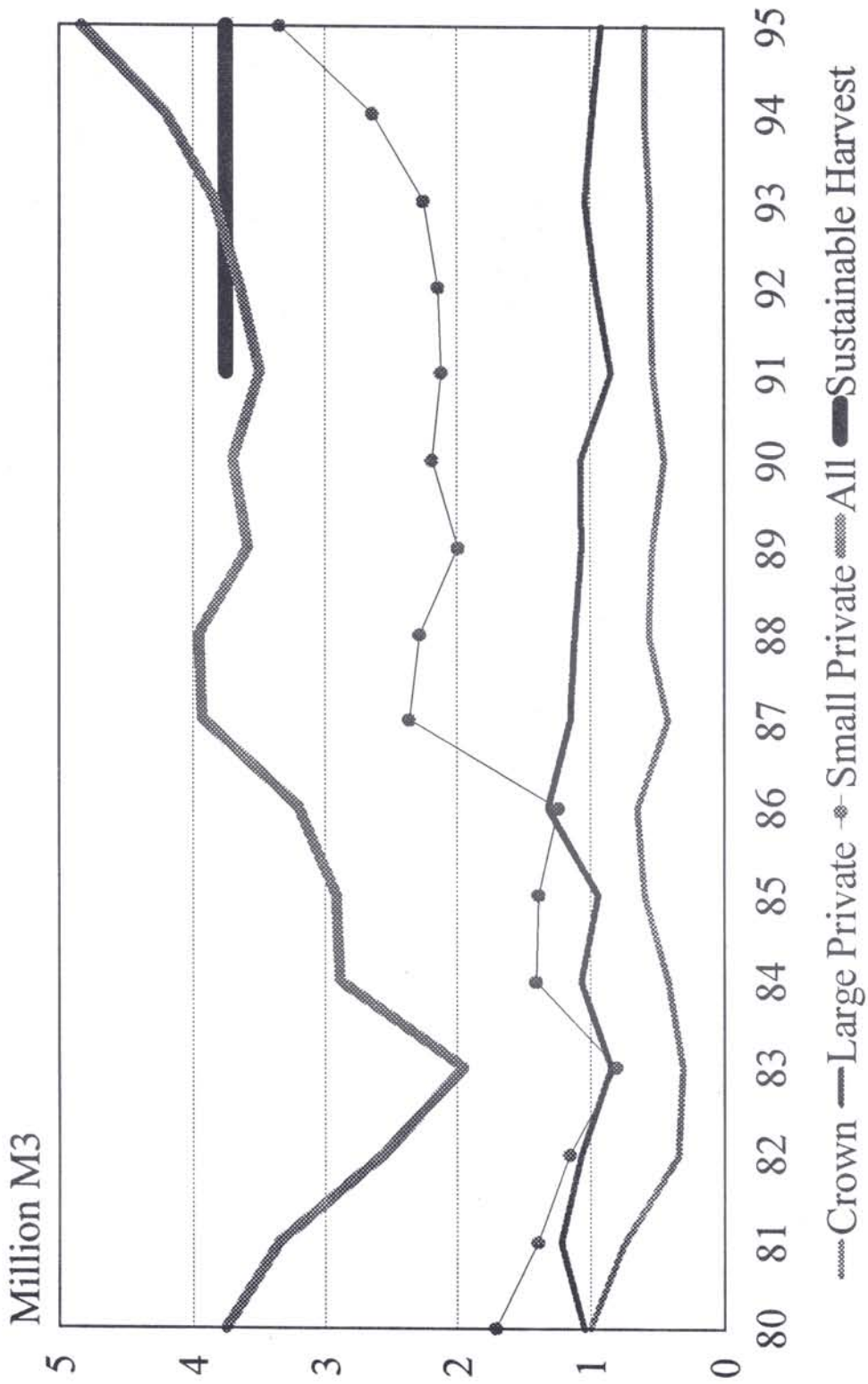
# Total Harvest

Period Average/Yr

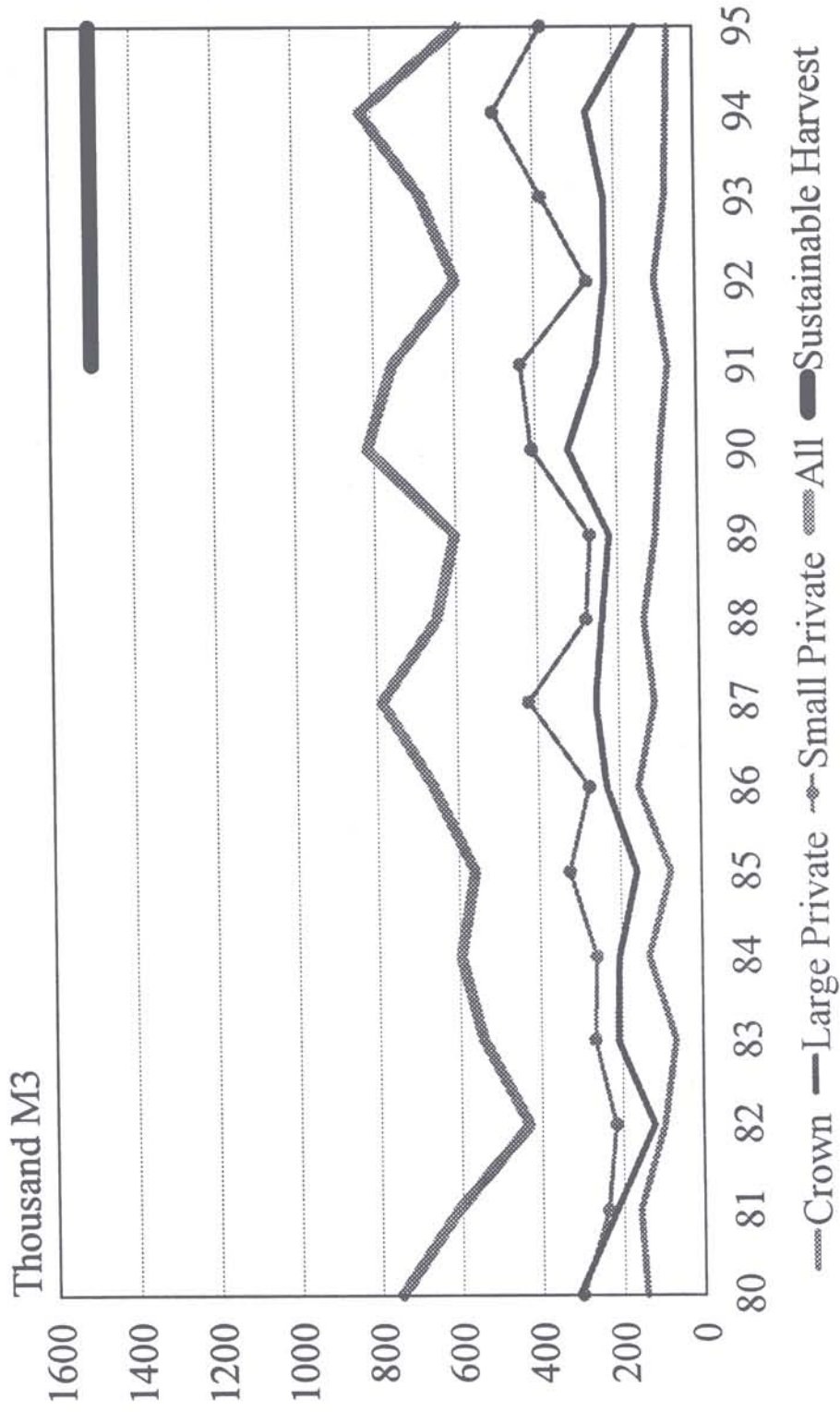


includes firewood

# Softwood Harvest by Tenure

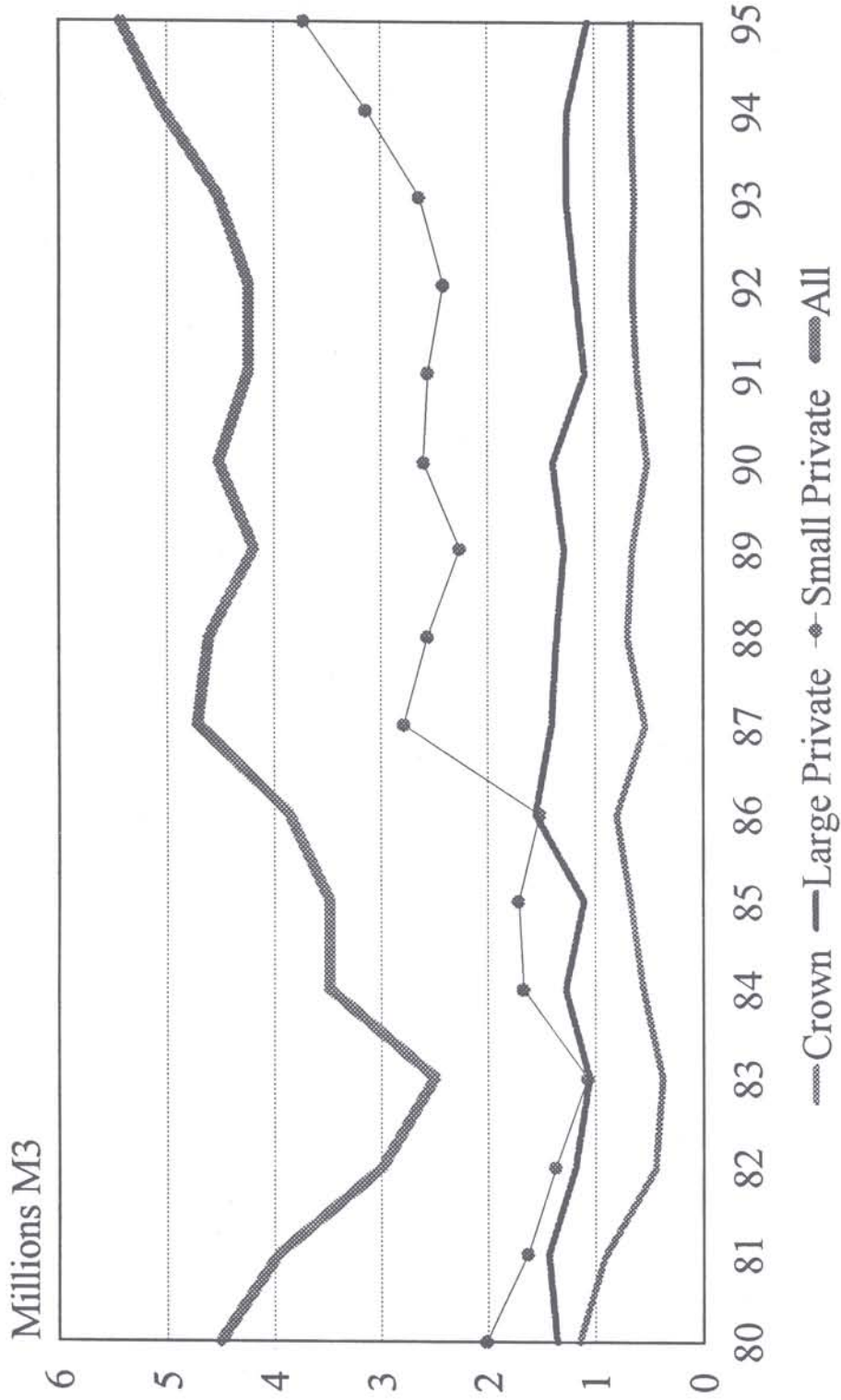


# Hardwood Harvest by Tenure



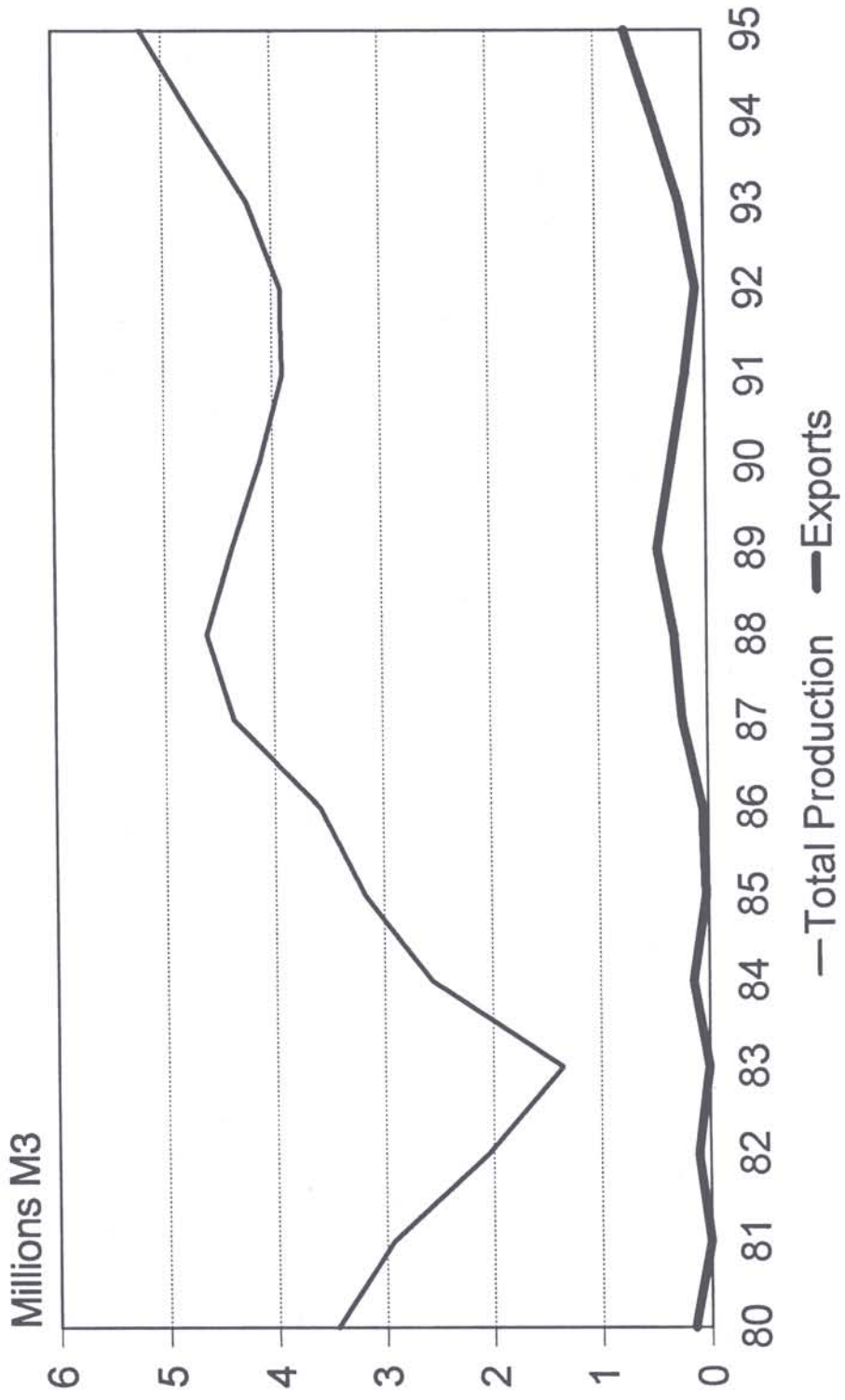
includes firewood estimate

# Total Harvest by Tenure



includes firewood estimate

# Total Harvest and Wood Exports





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## APPENDIX 2

### Overview

### Framework for Registry of Buyers

#### 1. Introduction

This proposal has been prepared to address the need for accurate and timely information on the use of wood in Nova Scotia and the generation of forest products. The proposal recommends a framework for meeting these needs which:

- i) can be accomplished within the existing legislative authority;
- ii) recognizes the benefit of maintaining comparability with the Department's Forest Production Survey; and
- iii) builds upon the draft framework discussed by the Coalition of Nova Scotia Forest Interests.

The proposed framework includes recommendations for how the registry should be structured and operated. Some elements of this framework can be implemented through regulations, while others are more appropriately implemented through supporting policy and documentation, development of computerized data management systems, and provision of technical support to registered buyers.

The following sections describe elements of the proposed framework and the recommended action.

#### 1(1) Intent of Registry

It is recommended that a registry of buyers of wood in Nova Scotia will be established to meet the following requirements:

- i) To identify all individuals, companies and organizations that **acquire** primary forest products
  - for processing into secondary forest products in Nova Scotia;
  - for processing into energy (ie. electricity or process steam) in Nova Scotia;
  - for export in unprocessed form from Nova Scotia to other provinces or countries;
  - for the purpose of offering for sale as a wood fuel within Nova Scotia.
- ii) To establish responsibility for the **reporting of primary forest products** acquisition data on the basis of species, geographic origin, tenure of origin, and processing location or destination.

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- iii) To establish responsibility for the **reporting of secondary forest products** generation in Nova Scotia.
- iv) To provide **consistent and reliable data** that will:
- contribute to the understanding of regional primary forest product supply and demand;
  - assist in the estimation of sustainable harvest levels;
  - assist in the determination of long term resource management needs;
  - contribute to the identification of forest product and value-added development opportunities.

### 1(2) Requirement for Registration

It is recommended that a registry be established by regulation under the Forests Act and require:

Every individual, company or organization which:

- owns or operates a wood processing facility within the province
- exports primary forest products from Nova Scotia
- imports primary forest products into the province for processing
- sells primary forest products as a wood fuel
- manufactures energy from primary forest products
- any producer or user of a primary forest product designated by the Minister, to register as a buyer of primary forest products.

### 1(3) Obligations of Registered Buyer

It is recommended that each registered buyer be required to submit an annual statistical return to the Minister containing information on primary forest products acquired and secondary forest products generated as specified by regulation.

The obligations of a registered buyer shall be to:

- i) maintain **up-to-date information** and the type and level of activity being carried out in the province
- ii) maintain **records** that meet the registration and reporting requirements of a registered buyer
- iii) submit **returns, on a confidential basis,** respecting primary forest product acquisition
- iv) submit returns regarding the **generation of secondary forest products** .

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## 1(4) Obligations of Department

It is recommended that the Department carry out the following in order to establish and implement such a registry of buyers:

- i) prepare appropriate regulations
- ii) appoint a Registrar to be responsible and accountable for the maintenance and operation of the Registry of Buyers
- iii) develop the necessary reporting structure, including forms for annual registration and statistical returns, and a computerized database to contain registry data
- iv) ensure compliance with obligations of a registered buyer
- v) ensure compliance with legislation respecting access to information
- vi) prepare data and information for reporting in the State of the Forests Report and other departmental publications
- vii) provide support to registered buyers for the development of record management systems that comply with the requirements of the data gathering obligations under the Registry.

## Definitions

It is recommended that the definitions used in establishing the registry of buyers be based on the following:

### 2(2) Registered Buyer

Any individual, company or organization engaged in the:

- i) **manufacturing (processing)** of primary forest products into lumber, laths, market pulp, paper, hardboard and other secondary forest products within the province
- ii) **export** of primary forest products to other provinces or countries
- iii) **sale** of primary forest products as a fuel
- iv) **manufacturing (processing)** of primary forest products into energy (process steam or electricity)
- v) **production or use** of any primary forest product as designated by the Minister.

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### 2(3) Primary Forest Product

- i) any **commercially valuable raw materials** obtained from a forest
- ii) **includes** wood fibre in any form, wood processing waste, silviculture and harvesting waste and by-products
- iii) **excludes** Christmas trees and materials used for decoration, and non-wood fibre products of the forest.

### 2(4) Secondary Forest Product

- i) generated from primary forest products and intended for sale
- ii) **includes** wood pulp, paper, hardboard, poles, pilings, shingles, lumber and other sawn products
- iii) **excludes** the energy produced from combustion of wood products
- iv) **excludes** products generated from other secondary forest products.

### 2(5) Land Tenure

- i) **Industrial** landowner means a person who owns a wood processing facility.
- ii) **Private** landowner means a person who does not own a wood processing facility.
- iii) **Crown** land refers to any land under the control and administration of the Minister.
- iv) **Federal** land means any land under the control and administration of the federal government.

## Annual Data Submission by Registered Buyer

### 3(1) Information to be Submitted Upon Registration

It is recommended that annual registration be required.

- i) Registered buyers should submit a return for each calendar year to the Registrar on or before February 28 of the following reporting year.

It is recommended that, at a minimum, the following information be submitted as a requirement of registration.

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- ii) The signed return will be submitted by each registered buyer and will contain the following information for each facility:
- a) name
  - b) mailing address
  - c) geographic location
  - d) primary type of business
  - e) contact name and position
  - f) telephone number, fax number, e-mail address
  - g) type of primary forest product acquired
  - h) type of secondary products generated
  - i) estimated volume of primary forest products required in the following year.

### 3(2) Statistical Return

It is recommended that a detailed statistical return be required for every registered buyer.

- i) All registered buyers shall submit a return that lists the types and total volume of primary forest products acquired.
- ii) All registered buyers shall submit a return that lists the secondary forest products generated.
- iii) A registered buyer that acquired more than 1,000 cubic metres solid or equivalent for processing, export, sale, or use shall submit a detailed return.

It is recommended the annual detailed statistical return from the registered buyer include the following data to the Registrar:

- i) The quantity of primary forest product acquired, reported by:
  - species (hardwood or softwood)
  - county, province or state of origin
  - tenure of origin (ie. crown, industrial, private)
- ii) The quantity of primary forest product exported, reported by:
  - province, state or country of final destination outside Nova Scotia
- iii) The quantity of secondary forest product generated, reported by:
  - type of secondary forest product (list to be prepared)
  - species

### 3(3) Conversion Factors

It is recommended that the use of conversion factors related to the measurement of quantity of primary and secondary forest products be dealt with in the following manner

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and that units of conversion be comparable to those specified by the Chief Scaler for the Province.

- i) The units used in reporting primary forest product data shall be those used by the registered buyer at the time the primary forest product is acquired.
- ii) The units used in reporting secondary forest products shall be those used by the registered buyer to measure or record production.
- iii) Conversion of data to any other unit from those described in i) and ii) shall use conversion factors prepared by the Department.

## Reporting

It is recommended that the information collected through the registry of buyers be prepared to allow for annual reporting as follows:

**4(1)** The following information should be published or made generally available in a timely manner:

- i) the names of registered buyers
- ii) the annual volume of primary forest products acquired in the province
- iii) the annual quantity of primary forest products imported and exported for the province
- iv) the types and total quantity of secondary forest products generated and a listing of those which produce such products in the province.

**4(2)** Information should be compiled so as to be suitable for reporting to the National Forestry Database, Criteria and Indicators initiatives, provincial State of the Forests report and similar documents, initiatives or publications.

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## Citation

1 The regulations may be cited as the *“Registration and Statistical Returns Regulations”*.

## Definitions

2 In these regulations

- (a) “Act” means the Forests Act;
- (b) “Crown lands” means all or any part of land under the administration and control of the Minister;
- (c) “export” means export from the province;
- (d) “federal lands” means all or any part of land situated in the province under the administration and control of Her Majesty the Queen in right of Canada;
- (e) “industrial landowner” means a landowner who owns a wood processing facility which processes primary forest products;
- (f) “Minister” means the Minister of Natural Resources;
- (g) “primary forest products” means any of the commercially valuable raw materials obtained from a forest;
- (h) “private landowner” means a landowner who does not own a wood processing facility;
- (i) “registered buyer” means a person who
  - (i) is an owner or operator of a wood processing facility in the province which processes primary forest products;
  - (ii) exports primary forest products from the province;
  - (iii) imports primary forest products into the province;
  - (iv) sells primary forest products as a fuel;
  - (v) acquires primary forest products for producing energy;
- (j) “secondary forest products” means goods produced from primary forest products for purposes of sale and, without limiting the generality of the foregoing, includes wood pulp, paper, fibre or chip board, lumber or other sawn products and wood chips produced at a wood processing facility, but does not include the energy produced from combustion of forest products;

## Exemption

3 These regulations do not apply to the production, export or sale of

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- (a) Christmas trees, wreaths, boughs, branches or non-wood fibre resources obtained from a forest; or
  - (b) remanufactured wood products.

## Registration

4(1) Every registered buyer shall register with the Minister, or a person designated by the Minister, by filing a return containing the following information with respect to the registered buyer:

- (a) name
- (b) mailing address;
- (c) geographic location where the registered buyer carries on business or where the registered buyer is the owner or operator of a wood processing facility, the geographic location of the wood processing facility;
- (d) telephone number and, where applicable, facsimile number and e-mail address;
- (e) where the registered buyer is a corporation or partnership, the name and position description of an individual who has been designated by the registered buyer as the person responsible for submitting the returns required pursuant to these regulations;
- (f) an indication of the primary business carried on by the registered buyer;
- (g) an estimate of the total volume of primary forest products by species expected to be processed, exported, sold or acquired in the following year.

(2) A registered buyer shall register in accordance with subsection (1) within 90 days of the coming into force of these regulations.

(3) A person who becomes a registered buyer after the coming into force of these regulations shall register in accordance with subsection (1) within 30 days of becoming a registered buyer.

(4) Where there is a change in any of the information filed with the Minister pursuant to subsection (1), the registered buyer shall notify the Minister, or a person designated by the Minister, within 30 days of the change.

## Statistical Returns

5(1) A registered buyer shall submit to the Minister, or a person designated by the Minis-



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ter, an annual return containing the following information with respect to the registered buyer and with respect to each geographic site or wood processing facility:

- (a) a list of the types of primary forest products processed, exported, sold or acquired;
- (b) the total volume of all primary forest products processed, exported, sold or acquired;
- (c) the volume of secondary forest products produced, listed by product and species.

(2) Where a registered buyer has produced, exported, sold or acquired more than 1000 cubic metres solid, or equivalent, of primary forest products during a calendar year, the registered buyer shall, in addition to the information required pursuant to subsection (1), submit an annual return containing the following information:

- (a) where the registered buyer was the owner or operator of a wood processing facility in accordance with Section 2(i)(i)

- (i) the volume of each species of wood processed;

- (ii) if acquired in the province, the volumes acquired from each county, and if acquired outside the province, the volumes acquired from each province of Canada or state of the United States;

- (iii) the volumes acquired from private landowners, from industrial landowners, from Crown lands or from federal lands;

- (b) where the registered buyer exported primary forest products from the province

- (i) the volumes of each species of wood exported;

- (ii) if acquired in the province, the volumes acquired from each county and if acquired outside the province, the volumes acquired from each province of Canada or state of the United States;

- (iii) the volumes of wood acquired from private landowners, from industrial landowners, from Crown lands or from federal lands;

- (iv) the volumes exported to each province of Canada, state of the United States, or if neither is applicable, the country of final destination;

- (c) where the registered buyer sold the primary forest products as a heating fuel

- (i) the volume of each species of wood processed;

- (ii) if acquired in the province, the volumes acquired from each county and if acquired outside the province, the volumes acquired from each province of Canada or state of the United States;

- (iii) the volumes of wood acquired from private landowners, from industrial landowners, from Crown lands or from federal lands;

- 
- (d) where the registered buyer acquired primary forest products for producing energy
- (i) the volume of each species of wood processed;
  - (ii) if acquired in the province, the volumes acquired from each county and if acquired outside the province, the volumes acquired from each province of Canada or state of the United States;
  - (iii) the volumes of wood acquired from private landowners, from industrial landowners, from Crown lands or from federal lands.

## Reporting

- 6(1) When registering, or submitting an annual return, the registered buyer shall:
- (i) report volumes of primary forest products acquired on a quarterly basis;
  - (ii) report volumes of secondary forest products generated on an annual basis;
  - (iii) report primary forest product data in the units used by the registered buyer at the time the primary forest product is acquired, sold or exported;
  - (iv) report secondary forest product data in the units used by the registered buyer in measuring or recording production.
- (2) A registered buyer shall register pursuant to Section 4 by filing a return in accordance with Form A.
- (3) A registered buyer shall submit an annual return pursuant to Section 5 by filing a return in accordance with Form B.
- (4) A registered buyer shall submit the returns for each calendar year required pursuant to Section 5 on or before February 28 of the following year.

## Records

7 A registered buyer shall make available to the Minister, or a person designated by the Minister, upon reasonable notice, any records or documents as the Minister, or a person designated by the Minister, may require for inspection and examination for the purpose of ensuring compliance with these regulations.

## Offence

8 A person who fails to register or submit an annual return as required by these regulations or who submits a false return, is guilty of an offence.

## Effective Date

9 These regulations shall come into force on, from and after August 1, 1997.

# Form A (Section 4) Registered Buyer Registration Form

**Note:** One form must be completed for each processing site or business, where no fixed site exists

**Buyer Information**

Registry ID	
Name	
Location	
Type of Business (circle only one)	1. Sawmill            2. Pulp/Paper Mill    3. Fuel Chips Sales 4. Energy Generation 5. Wood Export    6. Firewood Sales 7. Other (specify):

**Mailing Address and Contact Information**

Street/P.O.Box		
City/Town	Province	
Postal Code		
Contact Name		
Contact Title		
Telephone	Fax	
E-Mail Address		

**Primary Forest Product Demand**            If "none" enter "0"

Estimate For Calendar Year	Unit	Total Quantity Required
Softwood Roundwood		
Softwood Chips		
Hardwood Roundwood		
Hardwood Chips		

Signature :

Date :

Total Number of Pages Submitted in Return:

**FORM B**  
**(Section 5)**  
**Statistical Return Part A**  
**Volume of Primary Forest Products Acquired**  
**Types of Secondary Forest Products Generated**

**Registry ID #:**

**Name:**

(Mark with an "x")

**Return for Calendar Year**

Primary Forest Product Acquired	Softwood	Hardwood
Pulpwood		
Sawlogs		
Veneer Logs		
Studwood		
Other Roundwood		
Pulp Chips		
Energy Chips		
Other (specify):		

Secondary Forest Product Generated	Softwood	Hardwood
Lumber		
Hardboard		
Wood Pulp		
Paper		
Chipped or Hogged Wood		
Firewood		
Other (specify):		

**Total Quantity of Primary Forest Products Acquired**

**Calendar Year**

1000 m<sup>3</sup> = 453 cords = 177Mfbm

(mark with "x")

None  
 1-500 m<sup>3</sup>  
 501-1000 m<sup>3</sup>

More than 1000 m<sup>3</sup>

**Signature:**

**Date:**

**NOTE: Complete Form B Parts B - E, if you acquired more than 1000m<sup>3</sup>**

**FORM B**  
 (Section 5)  
 Statistical Return Part B  
 Confidential

**Primary Forest Products Acquired For Use Within Nova Scotia**  
 (one form for each County/Province/State/Country)

Registry ID #:	Name:
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**(Report Quantity Acquired)**

Calendar Year	Units	County/Province/State/Country Acquired From:			
		1st Quarter Jan. - March	2nd Quarter April - June	3rd Quarter July - Sept	4th Quarter Oct. - Dec.
Acquired Within N.S.		Softwood	Hardwood	Softwood	Hardwood
Small Private					
Industrial					
Crown Lands					
Federal Lands					

Acquired Out of Province					
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**Signature:**

**Date:**

**Form B**  
 (Section 5)  
 Statistical Return Part C  
 Confidential

**Primary Forest Products Acquired For Export**  
 (one form for each County/Province/State/Country)

<b>Registry ID #:</b>	<b>Name:</b>
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(Report Quantity Acquired)

Calendar Year	County/Province/State/Country Acquired From:	1st Quarter Jan. - March								2nd Quarter April - June				3rd Quarter July - Sept.				4th Quarter Oct. - Dec.			
		Units		Softwood		Hardwood		Softwood		Hardwood		Softwood		Hardwood		Softwood		Hardwood			
		Acquired Within N.S.	Units	Softwood	Hardwood	Softwood	Hardwood	Softwood	Hardwood	Softwood	Hardwood	Softwood	Hardwood	Softwood	Hardwood	Softwood	Hardwood	Softwood	Hardwood		
Small Private																					
Industrial																					
Crown Lands																					
Federal Lands																					

<b>Acquired Out of Province</b>			
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**Signature:**

**Date:**

**FORM B**  
 (Section 5)  
 Statistical Return Part D  
 Confidential

*Export of Primary Forest Products*

<b>Registry ID #:</b>	<b>Name:</b>
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(Report Quantity Exported)

Destination Province/State/ Country	Units	1st Quarter Jan. - March		2nd Quarter April - June		3rd Quarter July - Sept		4th Quarter Oct. - Dec.	
		Softwood	Hardwood	Softwood	Hardwood	Softwood	Hardwood	Softwood	Hardwood

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**FORM B**  
 (Section 5)  
 Statistical Return Part E  
 Confidential

*Quantity of Secondary Forest Products Produced*

<b>Registry ID #:</b>	<b>Name:</b>
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Product	Unit	Softwood Quantity	Hardwood Quantity	Hardwood/Softwood Quantity
Lumber				
Hardboard				
Wood Pulp				
Paper				
Firewood				
Chipped or Hoggged Wood				
<b>Other (specify):</b>				

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_



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## APPENDIX 3

### Citation

- 1 These regulations may be cited as the “*Wildlife Habitat Management Regulations*”.

### Definitions

2 In these regulations

- (a) “clearcut” means the harvesting of all merchantable trees from an area of forest land and includes a harvest method whereby trees which cannot be profitably utilized are left on the forest land;
- (b) “forest” means a plant association consisting predominantly of trees;
- (c) “forest land” means land bearing forest growth or land from which the forest has been removed but which shows surface evidence of past forest occupancy and is not now in other use;
- (d) “forestry operation” means any work within or upon forest land for the purpose of forest management;
- (e) “full tree logging” means a method of forestry harvesting whereby trees are felled and removed to roadside for processing with branches and tops intact;
- (f) “owner” includes an occupier, lessee or tenant and a person who acts for, or on behalf of, an owner as an agent or contractor;
- (g) “vehicle” means any vehicle propelled or driven otherwise than by muscular power, whether or not the vehicle is registered pursuant to the *Motor Vehicle Act*;
- (h) “watercourse” means the bed and shore of a river, stream, lake, creek, pond, spring, lagoon, or other natural body of water;
- (i) “wetland” means land that is saturated or covered with water long enough to promote vegetation and biological activity which are adapted to a wet environment, but does not include lands periodically soaked or wet as a result of agricultural usage or stormwater drainage;
- (j) “wildlife corridor” means an area of forest with a minimum width at its narrowest point of 50 metres.

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## Wildlife corridors

3(1) Where a forestry operation is carried out on forest land, no owner shall clearcut or permit the clearcut of the forest land in excess of an area of 50 hectares unless

- (a) a wildlife corridor is established by the owner, or
- (b) the owner is acting pursuant to a forest management plan approved by the Minister.

(2) Where a wildlife corridor is established pursuant to subsection (1), the owner shall ensure that the corridor either

- (a) joins uncut forest so as to create an unbroken linkage to the uncut forest, or
- (b) is established along at least two adjoining sides of the area which has been clearcut.

(3) No owner shall carry out forest harvesting activities in a wildlife corridor unless pursuant to a forest management plan approved by the Minister.

4(1) Where an owner clearcuts forest land, the owner shall ensure that ten trees for each hectare of forest land clearcut are left standing within the area clearcut.

(2) Trees required to be left standing pursuant to subsection (1) shall be grouped or clumped together at not less than ten trees per group or clump.

(3) Where a clearcut exceeds three hectares, an owner shall ensure that each group or clump of trees shall contain not less than 30 trees.

(4) In addition to the requirements of subsection (1), where a forest is clearcut using a full tree logging method, an owner shall cut and leave at the stump ten trees for each hectare clearcut.

## Special management zones

5 For purposes of sections 6 and 7,

- (a) the minimum average width of a watercourse is determined by measuring the width of the watercourse at ten equidistant locations along the length of the watercourse and taking the average of the measurements; and
- (b) only that portion of the watercourse that is situated within or adjacent to the forest land where the forestry operation is carried out on is required to be measured for purposes of determining the minimum average width.

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6(1) Where the minimum average width of a watercourse situated on or adjacent to forest land on which a forestry operation is carried out on is greater than 50 centimetres, or where a wetland greater than two hectares in size is located within or adjacent to the forest land where the forestry operation is carried out on, an owner shall establish a special management zone of 20 metres in width along all boundaries of the watercourse or wetland which are located within or adjacent to the forest land where the forestry operation is carried on.

(2) No owner shall, within a special management zone, permit the use of, use or operate a vehicle for forest harvesting purposes within ten metres of the watercourse or wetland.

(3) No owner shall carry out forest harvesting activities in a special management zone unless pursuant to a forest management plan approved by the Minister.

7 Where the minimum average width of a watercourse situated on or adjacent to forest land on which a forestry operation is carried out on is less than 50 centimetres, no owner shall permit the use of, use or operate a vehicle for forest harvesting purposes within five metres of the watercourse.

## Offence

8 A person who does anything prohibited by these regulations or who fails to do anything required by these regulations is guilty of an offence.