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A History of Forest Legislation in Canada 1867-1996

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CIRL Occasional Paper #2

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1. Introduction

Forest policy in Canada has been described as having evolved by means of a four-stage process involving a transition from an initial period of unregulated exploitation, to a second stage of regulation for profit and revenue enhancement, then to a third phase of conservation and finally to a fourth stage of forest management.¹ With the exception of the federal government and the governments of Prince Edward Island, the Northwest Territories and the Yukon, all provincial governments have dealt with these transitional stages in the development of their forest policies. This gradual shift from mere forest exploitation to forest management has occurred throughout Canada, usually in the same order or sequence, but often subject to major variations in terms of both the length of time each policy regime remained in effect and in terms of the specific time at which a new regime was implemented.

During the current decade, a concern for ensuring the sustainability of forest ecosystems rather than merely a continuous supply of timber resources has emerged and arguably, this shift in focus marks the beginning of a new and fifth stage in the evolution of forest legislation: the sustainable forest management stage.

By way of introduction, Section 2 provides an overview of the constitutional framework of forest management, and Section 3 outlines the hierarchy of instruments relied upon by governments to implement their forest policies. Section 4 sets out the various stages in the evolution of provincial forest policies and legislation, while Section 5 focuses on federal legislative and policy developments. The historical outline of the development of forest legislation in Canada provided in Sections 5 and 6 is based on the classification proposed by Michael Howlett, modified with the addition of a new stage of sustainable forest management. To complete this historical review of forest legislation, Sections 6 and 7 provide insights into other types of legislation affecting the forest sector as well as certain international developments which are influencing the development of national and provincial forest policies. Section 8 concludes this overview with a brief discussion of current trends which are likely to influence the evolution of forest legislation in the near future.

The annotated chronological listing of forest legislation found in the Annex does not purport to be exhaustive. For each jurisdiction, the chronology includes the most significant legislative and policy developments which have occurred during each of the transitional phases in the evolution of provincial and federal forest policies.

1 See Michael Howlett, *Forest Policies in Canada: Resource Constraints and Political Conflicts in the Canadian Forest Sector*, Ph.D. Thesis 1988, Department of Political Studies, Queen's University, and Michael Howlett and Jeremy Rayner, "The Framework of Forest Policy in Canada", Chapter 3, in Monique M. Ross, *Forest Management in Canada* (Calgary: Canadian Institute of Resources Law, August 1995).

2. Constitutional Framework

The Canadian Constitution vests extensive powers in the provinces with respect to ownership of and legislative control over forests, with the federal role being more restricted in terms of both ownership and legislative authority over forest management.

Under the *Constitution Act, 1867*, the provincial interest in the environment, in general, and in forest resource management, in particular, has two major bases: one proprietary and the other legislative. Section 109 of the Constitution grants to each province ownership of “lands, mines, minerals and royalties”. Provincial governments are also given the power to legislate in matters of relevance to natural resources and environmental management, as a result of their authority over “The management and sale of the public lands ... and of the timber and wood thereon” under s. 92(5), local works and undertakings, with some exceptions, under s. 92(10), property and civil rights in the province under s.92(13), and matters of a local or private nature under s. 92(16).

The natural resources amendment contained in the *Constitution Act, 1982* confirms the exclusive jurisdiction of the provinces over the development, conservation and management of forestry resources. Further, the new section 92A enables the provinces to levy indirect taxes on natural resource revenue and provides provincial legislatures with control over inter-provincial resource and energy exports, subject to several non-discriminatory caveats and to federal paramountcy.

Federal jurisdiction over forest resource management is based on the federal government’s ownership of forest lands, the vast majority of which are located in the Yukon and Northwest Territories, as well as on various legislative powers accorded to the federal government under the Constitution which provide the means to indirectly influence forest management. These include powers in relation to trade and commerce (s. 91(2)), taxation (s. 91(3)), navigation and shipping (s. 91(10)), fisheries (s. 91(12)), Indians and lands reserved for Indians (s. 91(24)), criminal law (s. 91(27)), and the general power to make laws for the peace, order and good government of Canada set out in the opening paragraph of s. 91. The federal government also has the power to negotiate treaties, although it is constrained in implementing its treaty obligations by the internal division of powers under the Constitution.

With approximately 90% of productive forest lands in the provinces owned by the provincial governments, and only 2% owned by the federal government, the provinces have maintained effective control over most forest harvesting on public lands. Even though federal authority over direct forest management has been constitutionally restricted, the federal government has, nevertheless, played a significant role in influencing provincial forest management policies, notably through the exercise of its spending power and its focus on research and development.

In the area of environmental protection, jurisdiction is more equally shared between the federal and the provincial governments leading to what has been termed “cooperative

federalism”.² Historically, however, the clear tendency on the part of the federal government has been to defer to the provinces in matters affecting the management of natural resources. The growing internationalization of environmental concerns combined with the globalization of trade is leading to the emergence of international obligations which may have implications for the balance of federal and provincial jurisdiction.

3. Types of Rules Governing Forest Management in Canada

Government objectives with respect to forest use and management are implemented through a series of instruments ranging from legislation enacted by legislatures to informal guidelines developed internally within government departments.

- a. *Forest legislation*: The highest level of forestry “rules”, adopted by legislatures, are set by *statutory law*. Forest statutes normally define broad government objectives regarding forest use and management, prescribe the way in which rights to public forest resources are transferred to private parties (the tenure system), set out the responsibilities of government officials and provide the basic fiscal and managerial arrangements governing the use of forest resources. Forest acts or statutes can only be amended by the legislature and as such are less flexible than the next level of forest rules, that is those set by regulations.

Regulations are passed by Cabinet to better define statutory provisions and provide administrative means for implementing them. Many of the rules of forest management (e.g., those relating to planning obligations, forest practices or stumpage payments) are detailed in regulations. Regulations are subject to frequent amendments and, similar to statutory requirements, they have the full force of law.

- b. *Common law*: Common law is based on past cases and court decisions and complements forest legislation, especially in matters of property rights, nuisance and contracts. Judicial decisions assist in the interpretation of statutory, regulatory or contractual provisions. By providing interpretation of historical treaty provisions with First Nations, the courts have played a key role in defining aboriginal law.
- c. *Forest tenure arrangements*: A forest tenure may be defined as “the right granted by the Crown to harvest timber from Crown land, subject to the terms and conditions of the document containing the grant and the governing legislation”. Tenure documents

2 Monique Ross and J. Owen Saunders, *Environmental Protection: Its Implications for the Canadian Forest Sector* (Calgary: Canadian Institute of Resources Law, July 1993) at 4: “That is to say that the two levels of government, through a range of formal and informal agreements, have reached a series of understandings which have radically transformed how the ‘legal’ constitution is implemented in fact. This cooperative federalism, which has been a hallmark of the Canadian constitutional picture since at least the 1960s, has particular relevance to environmental law and policy, given that many environmental concerns have both a federal and provincial aspect.”

normally define in precise terms the obligations and responsibilities of each party (government as landlord and private users of the forest as tenure holders), with the determining features of long-term area-based tenures (e.g., Forest Management Agreements) being more often found in the agreements than in the relevant forest statutes. As contracts, tenure arrangements constitute legal documents which are binding on both parties.

- d. *Administrative rules and procedures*: The rules under which forests are used and managed can also take the form of flexible guidelines, manuals, standards etc... which are adopted not as regulations, but internally as administrative rules by the responsible forest administration. Although not having the force of law, these informal rules provide direction to forest managers in their daily operations. Further, they are often incorporated into tenure arrangements and have significant implications for the way in which forest resources are managed. A trend towards the codification of these rules (Codes of practice) and their formal enactment as regulation is noticeable, with the prime example being British Columbia's *Forest Practices Code Act* and associated regulations.

4. Provincial Forest Legislation

The initial stage in the evolution of forest policy, that is, the era of unregulated exploitation, ended in most provinces in the latter part of the 19th century and as a result, a description of that phase is not included in this historical overview which begins in 1867 with the Confederation. Commencing in the mid-19th century, provincial forest legislation attempted to control access to the forest resource in order to both regulate competition and secure maximum government revenues (regulation for revenue era). This second period was followed by the enactment of legislation to protect the forest from natural disasters, especially fire, as well as by the increased regulation of harvesting to eliminate wasteful practices and ensure forest regeneration (conservation era). In the next stage, governments intensified their regulation of harvesting practices and started requiring the preparation of forest management plans in order to implement sustained yield policies (forest management era). A final and relatively recent stage involves a shift from sustained timber yield to sustainable forest management (sustainable forest management era).

4.1 *Regulation for Revenue Era (Mid- to Late-19th Century)*

This 19th century period was marked by the creation of specific forest tenure and licensing policies and the introduction of stumpage and ground rents. In New Brunswick, Ontario and Quebec, these developments started occurring in the first part of the 19th century (e.g., Ontario's first *Crown Timber Act* was enacted in 1849), while in the rest of the provinces and the two territories, similar policies were implemented in the latter half of the 19th century (e.g., *Dominion Lands Act* of 1872 for the Prairies and the territories, and the 1888 *Land Act* in British Columbia).

4.2 Conservation Era (Early to Mid-20th Century)

By the turn of the century, large-scale forest operations dominated markets and resource supplies and increasing volumes of timber were being cut. Governments strove to ensure that the forest would adequately regenerate and be protected against wanton or accidental destruction while, at the same time, guarantee adequate supplies to industrial concerns investing in capital-intensive production facilities.

Fire protection agencies, later followed by fire-fighting agencies, were established with their mandate being later extended to protect forests against damage from disease and pests. Preservation of forest lands against encroachment by agricultural settlement also involved the creation of forest reserves. Examples of early provincial statutes implementing such objectives include Ontario's 1898 *Forest Reserve Act* and British Columbia's 1912 *The Forest Act*. Forest protection also involved increasingly strict regulation and policing of the use of timber by forest companies. Early efforts to regulate cutting and harvesting practices by imposing minimum diameter size restrictions date back to 1883 in New Brunswick.

The objective of guaranteeing secure timber supplies to industry was met through the allocation of long-term licences to companies which agreed to establish wood-processing facilities and abide by conservation regulations. Examples of such legislative developments are New Brunswick's 1913 *Crown Timber Lands Act* and Manitoba's 1930 *The Forest Act*.

With the exception of Newfoundland, generally speaking this conservation period began in the late 1800s or the early 1900s and lasted in most provinces until the mid-1900s.

4.3 Forest Management Era (Mid-20th Century to Late 1980s)

In several provinces, the forest management era was ushered in by the appointment of Royal Commissions (e.g., Newfoundland and Labrador, New Brunswick, Ontario, Saskatchewan, British Columbia), whose recommendations to their respective governments included the need to adopt sustained yield policies and to amend the tenure system. Inventories carried out in the 1930s had revealed that forest resources had been sorely depleted under the traditional system of licensing, which threatened the long-term viability of the industry and the communities depending upon it. The consensus was that a new system of licences be implemented which would provide sufficient incentives for the industry to practice sustained-yield forestry (defined as management for the continuous production of a certain quantity or amount of timber with the aim of achieving a balance between net growth and harvest), while at the same time ensure that provincial governments received adequate economic benefits from Crown lands.

In the era of forest management, governments sought to impose specific management responsibilities on licensees. New Brunswick was one of the first provinces to require licensees to submit management plans together with their applications for

permits to cut (1937 and 1948 amendments to the *Crown Land Act*). In the other provinces, the adoption of longer-term licences requiring the licensees to practice sustained-yield forestry occurred after the Second World War. Examples of provincial legislation implementing such a licensing system are Ontario's 1947 *Forest Management Act*, British Columbia's 1947 amendment to the *Forest Act* and Alberta's 1949 *The Forests Act*.

By the 1960s, most provinces had adopted an incentive-based tenure system in which long-term rights to Crown land were granted in exchange for a commitment to practice sustained-yield forestry, regulated by the submission and approval of area-based management plans. In Quebec, even though the need to place timber limits under government control to allow for harvest planning and silvicultural activities was identified as early as the 1960s, in the face of industry opposition, implementation of proposed reforms to the tenure system was delayed until 1974 (amendment to the *Lands and Forests Act*), with the actual revocation of all existing timber concessions being finally effected by the 1986 *Forest Act*. Nova Scotia and Prince Edward Island as well as Newfoundland were also delayed in reaching the stage of forest management.

Across Canada, the current framework of forest management and the tenure system retain the same basic features as those which were developed during the forest management era. Over time, provincial forestry services increasingly shifted management responsibilities to licensees and the rise of environmentalism in the 1960s resulted in the imposition of a growing number of forest practices rules on tenure holders, without altering the fundamental paradigm of timber management. Industrial reluctance to assume additional responsibilities for environmental and non-timber values perceived as "constraints" on traditional timber management, combined with inadequate enforcement and monitoring by provincial governments, hindered progress towards a truly integrated forest resource management regime. In the face of continuing concerns over future timber supplies and the protection of forest ecosystems, the effectiveness of provincial forest management regimes and specifically of the tenure system as it has evolved to date, has been seriously questioned. As a result, the entering into the sustainable forest management era will likely be characterized by legislative reform as has already been the case in certain jurisdictions.

4.4 *Sustainable Forest Management Era*

Following the publication of the Brundtland Report in 1987, the necessity to broaden the scope of forest management to take into account the multiplicity of forest values and functions and the long-term sustainability of forest ecosystems was asserted with more urgency in the late 1980s, both in the national and international arenas. Since the early 1990s, provincial forest policies have broadened their focus to include ecological and social considerations and are seeking to achieve a more widely defined "sustainability" in forest use and management, with forest legislation only beginning to reflect this change in focus. Principles of forest sustainability are currently entrenched in four provincial forest statutes, including British Columbia's 1994 *Forest Practices Code Act*, Ontario's 1994 *Crown Forest Sustainability Act*, Saskatchewan's 1996 *The Forest Resources Management Act*, and Quebec's 1996 amendment to the *Forest Act*.

The demand for increased public participation in forest management, which results directly from public dissatisfaction with the past management of public forests, has led to further government commitments to broaden the scope of forest management to enable both the general public and a wider range of forest users to participate in decision-making processes related to forest use and management. Thus, consultative processes at the planning stage of forest operations have been implemented by means of a variety of formal or informal mechanisms. For instance, Quebec's *Forest Act* was amended in 1993 to require tenure holders to consult the public before submitting their general and five-year forest management plans to the Minister. Ontario's *Crown Forest Sustainability Act* provides for the establishment of Local Citizens Committees to provide input into the preparation and implementation of forest management plans. Under Manitoba's and Saskatchewan's environmental statutes, forest management plans are subject to an environmental impact assessment, with the public hearings process enabling the public to question the environmental and socio-economic impacts of proposed forestry operations. In Alberta, new provisions inserted in the most recent tenure arrangements require tenure holders to involve the public in a review of their forest management plans before submitting these plans to the Minister.

5. Federal Forest Legislation

As stated in the introduction, for historical reasons the evolution of federal forest policy has followed a different pattern from that of most provincial policies and as a result, federal legislation cannot be analyzed within the same framework. The development of federal forest policy and legislation has been described as having passed through five different time frames since 1867.³

5.1 1867-1930

Until 1930, the federal government maintained considerable influence on forest management due to its ownership of Crown lands in the territories and in the three Prairie provinces, with its status being equal to that of provincial governments. Unlike provincial governments, however, federal forest policy did not experience a period of unregulated forest exploitation. Rather, the federal government sought quickly to extract government revenues from resource exploitation by the private sector. The *Dominion Lands Act* of 1872 (based on the *Crown Timber Act* of 1849) pursued this objective through the use of area-based licences (timber berths) and volume-based stumpage fees.

In the early 1900s, the federal government began to implement conservation policies and adopted forest regulations promoting forest conservation. The first National Forestry Convention was convened in Ottawa in 1906 and that same year, the government passed the *Dominion Forest Reserves Act*, establishing 21 permanent forest reserves throughout

3 Michael Howlett, "The 1987 National Forest Sector Strategy and the search for a federal role in Canadian forest policy" (1989) 32 *Canadian Public Administration* 545.

the country.

5.2 1930-1949

As a result of the Natural Resource Transfer Agreements of 1930 transferring jurisdiction over natural resources to the governments of Manitoba, Saskatchewan and Alberta, federal powers over the administration of Crown forest lands became largely restricted to the Yukon and Northwest Territories, where forest lands are of a poorer commercial quality and much less accessible than those lands located in the provinces. The federal government also retained authority over a small percentage of federal lands located within the provinces (e.g., Indian reserves, national parks, and military bases). In 1936, the Department of the Interior was disbanded and federal forest administration was placed under the aegis of the Lands, Parks and Forest Branch in the Department of Mines and Resources. Nevertheless, the federal government did assume control over production and pricing of forest products during the Second World War.

5.3 1949-1966

Following World War II, the federal government sought to enhance forest resource development and the expansion of the forest industry by means of its spending power, with the *Canada Forestry Act* of 1949 enabling the federal government to enter into cost-shared conditional grant programs with the provinces. The federal Department of Forestry, created in 1960 under the *Department of Forestry Act*, assumed responsibility for forest research as well as the funding of reforestation, fire protection, silviculture and inventory surveys and the convening of the second National Forest Congress in 1966. However, provincial opposition to the conditional grant program and constitutional barriers to an increased federal role in direct forest regulation led to the dissolution of the federal Department of Forestry in 1966 and to the termination of the shared-cost forestry programs which had been in existence since 1951.

In regard to lands under federal control in the two territories, the *Territorial Lands Act* enacted in 1950 replaced the *Dominion Lands Act* of 1872, and the Territorial Timber Regulations promulgated under this Act regulated timber removal in the North. Meanwhile, on Indian reserves, the Indian Timber Regulations first adopted in 1954 under the *Indian Act* governed reserve timber harvesting. By contrast with provincial legislation enacted during the same period, federal regulation of forest lands in the territories and on Indian reserves did not seek to meet objectives of timber harvesting on a sustained yield basis.

5.4 1966-1978

From 1966 to 1978, the federal government continued to support industrial development by means of regional development programs with the emphasis in the forest sector being placed on access road construction. In the early 1970s, concerns over mill closures and the future of the forest industry led to the implementation of pulp and paper

modernization programs cost-shared with the provinces. The Canadian Council of Resource and Environment Ministers (CCREM), established in 1971, lobbied for the development of a national forest policy and promoted the adoption of sustained yield forest management. Continuing concerns over forest regeneration and the availability of long-term timber supplies resulted in the 1977 convening in Quebec City of a National Forest Regeneration Conference.

5.5 1979-Mid-1990s

In the late 1970s and early 1980s, several initiatives launched by the federal government and the CREM culminated in the issuance in 1981 of a Forest Sector Strategy for Canada, which was in the form of a discussion paper released by the Ministry of the Environment. The federal role was defined as centred on decreasing international trade barriers, ensuring a positive climate for investment, improving the resource data base, maintaining forestry research and development, supporting provincial forest renewal programs and providing national forestry statistics. The 1987 National Forest Sector Strategy for Canada, adopted by the Canadian Council of Forest Ministers established in 1985, similarly restricted the federal role to areas clearly within the federal jurisdiction, such as trade enhancement, research and development, continued federal funding for forest management, public education, and labour adjustment.

Expenditures in support of forest development under jointly funded federal/provincial agreements continued throughout this period and until the mid-1990s, with federal expenditures in the forest sector reaching over \$1 billion from 1984 to 1996. The Green Plan, launched in 1990, provided additional funding for forests, notably under the Model Forests Program which was initiated in 1992.

In the wake of the publication of the Brundtland Report in 1987, a shift in Canadian forest policy could be detected with ecosystem sustainability becoming a focus of forest management. In 1989, for the second time in the history of federal forest policy, a full-fledged Department of Forestry was established under the *Canada Forestry Act*. The Act explicitly required the federal Minister of Forestry to promote sustainable development in the Canadian forest sector. The objective of forest sustainability became the cornerstone of the most recent national forest policy, the 1992 National Forest Strategy.

In the two territories, commencing in the mid-1980s, the federal government proceeded to divest itself of its administrative functions over forestry matters. Forest management was transferred to the Government of the Northwest Territories (GNWT), with the *Forest Management Act* enacted in 1986 replacing the *Territorial Lands Act* within the Northwest Territories. A similar process of devolution by the federal government of its forest management functions to the territorial government is ongoing in the Yukon.

5.6 Mid-1990s

In the second half of the 1990s, budgetary constraints and provincial opposition to

federal interference in natural resource management are once again leading to the restriction of the federal role in forest management. In 1994, the Department of Forestry was disbanded and integrated into the Department of Natural Resources, and a significant downsizing of the federal forestry bureaucracy has taken place. Funding for the federal/provincial forestry agreements, which ended in 1996, has been discontinued with funding cut-backs affecting long-standing federal activities, including some areas of forest research and development. The mandate of the Canadian Forest Service has shifted from the implementation of operational forestry and silvicultural activities to the delivery of science and technology programming within a national policy framework.

Nevertheless, as noted in Section 7, the federal role in international affairs and trade remains significant and the Canadian government, together with the provinces, is currently involved in major international initiatives directly affecting forest management. The global nature of environmental concerns highlights the need for a strong federal role in forestry, although constitutional barriers limit unilateral action in this area of shared constitutional jurisdiction.

6. Other Legislation Affecting the Forest Sector

In addition to forest legislation, forest lands are also subject to a range of varying statutory provisions, the most significant being those enacted under environmental legislation and, to a lesser extent, under land use planning legislation.

Environmental protection legislation regulates activities which may have an adverse impact on the environment and it is normally enacted by a department different from that responsible for forest administration. The first environmental statutes with a direct impact on forestry focused on the control or prevention of air and water pollution and on waste management. One of the first and most influential federal environmental statutes in terms of forestry activities has been the *Fisheries Act* and the Pulp and Paper Effluent Regulations pertaining thereto.

Environmental protection provisions are usually implemented by means of a permit system, whereby a broad range of activities with potential impacts on the environment are subject to the preliminary requirement of obtaining a permit or licence from the appropriate government agency. In the forest sector, the construction and operation of wood-processing facilities are subject to the issuance of such permits and specific forest practices, such as the application of pesticides or the construction of forestry roads, also often require approval from either environmental agencies or forest administration agencies.

Environmental provisions set out in Environmental Impact Assessment (EIA) statutes can significantly affect forest management. Until recently, these provisions have been applied mainly to the processing of forest products (the construction or expansion of mills), and less frequently to forest operations, that is the actual harvesting and reforestation of forests. In Canada, the longest EIA exercise in the forest sector was Ontario's Class

Environmental Assessment for Timber Management on Crown Lands which occurred between 1988 to 1993 and involved the most comprehensive set of public hearings ever held in Canada in relation to forestry matters. This EA process and the ensuing EA Board decision directly influenced the enactment of Ontario's *Crown Forest Sustainability Act* in 1994. A similar although less extensive development in Quebec were the public hearings held in 1991 by the Bureau d'audiences publiques sur l'environnement (BAPE) on a proposed provincial forest protection strategy. Further, it is significant to note that Saskatchewan's newly adopted *Forest Resources Management Act* requires an EIA of long-term forest management plans submitted by Forest Management Agreement holders.

Another type of environmental protection legislation having a direct impact on the use and management of forest lands is legislation which affects the setting aside of certain forested areas for protection purposes. The lands may be withdrawn from forest exploitation (e.g., under Parks or Ecological Reserves or Heritage Resource Conservation legislation) or made subject to various use restrictions (e.g., critical wildlife habitat areas, old-growth forests, recreation areas).

Land-use planning statutes also have an impact on forest use and management, since their objective is to establish various zones within which certain land uses are either authorized or prohibited entirely or development is restricted. Most provinces do not as yet have a comprehensive land-use planning system and the zoning of forest lands is normally entrusted to the department responsible for forests. However, the necessity to adopt an integrated approach to land and resource use is leading to new developments in this area. In Quebec the existence of a provincial land-use plan is acknowledged in forest legislation and forest management activities are required to be compatible with the use of land as provided in the provincial plan. A similar land-use planning process is being developed in British Columbia, with forest management plans being subject to higher level land-use plans. Saskatchewan's newly enacted *Forest Resources Management Act* requires the preparation of integrated forest land use plans for all management units in the province.

7. International Law Influences

Conventional international forestry law is as yet minimal, although the body of "soft law" directly or indirectly applicable to forests has expanded since the publication of the 1987 Brundtland Report of the World Commission on Environment and Development. The Legal Principles for Environmental Protection and Sustainable Development proposed by the Group of Legal Experts in that report, even though not directly related to forestry issues, imposed obligations on the states to, in particular, maintain ecosystems and ecological processes essential for the functioning of the biosphere, preserve biological diversity and observe the principle of optimum sustainable yield in the use of living natural resources and ecosystems. However, until the 1992 United Nations Conference on Environment and Development (UNCED) at Rio de Janeiro in Brazil, the only international convention focusing specifically on forests was the 1983 International Tropical Timber Agreement.

Due to the fact that the efforts of certain States to conclude an international forest convention failed, the 1992 Rio Earth Summit did not result in additions to the conventional

international law of forests. Instead, what emerged from UNCED was the adoption of Agenda 21, which was a program of action setting out key goals for forests, as well as the “Non-legally binding authoritative statement of principles for a global consensus on the management, conservation and sustainable development of all types of forests” (Agenda, Item 9). These principles, even though they reflect a global consensus on forests, affirm the sovereign and inalienable right of the States “to utilize, manage and develop their forests in accordance with their development needs and level of socio-economic development and on the basis of national policies consistent with sustainable development and legislation, including the conversion of such areas for other uses within the overall socio-economic development plans and based on rational land-use policies” (art. 2(a)).

A collateral effect of the Rio Earth Summit was the adoption of other conventions having an indirect impact on forest management. A specific example is the Convention on Biological Diversity, which Canada was the first nation to ratify at the Earth Summit, committing the signatories to conserve biological diversity, with each country pledging to develop national biodiversity strategies. The Convention requires the nations to regulate or manage biological resources important for the conservation of biological diversity whether within or outside protected areas, with a view to ensuring their conservation and sustainable use (art. 8(c)), as well as to promote the protection of ecosystems, natural habitats and the maintenance of viable populations of species in natural surroundings (art. 8(d)). Canada has launched several initiatives in order to meet these international commitments; for instance, the 1995 Canadian Biodiversity Strategy, Canada’s Response to the Convention on Biological Diversity, reaffirms with respect to protected areas a previous commitment of the 1992 National Forest Strategy to complete, by the year 2000, a network of protected areas representative of Canada’s natural regions. In addition, a federal *Endangered Species Protection Act* is currently being drafted.

Even though UNCED did not achieve readily measurable advances in international forest obligations, it did lay the foundation for a series of initiatives having direct implications for forest management. In particular, international efforts now focus on the development of measurable criteria and indicators of sustainability, with a view to better define and assess progress towards sustainable forest management. Canada is a party to one of these initiatives and, in February 1995, joined nine other countries in signing the Santiago Statement on Criteria and Indicators for the Conservation and Sustainable Management of Temperate and Boreal Forests (referred to as “The Montreal Process”). It is noteworthy that Criterion 7 of the Montreal Process measures the extent to which the legal, institutional and economic framework of forest management supports the goal of forest conservation and sustainability. A parallel process of developing a framework of criteria and indicators of sustainable forest management was initiated nationally by the Canadian Council of Forest Ministers, leading to the adoption in 1995 of A Canadian Approach to Criteria and Indicators.

In April 1994, Canada and Malaysia organised a meeting of the Intergovernmental Working Group on Forests (IWGF) and in June 1994, a World Commission on Forests and Sustainable Development (WCFSD) was established. In April 1995, at a meeting of the Commission on Sustainable Development (CSD) created at the Rio Summit, an Intergovernmental Panel on Forests (IPF) was established with a mandate to further

assess actions undertaken in regard to all types of forests, promote forest management, conservation and sustainable development and propose further action. The IPF is to submit its recommendations on priorities for future action to the fifth session of the CSD, to be held in 1997.

8. Conclusion: Current Trends in Forest Legislation

International concerns over forest depletion and lack of management as well as over environmental health are paralleled by identical concerns at the national level. The priority to manage forest resources in order to sustain not only the timber resource but entire forest ecosystems is acknowledged by all levels of government and is the cornerstone of the 1992 National Forest Strategy. A report evaluating the progress made by governments and all stakeholders in achieving their numerous commitments under this five-year national strategy is to be completed in 1997.

As noted earlier, the evolution of forest legislation has not kept pace with policy developments, since legislative amendments to provincial forest statutes are only beginning to be adopted as of 1994. To date, a systematic review of the tenure system in light of ecological sustainability principles has not yet been carried out by the provincial governments.

The evolution of forest legislation will likely continue to be influenced by the following trends:

1. a movement towards a greater integration of forest use by means of broader ranging planning and consultative processes. This is evident both in land-use planning or integrated resource management initiatives which have been launched in various provinces (e.g., Nova Scotia, Ontario, Saskatchewan, Manitoba, British Columbia) as well as in the trend towards increased public participation in forest management (as noted in Section 4).
2. the codification in law and stricter enforcement of previously informal forest practices, as witnessed in British Columbia. This development, which is spurred by requests from public interest groups for certainty and transparency in forest management decision-making processes, is nevertheless counterbalanced by a parallel and recent trend towards de-regulation or self-regulation;
3. calls for greater local involvement in forest management and wider access of a variety of users to forest resources may lead to a reevaluation of the tenure system, with a view to diversify tenure arrangements and to directly involve local interests in forest decisions. In several provinces, local governments and populations are insisting on gaining control over management of local forests. This trend, which is particularly strong in Quebec, resulted in amendments to the *Forest Act* focusing on the allocation of forest management contracts to local municipalities for the management of public forest reserves. In Ontario, a similar interest led to the creation of a pilot program on

community forests and to the inclusion in the *Crown Forest Sustainability Act* of provisions for the participation of Local Citizens Committees in forest management.

4. Aboriginal concerns are coming to the forefront, with Aboriginal efforts to secure more lands and obtain increased legal rights to forest resources as well as the right to manage their own forest resources on reserve lands being successful in several provinces. The 1992 National Forest Strategy includes commitments to promote Aboriginal involvement in forestry and certain provincial forest legislation is beginning to acknowledge Aboriginal rights (specifically, Ontario). In several provinces, separate consultation processes with Aboriginal people are being developed; the identification and mapping of traditional use sites is progressing and co-management agreements are multiplying. Respect for Aboriginal rights is a key component of all international forestry initiatives discussed earlier.
5. with growing recognition of the role (in terms of timber supply, economic development and environmental benefits) played by private woodlots, issues of forest management on private lands are attracting increased attention on the part of the forest community. A trend towards regulation of private forests is noticeable at the municipal level, notably in Quebec. The provincial government in British Columbia has also implemented legislative reforms which have the potential to increase provincial control over private woodlots.

ANNEX

Chronological Listing of Canadian Forest Legislation from 1867 to 1996

FEDERAL AND TERRITORIAL LEGISLATION

- 1849 **Crown Timber Act**, S. Prov. C., 1849, c. 30) Consolidated previous legislation, which had addressed, *inter alia*, quality standards, licensing, rents and timber transport. First effort to prevent encroachment on areas covered by timber licences. Provided for the payment of ground rent and timber dues.

Regulation for Revenue Era

- 1872 **Dominion Lands Act**, S.C. 1872, c. 23) Designed primarily to promote settlement, the Act provided that small stands of timber would be shared among landholders, and included a system of 21-year renewable licences, requiring saw mill construction and the payment of ground rent and royalties.
- 1876 **The Indian Act, 1876**, S.C. 1876, c. 18) Provided that the Superintendent-General or any authorized agent may grant licences subject to conditions and regulations which may be adopted. Licence limited to one-year term. Included provisions regarding, *inter alia*, reporting requirements, payment of dues, and seizure of timber illegally cut or on which dues were owing.
- 1883 **The Dominion Lands Act, 1883**, S.C. 1883, c. 17) Replaced 21-year licences with one-year renewable licences. Reserved timber from land grants, created licensing system for cutting on Crown lands (permits for small areas, licensed berths for larger areas), established size limits on areas to be cut, established annual fees based on a percentage of the selling price.
- 1901 Order-in-Council provided that one person or company could not hold more than five berths of five miles each. Required licensee to operate sawmill for at least six months of the year.

Conservation Era

- 1906 Federal government sponsored first National Forestry Congress in Ottawa.
- 1906 **The Dominion Forest Reserves Act**, S.C. 1906, c. 14) Established 21 Dominion Forest Reserves in order to protect the resource for the purpose of maintaining a continuous supply of timber, to benefit water supply and to protect the animals, fish and birds within the reserves.

- 1911 ***The Dominion Forest Reserves and Parks Act***, S.C. 1911, c. 10) Provided for the setting apart of parks as well as forest reserves.
- 1920 Pulpwood berths authorized (first awarded in 1921).
- 1927 ***Dominion Lands Act***, R.S.C. 1927, c. 118) Provided for a system of timber berths, licences, and permits. Timber berths, acquired by public auction, entitled the holder to a licence. Berths were limited to 25 square miles in area unless held for pulpwood. One-year licences were renewable, as long as there was sufficient timber left on the berth to make it “commercially viable”. Included provisions for ground rent, royalties, and requirements for mill operation. Also provided for permit for special uses or for mill owners.
- 1930 Natural Resource Transfer Agreements (see Manitoba, Saskatchewan, and Alberta).
- 1949 ***The Canada Forestry Act***, S.C. 1949 (2d Sess.), c. 8) This Act replaced the *Dominion Forest Reserves Act of 1911*, and formed the basis for a number of programs which were cost-shared with the provinces.
- 1950 ***Territorial Lands Act***, S.C. 1950, c. 22) The Territorial Timber Regulations, promulgated under this Act, provided for timber permits, and 10-year Timber Harvesting Agreements.
- 1951 ***The Indian Act***, S.C. 1951 (1st Sess.), c. 29) Rewritten *Indian Act* did not include the previous section on Timber Lands, and instead provided that the Governor-in-Council may make regulations authorizing the Minister to grant timber licences for surrendered or reserve lands, and imposing terms and conditions on those licences. The first Indian Timber Regulations were promulgated in 1954, and remain the only management regime which applies to reserve lands. These regulations provide for the issuance of timber permits to a band or band member, and one-year renewable licences.
- 1960 ***Department of Forestry Act***, S.C. 1960, c. 41) Constituted the Department of Forestry, and provided that the Minister was responsible for all matters relating to forests within the jurisdiction of the federal government, including research into the protection, management and utilization of forest resources, measures to encourage public co-operation in the wise use of the resource, the entering into of agreements with provinces, the carrying out of surveys, and the management, protection and disposition of timber administered by federal government.
- 1966 ***The Forest Development and Research Act, Being s. 26 of The Government Organization Act, 1966***, S.C. 1966-67, c. 25) Provided that the Minister shall provide for research in forestry and silviculture, may undertake economic studies, and may inaugurate conferences. Provided that the Governor-in-Council may establish Forest Experimental Areas and make regulations with respect to these.

Sustainable Forest Management

- 1989 ***Department of Forestry Act***, S.C. 1989, c. 27) Consolidated legislation regarding the Department and research, and imposed additional duties on the Minister, such as coordinating the development of policies, promoting codes and standards, and having regard to the integrated management and sustainable development of Canada’s forest

resources.

1994 ***Department of Natural Resources Act***, S.C. 1994, c. 41) Provided for the creation of the Department of Natural Resources, with authority to carry out activities previously undertaken by the Minister of Forests.

NORTHWEST TERRITORIES

Forest Management Era

- 1986 ***Forest Management Act***, S.N.W.T. 1986(2), c. 3) This is N.W.T. legislation which signalled the beginning of territorial management of forests. It applies only to the N.W.T., leaving the Yukon under federal management (through the Yukon Timber Regulations under the *Territorial Lands Act*). The Act provides that the Minister may enter into forest management agreements with individuals, firms or other governments. Permits and licences may be issued by a Forest Management Supervisor, who has the authority to prescribe terms and conditions of licences and permits.
- 1991 Canada-Northwest Territories Cooperation Agreement in Forestry signed, worth \$2.7 million, expired in 1996.

YUKON

Forest lands managed under the federal *Territorial Lands Act*.

1991 Canada-Yukon Cooperation Agreement: Forest Development, worth \$2.7 million, expired in 1996.

NEWFOUNDLAND AND LABRADOR

Regulation for Revenue Era

- 1875 **Crown Lands Amendment Act**, S.N. 1875, c. 3) Created a system of timber licences, renewable annually.
- 1884 **An Act to amend and consolidate the Several Acts respecting Crown Lands and for other purposes**, S.N. 1884, c. 2) Twenty-one year licences not limited by area, required construction of a sawmill of a specified capacity.
- 1890 Ninety-nine year pulp and paper licences introduced, with requirements for the payment of ground rent but not stumpage.
- 1903 **Crown Lands Act, 1903**, S.N. 1903, c. 6) Established restrictions on the export of pulpwood.
- 1905 **The Pulp and Paper Act**, S.N. 1905, c. 10) Provided special pulpwood lease for the Anglo-Newfoundland Development Company, renewable on the same terms and conditions for additional 99-year terms.
- 1911 Separate sawmill and pulpmill licences replaced by a single 99-year, transferable general purpose timber licence.
- 1930 **The Crown Lands Act, 1930**, S.N. 1930, c. 15) Created one-year renewable licences sold by competitive auction, with increased royalty and stumpage rates. Made official the policy of exempting from regulation a three mile strip along the coast.
- 1951 **The Timber Licence (Reversion to the Crown) Act, 1951**, S.N. 1951, No. 82) Provided that if any terms and conditions of a licence issued prior to 1931 were not complied with by December 1951, the licence and all interests of the licensees would revert to the Crown.
- 1951 **The Crown Lands (Amendment) Act, 1951**, S.N. 1951, No. 86) First effort to regulate harvest from Crown lands, including the coastal strip, through the issuance of permits and appointment of scalers.

Conservation Era

- 1954 Royal Commission on Forestry established under Major-General Howard Kennedy. Its report recommended elimination of the coastal strip exemption, the regulation of harvesting on private lands, the creation of a Forest Service, and joint federal-provincial research into reforestation and management.
- 1961 **The Forests (Exchange and Acquisition) Act, 1961**, S.N. 1961, No. 48) Provided for the withdrawal of timber rights, with compensation, to allow them to be granted to another party.

Forest Management Era

- 1970 Report of the second Royal Commission on Forestry received. Focused on increasing supply through better utilization and reforestation, and suggested the creation of a Commercial Forest Corporation to manage both Crown and private lands.
- 1973 Report of the Newfoundland Federal-Provincial Task Force on Forestry recommended a major reforestation effort, rationalization of the sawmill industry and a new system of tenure.
- 1974 ***The Forest and Land (Management and Taxation) Act, 1974***, S.N. 1974, No. 59) Aimed at encouraging the management of privately held lands, the Act required management plans for certain lands over 300 acres, and imposed a tax to discourage the holding of large areas not in production.
- 1980 Canada-Newfoundland Forestry Subsidiary Agreement, 1980-1985) Fifty-two million dollars was planned in expenditures, shared 90/10 between the federal government and the province. Construction of access roads and reforestation efforts accounted for the bulk of the spending.
- 1980 A third Royal Commission was established to deal with Forest Protection and Management and to make recommendations on managing insect predation problems.
- 1986 Five-year Forest Resource Development Agreement signed by the province and the federal government under the Economic and Regional Development Agreement process.
- 1990 ***The Forestry Act, 1990***, S.N. 1990, c. 58) Established the Forest Service of Newfoundland, required the Minister to prepare a timber resource analysis and forest management strategy to be submitted for Cabinet approval, and required forest management districts to be managed in accordance with the principles of sustained yield management. Required licensees to enter into Forest Management Agreements. These agreements are for a 20-year term, to be reviewed every five years, and require a forest management plan. Also provided for timber sale agreements and cutting permits.
- 1990 Last Canada-Newfoundland Cooperation Agreement for Forestry Development signed. A five-year agreement worth \$64 million, shared 70/30 between Canada and the province.

PRINCE EDWARD ISLAND

Conservation Era

- 1938 Department of Agriculture initiated a program to train foresters to undertake stand improvement on certain private lands.
- 1951 ***The Forestry Act***, S.P.E.I. 1951, c. 12) Established the first licensing and permit system. Applied to yearly cuts of over 20 cords of pulpwood or pitprops.

Forest Management Era

- 1960s The government, with federal assistance, began to purchase private lands and undertake intensive forest management activities.
- 1973 Report of the Royal Commission on Land Ownership and Land Use recommended the Land Development Corporation consolidate woodlots and reserve them for future forest production, and the subsidization of lumber producers to allow them to compete for timber.
- 1982 Canada-Prince Edward Island Unemployment Insurance Forestry Job Creation Agreement signed. This agreement provided that UIC benefits could be received by claimants undertaking reforestation work.
- 1983 Canada-Prince Edward Island Forest Resource Development Agreement signed. Two-thirds of the \$20.1 million to be spent under this agreement was provided by the federal government. Called for forest management agreements to be concluded with small woodlot owners, with incentives for management activities.
- 1986 Release of a 20-year Forest Development Plan based on a 1982 Forest and Business Inventory. The plan provides a basis for a forestry program designed to increase employment, raise economic returns from the forests and enhance the ability of forests to provide multiple benefits.
- 1987 A Forest Policy for Prince Edward Island developed with public input. The policy led to the adoption of new forest legislation.
- 1988 ***Forest Management Act***, S.P.E.I. 1988, c. 27) Provided that the Minister is responsible for the conservation, management, protection and integrated management of forest land, and that the Minister will prepare and provide for a public review of a Forest Policy. The Minister is to encourage the management of private lands for the sustainable production of forest products in a manner consistent with the Forest Policy and the Provincial Conservation Strategy. Requires forest management plans for private lands to be reviewed by the government, and that a Crown Forest Land Management plan be prepared which includes an inventory, protection needs, 20-year planning objectives, management policies and priorities, operational plans and projections on silvicultural activities. Provides for the sale and lease of forest lands, forest product sales, and permits.

1988 Most recent Canada-Prince Edward Island Forest Resource Development Agreement, worth \$24 million, was signed. Expired in 1993.

NOVA SCOTIA

Regulation for Revenue Era

- 1884 ***Of the Crown Lands***, R.S.N.S. 1884, c. 9) Placed limits on the extent of lands to be granted for lumbering purposes (no more than 2000 acres unless Governor-in-Council is satisfied that more is required). Imposed penalty for cutting trees on ungranted lands.
- 1899 ***An Act respecting the leasing of Timber Lands***, S.N.S. 1899, c. 3) Allowed for the leasing of Crown land for timber removal through 20-year licences. Included first harvesting regulations (minimum diameter requirement), but limit could be reduced through payment of additional monies - essentially a revenue raising device. Included provision for ground rents. Also provided for special licences for those building pulp and paper mills. Minimum price set for leases. Provided Governor-in-Council with the power to purchase lands previously held for lumbering purposes.
- 1910 ***The Crown Lands Act***, S.N.S. 1910, c. 4) In an effort to address the fragmentation of land holdings, offered for sale any Crown land completely surrounded by private land. Also set out licensing system, and provided for reservation of lands if deemed expedient for the maintenance and preservation of forests. Duty of the Commissioner to maintain and conserve timber. Provision for requiring reporting on the quantity and type of timber cut. Provided for prohibition on exports by Governor-in-Council. Added volume based stumpage fees for timber removed from Crown lands.
- 1917 ***Land Tax Act***, S.N.S. 1917, c. 6) Added tax on timberlands of 200 ha or more held outside municipal boundaries.

Conservation Era

- 1926 ***The Land and Forests Act***, S.N.S. 1926, c. 4) Signalled beginnings of conservation. Gave Minister responsibility for conservation and preservation of forest and timber land. Created the Department of Lands and Forests, and established the basis of the current licensing system. Provided for one-year leases, with basic area price and stumpage fees. Prohibited the export of unprocessed or semi-processed pulpwood from public lands. Allowed for the leasing of inferior quality lands in exchange for land improvement, mill construction, or other activities.
- 1927 ***An Act to Amend c. 4, Acts of 1926, "The Land and Forests Act"***, S.N.S. 1927, c. 55) Dues and licence extensions to be at the discretion of the Minister.
- 1930 ***An Act to Amend c. 17, Revised Statutes 1923, "The Land Tax Act"***, S.N.S. 1930, c. 18) Required a licence to cut timber on any parcel of Crown or private land over 500 acres. Through this licensing power, the province prohibited the export of unprocessed pulpwood taken from private lands.
- 1934 ***An Act to Amend c. 17, Revised Statutes 1923, "The Land Tax Act"***, S.N.S. 1934, c. 17) The Act immediately above was repealed.

- 1935 ***The Land and Forests Act, 1935***, S.N.S. 1935, c. 4) Provided for the leasing of lands in exchange for a commitment to erect a mill or a pulp or wood products manufacturing facility.
- 1938 ***An Act to Amend c. 4 of the Acts of 1935, "The Land and Forests Act, 1935"***, S.N.S. 1938, c. 50) Provided penalty for felling of undersize trees.
- 1942 ***The Small Tree Conservation Act***, S.N.S. 1942, c. 6, proclaimed 1946) Provided for fines and jail terms for removal of undersize timber without a licence. Originally applied to areas greater than 500 acres. Significant because it applied to private land.
- 1942 ***An Act to Amend c. 4 of the Acts of 1935, "The Land and Forests Act, 1935"***, S.N.S. 1942, c. 39) Included reporting requirements for leasees and mill owners and operators.
- 1946 ***An Act to Amend and Consolidate c. 6 of the Acts of 1942, The Small Tree Conservation Act***, S.N.S. 1946, c. 6) Extended the Act to all operations involving more than 100,000 board feet. Required operations over 200,000 board feet to submit management plans, which the Minister must be satisfied are in accordance with good forestry practices with regard to the estimated annual growth and the principles of forest conservation and sustainable yield.
- 1950 ***An Act to Amend c. 6 of the Acts of 1946, the Small Tree Conservation Act***, S.N.S. 1950, c. 54) Amended to apply to any operation cutting over 50,000 feet per year.
- 1951 ***An Act to Amend c. 4 of the Acts of 1935, The Land and Forests Act, 1935***, S.N.S. 1951, c. 43) Provided for payment to municipality of five per centum of licence dues.
- 1958 ***Nova Scotia Pulp Limited Agreement Act***, S.N.S. 1958, c. 9) Provided the authority for an agreement to grant cutting rights, mill sites, water and other benefits in exchange for mill development. Required forest management plans and annual cutting plans, included fixed stumpage rates.
- 1965 ***Scott Maritimes Pulp Limited Agreement Act***, S.N.S. 1965, c. 15.
- 1965 ***Forest Improvement Act***, S.N.S. 1965, c. 7, not fully proclaimed until 1976) Aim was to provide a continuous supply of forest products in order to maintain employment and industry. Provided for regulations to improve management, established the Timber Loan Board, and authorized the creation of Forest Practices Improvement Boards. Included a moratorium on tax assessments for forestry lands, and required the registration of firewood purchasers.
- 1970 ***An Act to Amend c. 9 of the Acts of 1958, The Nova Scotia Pulp Limited Agreement Act***, S.N.S. 1970, c. 20) First attempt to implement financial incentives for management activities, provided for the rebate of stumpage payments in exchange for silvicultural treatments on Crown lands held under lease.
- 1972 ***Pulpwood Marketing Act***, S.N.S. 1972, c. 15) Authorized the creation of the Nova Scotia Pulp Marketing Board.
- 1974 ***An Act to Amend c. 163 of the Revised Statutes 1967, The Lands and Forests Act***, S.N.S. 1974, c. 18) Provided for agreements of up to 10 years between government

and companies. Used to implement enhanced utilization and management techniques in exchange for a supply of wood.

- 1977 **An Act to Amend c. 14 of the Revised Statutes 1967, The Assessment Act**, S.N.S. 1977, c. 22) Replaced land taxes on forest lands with a forest yield tax.

Forest Management Era

- 1977 Canada-Nova Scotia Subsidiary Agreement: Forestry, under the General Development Agreement. Provided for \$58 million in programs. Included a requirement that management plans be developed before assistance given to forestry work on private or Crown lands.
- 1978 Report of the Task Force on Wood Allocation and Forest Management in Nova Scotia.
- 1981 Canada-Nova Scotia Pulp and Paper Modernization Subsidiary Agreement) Provided \$21.2 million.
- 1982 Canada-Nova Scotia Forest Resource Development Agreement) A second agreement under the General Development Agreement, aimed at increasing the supply of softwood and improving utilization practices particularly on private lands. Provided funding for “Group Management Ventures”.
- 1982 Royal Commission of Forestry established, report delivered in 1984.
- 1983 Federal-Provincial Memorandum of Understanding Concerning the Co-ordination of Forest Research.
- 1984 Canada-Nova Scotia Forest Renewal Agreement) A three-year subsidiary agreement under the new Economic and Regional Development Agreement framework, aimed at increasing supply of timber, particularly through reforestation on private lands.
- 1986 **Forests Act**, S.N.S. 1986, c. 10) Sets out the basics of the current management regime for public lands. Aimed at, *inter alia*, developing a healthier forest, encouraging the development and management of private forest land as primary source of forest products in the Province, and doubling forest production by 2025. Required Minister to endeavour to make “best economic use” of forests. Included principles of forest management.
- 1986 **Forest Enhancement Act**, S.N.S. 1986, c. 9) Replaced the *Forest Improvement Act*. Created the Advisory Forest Council and the Commissioner of Forest Enhancement.
- 1986 **An Act to Amend c. 15 of the Acts of 1972, the Pulpwood Marketing Act**, S.N.S. 1986, c. 52) Renamed the Nova Scotia Marketing Board as the Nova Scotia Primary Forests Products Marketing Board and gave it authority to resolve bargaining disputes between producers’ associations and buyers.
- 1987 **Crown Lands Act**, S.N.S. 1987, c. 5) Aimed at providing for the most effective utilization of Crown Lands. Set out the current tenure system. Crown Timber is disposed of by means of (a) Forest Utilization Licence Agreements, issued for a maximum period of ten years to owners or operators of wood-processing facilities, and

renewable for one 10-year term, (b) two-year licences, and (c) one-year permits.

- 1989 New Canada-Nova Scotia Cooperation Agreement for Forestry Development signed under Economic and Regional Development Agreement, provided funding of \$45 million to improve and maintain forest product utilization. Expired in 1991.
- 1991 Most recent Canada-Nova Scotia Cooperation Agreement for Forestry, worth \$98 million, was signed. Expired in 1995.
- 1993 ***An Act to Establish the Natural Resource Advisory Council***, S.N.S. 1993, c. 9)
Replaces the Advisory Forest Council with a Natural Resource Council to advise Minister on an integrated approach to Crown land management, forestry and other resource matters, biological diversity and ecosystem processes.

NEW BRUNSWICK

Regulation for Revenue Era

1870s First stumpage charges introduced.

Conservation Era

- 1883 First effort to regulate cutting and harvesting practices. Regulations included minimum diameter size restrictions and 10-year lease terms. Terminated policy of granting lands in fee simple.
- 1884 ***An Act to provide for the Survey, Reservation and Protection of Lumber Lands***, S.N.B. 1884, c. 7) Provided for the surveying and setting apart of Timber Lands.
- 1897 ***An Act relating to the Issue of Timber Licences***, S.N.B. 1897, c. 3) Provided for 25-year licences, but area and stumpage rates were subject to change.
- 1902 ***The Provincial Park Act***, S.N.B. 1902, c. 6) Provided authority for the creation of a provincial park by Order-in-Council.
- 1902 ***An Act relating to the Crown Timber Lands of the Province***, S.N.B. 1902, c. 7) Provided for the granting of 999 leases to any party willing to invest over \$2 million in capital expenditures.
- 1906 ***Public Domain Act***, S.N.B. 1906, c. 31) Provided for the first large scale survey of Crown lands and the rationalization of forest conservation practices.
- 1907 Provincial Forestry Convention held at Fredericton.
- 1908 Forestry Department opened at University of New Brunswick.
- 1911 ***An Act respecting the manufacture of Spruce and other Pulp Wood Cut on Crown Lands***, S.N.B. 1911, c. 10) Prohibited the export of unprocessed pulpwood.
- 1913 ***An Act respecting the Crown Timber Lands of the Province***, S.N.B. 1913, c. 11) This legislation was an effort to encourage the pulp and paper industry by increasing the security of tenure. Allowed for the renewal of licences as Sawmill or Pulp and Paper licences. Pulp and paper licences were for a 30-year term, renewable for an additional 20 years, and required annual bonus payments which were to be set by Cabinet. These licences required construction of a mill within three years, but the manufacturing requirement was reduced to 50%. Sawmill licences were for a period of 20 years, renewable for an additional 10 years.
- 1918 ***Forest Act***, S.N.B. 1918, c. 14) Created the New Brunswick Forest Service, whose duties included protection of the woods from fire, maintenance of improvements, and reforestation.
- 1926 Royal Commission in Respect to the Lumber Industry appointed to investigate the decline of the industry and to make recommendations on whether stumpage should be

reduced. The Commission's report, issued in 1927, urged the reduction of the minimum diameter limit, the reduction and five-year freezing of stumpage charges, and the promotion of the pulp and paper industry.

- 1927 ***An Act relating to timber licences***, S.N.B. 1927, c. 27) Pulp and paper licences set to expire in 1933 were to be renewed for 50 years and sawmill licences renewable for 30 years.

Forest Management Era

- 1937 ***An Act to amend c. 30 of the Revised Statutes 1927, the Crown Lands Act***, S.N.B. 1937, c. 15) Required detailed forest management plans to be submitted with any application for permits to cut small diameter timber. The first step in large scale forest management. Also, authorized Crown purchase of "wild lands".
- 1937 ***An Act To Revest In The Crown Abandoned Lands***, S.N.B. 1937, c. 47) One of two acts passed that year to enable the Crown to regain control over forest lands.
- 1948 ***An Act to amend c. 30 of The Revised Statutes 1927 respecting The Crown Timber Lands***, S.N.B. 1948, c. 18) Extended forest planning requirements from undersize permits to any licensed area.
- 1953 ***An Act Extending the Renewal Period of Certain Sawmill and Timber Licences***, S.N.B. 1953, c. 12) In the regulations under this Act, annual harvest schedules were required to be completed for yearly renewal of licences.
- 1955 New Brunswick Forest Development Commission established. While it was expected to re-examine policies relating to management, protection and development of the resource, as well as marketing arrangements and increased yield, its recommendations focused on rationalizing processes to match resources and industry requirements. The new legislation passed in the early sixties incorporated few of the recommendations.
- 1961 ***An Act to amend the Crown Lands Act***, S.N.B. 1961-62, c. 7) Created Forest Management Licences with maximum term of 50 years. Prohibited the accumulation of land in excess of what the Minister considered sufficient to maintain raw material needs on a sustained yield basis.
- 1971 Creation of the New Brunswick Forest Resource Study under R.F. Tweeddale. The report was delivered in 1974, and argued for improved utilization and silviculture activities to increase the material available to industry. It also recommended increased provincial activity through management and taxation policies involving both public and private lands.
- 1976 The provincial government issued a Statement of Policy on Industrial Forest Development, a ten-point document which adopted many recommendations of the study group. Included a shift to volume-based licences, a statement that companies were expected to utilize mainly private lands, and required intensive forestry practices on private land as a prerequisite for obtaining access to any Crown timber.
- 1980 Canada-New Brunswick Pulp and Paper Agreement provided \$42.2 million to the industry for modernization.

- 1980 ***Crown Lands and Forest Act***, S.N.B. 1980, c. C-38) Did not take effect until 1982. Provided that the Minister was responsible for the development, utilization and integrated management of resources on Crown lands. Stated that the Minister shall encourage management of private lands as primary source of production. Cancelled all licences as of 1982 and replaced them with a new system of licences and sub-licences. Twenty-five year Forest Management Licences were created, renewable every five years. Ten major users were given area based licences. Required timber licensees to enter into Forest Management Agreements, which required 25-year industrial plans, 25-year management plans and five-year operating plans to be submitted to the Minister.
- 1983 Provincial policy statement on the need for intensive forest management issued by the Minister of Natural Resources.
- 1984 Canada-New Brunswick Forest Renewal Agreement signed. Under the Economic and Regional Development Agreement process, the 77.4 million agreement focused especially on silviculture activities.
- 1989 Last Canada-New Brunswick Cooperation Agreement on Forest Development, worth \$91 million, was signed. Expired in 1994.

QUEBEC

Regulation for Revenue Era

- 1865 ***An Act to provide for the Preservation of Standing Timber***, S. Prov. C. 1865, c. 53) Provided for the creation of forest reserves, but these were not established. Federal legislation which applied only to Lower Canada.
- 1868 Twenty-one year licences issued by Order-in-Council. Government could change stumpage fees only once during the term.
- 1882 ***An Act to encourage the planting of forest trees***, S.Q. 1882, c. 13) Offered Crown lands in exchange for replanted lands.
- 1883 ***An Act to further amend chapter 23 of the Consolidated Statutes of Canada, respecting the sale and management of timber on public lands, and the Acts amending the same***, S.Q. 1883, c. 9) Provided for the setting apart as Forest Reserves all ungranted Crown land except that which had no merchantable pine or spruce.
- 1888 1868 licences renewed for another 21 years.
- 1890s Quebec began to establish a provincial park system.

Conservation Era

- 1910 ***An Act to amend the acts 6 Edward VII, c. 4, and 8 Edward VII, c. 5***, S.Q. 1910, c. 3) Provided for the imposition of manufacturing requirements through regulations.
- 1910 ***An Act to grant a subsidy to aid in establishment and maintenance of forestry education in the Province of Quebec***, S.Q. 1910, c. 2) Laval University Forestry School established.
- 1945 ***An Act respecting the Industrial Stability and Progress of Quebec***, S.Q. 1945, c. 29) See below.
- 1946 ***An Act to provide for a rational exploitation of certain forest lands***, S.Q. 1946, c. 25) Together with the act immediately above, attempted to rationalize and consolidate holdings of large companies to improve utilization.
- 1947 ***An Act respecting the utilization of timber cut on Crown lands***, S.Q. 1947, c. 36) Required further processing of most wood before export.
- 1947 ***An Act to authorize a general inventory of the forest resources of the province***, S.Q. 1947, c. 35.
- 1954 Imposed special tax on logging profits.
- 1956 Régie du papier established to regulate newsprint prices.

- 1961 ***An Act for the salvage of wood on lands required for the hydro-electric development of the Manicouagan and Outardes rivers***, S.Q. 1960-61, c. 46) Established l'Office pour la récupération du bois dans les terrains requis pour l'aménagement hydro-électrique des rivières Manicouagan et aux Outardes to address logging of areas to be flooded by the Manicouagan Hydro-electric diversion.
- 1961 ***An Act to authorize the expropriation of certain timber limits of the province***, S.Q. 1960-61, c. 47) Expropriated timber limits in the Gaspé region.
- 1963 Green paper Commissioned. 1965 report: Exposé sur l'Administration et la Gestion des Terres et Forêts du Québec. Overall review of forest policy. Recommended timber limits be put under government control to allow for harvest planning and silvicultural activities. Implementation of the reforms was delayed until the early 1970s.
- 1969 L'Office pour la récupération du bois dans les terrains requis pour l'aménagement hydro-électrique des rivières Manicouagan et aux Outardes renamed the Société de récupération et d'exploitation forestières du Québec (REXFOR). In addition to logging areas affected by hydro developments, the agency was responsible for promoting silviculture on Crown Lands.
- 1971-72 White Paper on Forest Policy delivered in two parts: Exposé sur la Politique Forestière: Tome I - Prospective et Problématique and Exposé sur la Politique Forestière: Tome II - Réforme et Programme d'Action.

Forest Management Era

- 1974 ***Lands and Forests Department Act***, S.Q. 1974, c. 26) See below.
- 1974 ***An Act to amend the Lands and Forests Act***, S.Q. 1974, c. 28) These acts together implemented many reforms from the White Paper, with the phasing out of existing timber limits. Compensation was to be provided to the rights holders, including both the value of works and inventories, and an adequate supply of materials to meet the need of any processing plant previously served by the tenure. Industry resisted, compensation was expensive, and reforms proceeded only slowly, with only one-quarter of the timber concessions revoked by 1984.
- 1974 First Canada-Quebec Subsidiary Agreement on Forest Development signed. Amended in 1977 to bring total funding to \$138.3 million. Aimed at improving accessibility to the forest resource and at improving the quality of the resource by reforestation and silviculture on public and private lands.
- 1977 Ministerial committee established to develop a strategy for upgrading the industry, and a legislative committee set up to investigate the industry.

- 1978 Quebec set up subsidy program to encourage the modernization of the industry.
- 1979 Amendment and renewal of the 1974 Canada-Quebec Subsidiary Agreement on Forest Development for a further five-year period. Worth \$184 million.
- 1985 White Paper Released - Building a Forest for Tomorrow: The Forest Policy. It recommended changing the system of forest land tenure and management.
- 1985 New Canada-Quebec Subsidiary Agreement on Forest Development signed under the Economic and Regional Development Agreement. The \$300 million program is aimed at intensifying forest management in order to ensure the long-term availability of timber supplies.
- 1986 **Forest Act**, S.Q. 1986, c. 108 (S.R.Q. c. F-4.1)) Abolished all existing licences without compensation, and established Timber Supply and Forest Management Agreements. Twenty-five year evergreen terms, renewable every five years. General and five-year management plans to be submitted to the Minister, and forest management activities to be carried out in compliance with regulated standards of forest management. Required reforestation of all land at the holder's expense.
- 1987 New fee system of stumpage based on market value minus reforestation costs implemented, although rebated because of federal export duty.
- 1992 Last Canada-Quebec Subsidiary Agreement on Forest Development, worth \$136 million, was signed. Expired in 1996.
- 1994 Amendments to the *Forest Act*) Increase public participation in the preparation of forest management plans and provide for management of public forest reserves by local municipalities.
- 1996 Amendments to the *Forest Act*) Insert a preliminary provision defining the aim of the Act as being to enhance sustainable forest management in accordance with the Criteria and Indicators of Sustainable Forest Management adopted by the Canadian Council of Forest Ministers. Establish a forest fund to finance forestry operations. Contain significant provisions with respect to the management of private forests and municipal management of public forests.

ONTARIO

Regulation for Revenue Era

- 1868 ***The Free Grants and Homesteads Act of 1868***, S.O. 1868, c. 8) Required payment of dues for lumber cut by settlers. Provincial policy of using timber revenues to finance road construction for new settlement areas adopted. Timber duties raised and new timber regulations enacted.
- 1883 Report on the Necessity of Preserving and Planting Trees. Led to the establishment of Arbor Days.
- 1883 ***Ontario Tree Planting Act, 1883***, S.O. 1883, c. 26) Developed system of payments to municipalities who agreed to plant trees.
- 1892 Royal Commission appointed to look at creation of system of forest reserves and parks. Report urged more careful management to protect resource base and avoid waste.
- 1892 Province began to issue permits for pulpwood.
- 1896 ***An Act relating to Crown Timber***, S.O. 1896, c. 12) Provided for 21-year agreements with pulpmills to supply wood in exchange for the construction of certain facilities and the maintenance of certain employment levels.
- 1897 Royal Commission on Forest Protection established under F.W. Rathbun. Argued in favour of a timber reserve system for Southern Ontario.

Conservation Era

- 1898 ***The Forest Reserve Act***, S.O. 1898, c. 10) Implemented Royal Commission's recommendations by providing Cabinet with the authority to set aside public lands as forest reserves for the purpose of ensuring future timber supplies.
- 1898 ***An Act respecting the Manufacture of Pine cut on the Crown Domain***, S.O. 1898, c. 9) In response to United States tariffs, required processing in the province of timber cut on Crown land.
- 1903 All pulpwood agreements cancelled, had not been fulfilled because of punitive American tariffs.
- 1904-10 Province hired first professional forester and established the Faculty of Forestry at the University of Toronto.
- 1911 ***The Counties Reforestation Act***, S.O. 1911, c. 74) Beginning of "Agreement Forests" with local governments. Later extended to private lands. Encouraged reforestation and management of lands for forestry purposes, with management functions being assumed by the provincial government.
- 1924 ***The Mills Licensing Act***, S.O. 1924, c. 17) Provided that the Minister could issue operating licences in his discretion, with the Lieutenant-Governor-in-Council to make

regulations regarding terms and conditions. Used to subsidize the location of the pulp and paper industry.

- 1929 ***The Pulpwood Conservation Act***, S.O. 1929, c. 13) Required pulp companies to submit management plans and to manage for sustainable yield. Aimed at northern areas of the province.
- 1936 ***Forest Resources Regulation Act***, S.O. 1936, c. 22) A highly controversial piece of legislation which allowed for the reallocation of timber rights from non-producing companies to others, and for the increase in stumpage charges payable by any company.
- 1940 Royal Commission appointed to look into the bankrupt Abitibi Power and Paper Company.
- 1941 Select Committee into the forest industry and regulations. Minority report called for Forest Commission.
- 1946 Royal Commission on Forestry led by Major-General Howard Kennedy. The report identified poor utilization of the resource as the most immediate threat. It called for better policing of forestry activities, implementation of sustainable yield principles, and a review of the licensing system.

Forest Management Era

- 1947 ***The Forest Management Act, 1947***, S.O. 1947, c. 38) Required detailed annual cutting plans to be submitted to and approved by the Minister. Replaced 21-year permits with 10-year permits renewable subject to Ministerial approval of management plans.
- 1952 ***The Crown Timber Act, 1952***, S.O. 1952 (1st Sess.), c. 15) Consolidated earlier statutes and gave legal effect to policies relating to eliminating waste and imposing uniform practices. Replaced the *Private Forest Reserves Act*.
- 1954 White paper on sustained yield forestry. Most recommendations were ignored.
- 1967 Forestry Study Unit established by the Department of Lands and Forests. Its report urged the adoption of incentives in the stumpage system to encourage compliance with government requirements, such as the full utilization policy.
- 1974 Cabinet approved the Forest Production Policy, aimed at meeting demand through to the year 2020.
- 1975 Government adopted the report of the Ministry of Natural Resources - Treasury Task Force which examined alternatives to the stumpage system but recommended its continued use.
- 1976 University of Toronto forester Ken Armson's report to the province recommending the integration of logging and reforestation through the development of 15-year evergreen licences, renewable every five years upon review of management practices.

- 1978 Canada-Ontario Forest Management Subsidiary Agreement under the General Development Agreement. A five-year agreement worth \$65 million.
- 1979 ***The Crown Timber Amendment Act, 1979***, S.O. 1979, c. 92) Implemented Armson's recommendation, establishing Forest Management Agreements, which provided for 20-year exclusive harvesting rights in exchange for complete management of the area, including reforestation. However, some stumpage deductions allowed for reforestation and road building.
- 1979 Canada-Ontario Pulp and Paper Facilities Improvement Sub-Agreement, a \$180 million agreement to provide funds to industry for modernization.
- 1984 A new Canada-Ontario Forest Resource Development Agreement under the Economic and Regional Development Agreement. A five-year, \$150 million program, about 90% of which was aimed at reforestation.
- 1985 Audit of forest management practices by University of New Brunswick professor Gordon Baskerville. In response to Baskerville's criticisms, the government established a task force to develop a new forest production policy, and established the position of Provincial Forester.
- 1991 Last Canada-Ontario Subsidiary Agreement on Northern Ontario Development, worth \$50 million, was signed. Expired in 1995.
- 1994 ***Crown Forest Sustainability Act***, S.O. 1994, c. 25) Replaced the Crown Timber Act. The Act's purpose is to provide for the sustainability of Crown forests in accordance with the objective to manage the forests to meet the social, economic, and environmental needs of present and future generations. Sustainability is to be determined by the Forest Management and Planning Manual, which will adhere to a number of principles including: the conservation of large, healthy and diverse forests and the maintenance of forest health through practices which emulate natural activities and avoid adverse effects. States that the Act does not affect Aboriginal or treaty rights, and provides for agreements with First Nations regarding sharing of some Ministerial authority regarding planning. Requires the establishment of local citizens committees to advise on management plans, and provides that the Minister may create forest management boards. Licences include supply agreements, sustainable forest licences (up to 20 years, renewable every five years) and five-year licences for designated purposes. Provides for the establishment of a Forest Renewal Trust fund and a Forestry Futures Trust fund.

MANITOBA

See federal section for relevant federal legislation prior to 1930.

1930 ***The Manitoba Natural Resources Act***, S.M. 1930, c. 30.

Conservation Era

- 1930 ***The Forest Act***, S.M. 1930, c. 14) Limited area of timber berths, which required sawmill construction within one year, the payment of ground rent, and dues. Created one-year licences renewable annually for 15 years, and provided that pulpwood licences required mill operation or posting of a \$50,00 bond and approval of the legislature. Required pulpwood to be manufactured in Manitoba. Created the Forestry Branch and the Manitoba Forest Reserve System under the control of the Provincial Forester.
- 1932 ***An Act to amend the Forest Act***, S.M. 1932, c. 12) Introduced Timber Sales - non-transferable licences to cut amounts whose royalties would not exceed \$25,000 annually.
- 1933 First provincial forest inventory.
- 1938 The Forests of Manitoba study completed by the Provincial Forester, setting out the policies which guided the department until the 1960's. The study recommended increased fire prevention activities, improvements to the Forest Service, better utilization practices and the creation of additional forest reserves.
- 1940 ***An Act to amend the Forest Act***, S.M. 1940 (1st Sess.), c. 19) Gave authority to licence sawmills.
- 1947 ***An Act to amend the Forest Act***, S.M. 1947, c. 16) As part of the general move away from strict conservation towards forest management, authorized the exchange of lands to ensure that timber suitable for lumber was not being utilized by pulpwood operations.

Forest Management Era

- 1952 ***An Act to Amend the Forest Act***, S.M. 1952 (1st Sess.), c. 25) Required management on a sustained yield basis and the submission of management plans, and set out a full utilization policy.
- 1955 ***An Act to Amend the Forest Act***, S.M. 1955, c. 22) Provided for the exchange of pulpwood berths for 21-year renewable Forest Management Licences.
- 1963 The report of the Committee on Manitoba's Economic Future suggested the forest resource could support a "five-fold increase in output" if aggressive development policies were developed.
- 1964 ***The Forest Act***, S.M. 1964 (1st Sess.), c. 19) Aimed at promoting investment, this act replaced the 1930 legislation. It stated that timber cutting rights were to be granted in

such a manner and by such means as to secure the maximum benefit to the forest industry. Provided for 20-year FMLs renewable for another 20 years, the expansion of timber rights with industrial growth, and all revenue raising devices (rents, fees, etc.) to be determined by Cabinet discretion.

- 1968 **An Act to amend the Forest Act**, S.M. 1968, c. 24) Established a quota system for sales and created Public Management Areas.
- 1976 Subsidiary Agreement: Canada-Manitoba Northlands, under the General Development Agreement. This was succeeded by a five-year Northern Development Agreement. Neither focused particularly on forestry, but there were some forestry expenditures.
- 1980 Timber quota system expired and replaced by Timber Allocation System, which included a provision for renewal every five years if performance reviewed and approved by government.
- 1981 The Manitoba Forest Management Plan 1981-2000 completed.
- 1984 Canada-Manitoba Forest Renewal Agreement signed under the Economic and Regional Development Agreement, worth \$27.16 million, leading to a significant increase in reforestation and intensive management practices.
- 1990 Last Canada-Manitoba Partnership Agreement in Forestry signed. A five-year agreement worth \$30 million, expired in 1995.
- 1990 **The Forest Amendment Act**, S.M. 1989-90, c. 40) Provided for forest renewal charges and forest renewal work to be required by the Minister.

SASKATCHEWAN

See federal section for relevant federal legislation prior to 1930.

- 1930 ***An Act to ratify a certain Agreement between the Government of the Dominion of Canada, represented therein by the Honourable Ernest Lapointe, Minister of Justice, and the Honourable Charlee Stewart, Minister of the Interior, of the first part, and the Government of the Province of Saskatchewan, represented therein by the Honourable James Thomas Milton Anderson, Premier and Minister of Education of the Province, and the Honourable Murdoch Alexander MacPherson, Attorney General, of the second part***, S.S. 1930, c. 87.

Conservation Era

- 1923 ***The Timber Taxation Act***, S.S. 1923, c. 14) Imposed tax per acre on holders of timber areas or timber berths. The Lieutenant-Governor-in-Council could exempt wood used by settlers, or rebate a portion of the tax.
- 1931 ***The Forest Act, 1931***, S.S. 1931, c. 15) Created one-year renewable pulp and timber licences, fixed rental and stumpage rates, mill licencing requirements, permits for small users. Did not radically depart from the previous Dominion legislation. Designated provincial forests.

Forest Management Era

- 1947 Report of the Royal Commission on Forestry Relating to the Forest Resources and Industries of Saskatchewan.
- 1948 Forest management division of the Department of Natural Resources created. This division moved to establish Working Circle Areas in the province, and to develop annual allowable cuts and harvesting plans.
- 1948 ***An Act to Amend the Forest Act***, S.S. 1948, c. 18) Appointed the Saskatchewan Timber Board, a division of the Saskatchewan Lake and Forest Products Corp., as an agent of the Minister for the purpose of developing and utilizing the forest resources of the province.
- 1953 ***An Act to Amend the Forest Act***, S.S. 1953, c. 20) Required the disposal of timber rights in accordance with Forest Management Plans.
- 1956 Federal-provincial agreement to fund the Saskatchewan Forest Inventory 1947-1956.
- 1959 ***The Forest Act, 1959***, S.S. 1959, c. 96) Established forest management licences to replace the old timber berth system, with 20-year Forest Management Licences to large firms, Timber Sale system for 5-year periods, and one-year cutting agreements and timber permits for small users.

- 1973 **An Act to amend the Forest Act**, S.S. 1973, c. 41) Required reforestation plans in licence agreements, and enabled government to increase revenue by replacing area based tenures with volume based quota system.
- 1979 \$24 million Subsidiary Agreement on Forest Development signed under the General Development Agreement process.
- 1983 Provincial government completed 20-year forest management strategy.
- 1984 Canada-Saskatchewan Forest Resource Development Agreement under the Economic and Regional Development Agreement worth \$28 million, was signed.
- 1987 **The Forest Amendment Act, 1987**, S.S. 1986-87-88, c. 43) Minister may require fee for reforestation payable to the Crown or to a renewal fund.
- 1990 Last Canada-Saskatchewan Partnership Agreement on Forestry signed. A five-year agreement worth \$30 million, expired in 1995.
- 1996 **Forest Resources Management Act**, S.S. 1996, c. F-19.1) Based on the concept of sustainable development, the Act addresses conservation, management and development. Introduces a new tenure system, providing for three types of licences: (a) 20-year Forest Management Agreements renewable every five years, (b) 10-year term supply licences and (c) one-year Forest Product Permits. Twenty-year forest management plans prepared by FMA holders require an Environmental Impact Assessment. Requires the tabling in the legislature of State of the forest reports, the establishment of a Provincial Forest Policy Advisory Committee as well as local forest management committees, and the preparation for each management unit of integrated forest land use plans.

ALBERTA

See federal section for relevant federal legislation prior to 1930.

1930 ***The Alberta Natural Resources Act***, S.A. 1930, c. 21.

Conservation Era

- 1931 ***The Alberta Forest Reserves Act***, S.A. 1931, c. 44) Lieutenant-Governor-in-Council empowered to establish forest reserves for the maintenance, protection and reproduction of lumber, animals, birds and fish.
- 1931 ***The Provincial Lands Act***, S.A. 1931, c. 43) Basically continued the system of timber berths and permits which had been established under Dominion legislation. One-year licences for timber berth holders tied to establishment of a mill, and payment of rent and royalties. System included timber and pulpwood berths, permit berths and permits.
- 1947 Eastern Rocky Mountain Forest Conservation Board established jointly by the federal and provincial governments to address fire protection and regulation of harvesting.

Forest Management Era

- 1949 ***The Forests Act***, S.A. 1949 (1st Sess.), c. 43) Gave jurisdiction over the control and administration of public lands, timber and forest fires to the Department of Lands and Forests. Provided for timber berths and licences, as well as permits. Made first provision for forest management licence - the continuous leasing of a designated area as long as the holder practised sustainable yield forestry. Provided authority for the government to enter into agreements for the disposition of pulpwood with a company involved in manufacturing. Allowed for long term agreements in exchange for construction or manufacturing activities. All timber acquired under the Act, except for dry pulpwood, was to be manufactured in the Province.
- 1949 ***The Public Lands Act***, S.A. 1949 (1st Sess.), c. 81) Gave authority for the creation by Order-in-Council of a very large forest reserve in the North known as the "Green Belt" or "Green Area".
- 1950 ***An Act to amend the Forest Act***, S.A. 1950, c. 26) Required licence holders to submit annual cutting plans for approval and introduced manufacturing requirement on sawlogs.
- 1955 ***The Land and Forest Utilization Act***, S.A. 1955 (2d Sess.), c. 3) Established an interdepartmental committee to make recommendations on measures to preserve forests lands and regulate harvest.
- 1956 ***An Act to Amend the Forest Act***, S.A. 1956, c. 16) Extended provisions for pulpwood agreements in the 1949 legislation to timber suitable for plywood.
- 1961 ***The Forests Act***, S.A. 1961 (1st Sess.), c. 32) Provided three types of tenure: forest management leases, licences, and a variety of permits. Allowed for Ministerial

discretion in amending the terms and conditions of licences. FMA provision was simplified.

- 1962 **An Act to amend the Forest Act, 1961**, S.A. 1962, c. 22) Minister could only exercise amending power in the interest of good forest management upon 30 days notice or with consent of the licensee.
- 1965 **An Act to amend the Forest Act, 1961**, S.A. 1965, c. 31) Provided for the introduction of the volume-based quota system.
- 1968 **An Act to amend the Forest Act, 1961**, S.A. 1968, c. 32) Made provision for deciduous timber quota certificates, and for the calculation of coniferous and deciduous volumes within management units. Also stated that a FMA is designed to promote the growth and harvest of timber on a perpetual sustained yield.
- 1971 **Forests Act, 1971**, S.A. 1971, c. 37) Retained types of tenure and quota system.
- 1973 Federal participation in the Eastern Rockies Conservation Board ended.
- 1977 Policy for Resource Management of the Eastern Slopes adopted.
- 1979 Joint federal-provincial seven-year reforestation program established under the Maintaining Our Forests Program worth \$25 million.
- 1984 Canada-Alberta Forest Resource Development Agreement signed under the Economic and Regional Development Agreement for a five-year term worth \$23 million.
- 1991 Canada-Alberta Partnership Agreement in Forestry signed. A five-year agreement worth \$30 million, expired in 1995.
- 1994 Forest Resources Improvement Program introduced a program funded under the Environmental Protection and Enhancement Fund established pursuant to the **Environmental Protection and Enhancement Act**, S.A. 1992, c. E-13.3.

BRITISH COLUMBIA

- 1865 Land Ordinance made official Crown policy of leasing timber and imposing rents and terms.
- 1875 ***The Land Act, 1875***, S.B.C. 1874-75-76, c. 5 replaced the Land Ordinance.
- 1884 ***The Timber Act, 1884***, S.B.C. 1884, c. 32) Required licences to harvest and imposed a fee based on the volume of the cut. Provided penalties for cutting without a licence. No licences to be issued for areas greater than 1000 acres, or for longer than four years.
- 1886 ***The Timber Act, 1886***, S.B.C. 1886, c. 22) Provided for licences which were not limited in area.
- 1887 ***An Act to amend the Land Act, 1884***, S.B.C. 1887, c. 17) Prohibited the sale of Crown lands chiefly valuable for timber. Every Crown grant to reserve timber (other than for certain uses).

Regulation for Revenue Era

- 1888 ***Land Act***, C.S.B.C. 1888, c. 66) Consolidated the previous *Land Act* and the *Timber Act*. Provided for 30-year licences to be issued in exchange for a commitment to build a mill. Provided for ground rent, stumpage fees, various kinds of permits and licences for smaller areas.
- 1892 ***The Land Amendment Act, 1892***, S.B.C. 1892, c. 25) Set leases at 21 years, to be issued after competitive bidding, lower stumpage fees if commitment made to construct a mill cutting not less than 1000 feet per day for each 400 acres of land held under the lease.
- 1901 ***Wood Pulp Act, 1901***, S.B.C. 1901, c. 64) Provided for 21-year agreements regarding water rights between government and any company erecting a pulp mill.
- 1903 ***Land Act Amendment, 1903***, S.B.C. 1903-1904, c. 30) Established a schedule of taxes on timber, with rebates for that which was manufactured in the province.
- 1905 ***Land Act Amendment Act, 1905***, S.B.C. 1905, c. 33) In an effort to increase government revenues, eliminated leases, relying instead on transferable licences.
- 1906 ***Timber Manufacture Act, 1906***, S.B.C. 1906, c. 42) Timber cut on Crown land to be used or manufactured in the Province. Did not apply to timber cut on areas East of the Cascade Range.
- 1907 Order-in-Council reserving all unalienated land, in an effort to address the speculation and concentration of interests which resulted from the 1905 amendments.

Conservation Era

- 1910 Royal Commission on Timber and Forests in British Columbia, chaired by Fred J. Fulton, delivered its report.
- 1910 ***The Land Act Amendment Act, 1910***, S.B.C. 1910, c. 28) Most special licences became perpetual licences.
- 1912 ***Forest Act***, S.B.C. 1912, c. 17) Implemented many of the Royal Commission's recommendations, created the Forest Branch in the Department of Lands, standardized practices such as the creation of forest reserves and the grading of timber.
- 1914 ***Timber Royalty Act***, S.B.C. 1914, c. 76) Set out a schedule of royalties with increases up to 1954 based on the wholesale price of lumber.
- 1924 ***Forest Act Amendment Act, 1924***, S.B.C. 1924, c. 20) Repealed the *Timber Royalty Act* to allow for increased charges.
- 1930 ***The Railway Belt and Peace River Block Act***, S.C. 1930 (1st Sess.), c. 37) Federal legislation which required the Province to honour rights granted under the federal system of timber berth licences.
- 1937 Report on Forest Resources ("Mulholland Report") published. This report included findings from the forest inventory that there had been rapid depletion of the forest resource. It urged the government to move past forest protection to adopt sustained yield regulation.
- 1945 Led by Gordon Sloan, the second British Columbia Royal Commission into the forest sector delivered its report, adopting many of the ideas of the Mulholland Report.

Forest Management Era

- 1947 ***Forest Act Amendment Act, 1947***, S.B.C. 1947, c. 38) Created Forest Management Licences and public sustained yield units, each with an approved rate of harvest. Required approved management and working plans.
- 1957 Report of the third Royal Commission, also led by Sloan.
- 1958 ***Forest Act Amendment Act, 1958***, S.B.C. 1958, c. 17) Changed Forest Management Licences to 21-year Tree Farm Licences. Provided that stumpage rates were to be set by Forest Service assessment of value of timber less harvesting costs.
- 1964 ***Forest Act Amendment Act, 1964***, S.B.C. 1964, c. 21) Changes to Timber Sales licences included requirements for silviculture.
- 1974 Task Force on Crown Timber Disposal appointed, led by Peter Pearse. Produced two reports - one a review of the tenure system, the other an evaluation of the stumpage appraisal system.

- 1974 ***Timber Products Stabilization Act***, S.B.C. 1974, c. 115) Authorized the establishment of a Forest Products Board, but this was met with industry resistance and the board was never created.
- 1975 Fourth Royal Commission established, led by Pearse.
- 1977 Forest Policy Advisory Committee established to comment on the recommendations of the Royal Commission.
- 1978 ***The Forest Act***, S.B.C. 1978, c. 23) Rationalized various tenures into Timber Supply Areas, each with an annual allowable cut which was apportioned to various tenure holders. Imposed reforestation and silviculture obligations on tenure holders, with provision for compensation in the form of reduced stumpage or additional cuts. Tree Farm Licences became evergreen tenures of 25 years renewable every five years subject to satisfactory performance.
- 1978 ***The Ministry of Forests Act***, S.B.C. 1978, c. 27) Provided that the Minister's mandate is to plan the use of the forest to achieve integrated resource planning and management of forests.
- 1979 Canada-British Columbia Intensive Forest Management Subsidiary Agreement.
- 1980 Forest and Range Resources Analysis.
- 1985 Canada-British Columbia Forests Resources Development Agreement under the Economic and Regional Development Agreement. Worth about \$300 million, of which two-thirds was directed at backlog reforestation.
- 1987 ***Forest Amendment Act (No. 2)***, S.B.C. 1987, c. 54) Eliminated stumpage credits for silvicultural work, thereby shifting the cost of reforestation to industry.
- 1991 Last Canada-British Columbia Partnership Agreement on Forest Resource Development: FRDA II 1991-1995, worth \$200 million, was signed.
- 1994 ***Forest Practices Code of British Columbia Act***, S.B.C. 1994, c. 41) Enshrines principles of sustainable use of the forests, sets out principles and objectives for the use and management of provincial forests and wilderness areas, establishes operational planning requirements and codifies a variety of forest practices and standards. Creates a Forest Practices Board and a Forest Appeals Commission.
- 1994 ***Forest Land Reserve Act***, S.B.C. 1994, c. 40) Aims at protecting the commercial forest land base by creating a Forest Land Reserve and restricting the uses of that land.
- 1994 ***British Columbia Forest Renewal Act***, S.B.C. 1994, c. 3) Launches a Forest Renewal Plan and establishes a Crown corporation, Forest Renewal British Columbia.

CIRL Publications

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