

Directive No. 97-10 **Date** July 29, 1997

Subject **Timber Harvesting Rights within Non-Timber Land Dispositions**

To facilitate multiple use on Alberta Crown lands.

Purpose

To minimize conflict between different industrial and commercial land users.

Policy

Timber may be removed, under a timber license or permit, from Crown land under disposition for another use, subject to conditions set out by the Minister. Such conditions may include those necessary for the protection of the interests of the existing non-timber disposition holders. The rights to timber do not accompany some dispositions.

Range Management Plans (RMP) should facilitate the integration of range and timber values. New or updated plans will help to provide direction for any activities and operations that occur within grazing dispositions.

Until a Certificate of Title has been granted, all timber on land under an agreement to purchase remains the property of the Crown.

Procedure

Requests for timber permits or licences should be directed to the Forest Area Office. Area staff will check Land Status Automated System (LSAS) for the names and addresses of any related disposition holders who may be affected.

Input from other agencies will be invited for approvable requests. Fish & Wildlife will be contacted for their input. The special conditions requested through this referral process should be included, where practical, on the timber disposition certificate.

Timber Rights and Harvesting within Green Area Grazing Dispositions

Grazing dispositions do not convey any rights to timber. It is important to determine whether the timber rights have already been disposed. If the grazing disposition is a lease then it will not form part of a Forest Management Agreement (FMA) landbase. If a grazing licence is in place, the date of issuance must be compared to that of the FMA to determine if the licence is included in the FMA landbase.

Range improvements within the grazing permit or lease area may require timber to be removed. All merchantable volumes must be salvaged. If the demand is such that the Area Manager expects that it will be difficult to find anyone else interested in removing the timber volume, direct allocation to the grazing disposition holder may be appropriate.

Range management plans prepared for areas containing unallocated timber should recognize the potential for future timber disposition. Conditions that

would facilitate timber harvest should be included in the RMP. Input from local timber operators may be solicited to help develop these conditions.

The Area Office will encourage both the grazing disposition holder and timber permit applicant to contact one another. Where there is possible conflict between logging and grazing operations, the concerned parties should attempt to resolve the conflict themselves. The Area reserves the right to place restrictions on the timber permit to mitigate conflicts if resolution cannot otherwise be found.

A preliminary harvest plan outlining cut areas is to be prepared by the timber operator and forwarded to the Area Manager for any proposed timber harvest. Where possible, this plan should favour harvesting when livestock will be absent from the area (outside the grazing season). Harvesting plans and operations must conform to any existing RMPs.

The following special conditions must be attached to all timber dispositions:

1. All rights of the grazing disposition holder shall be respected.
2. All gates shall remain closed when not actively in use.
3. Fences shall not be disturbed without prior permission from the grazing disposition holder.
4. The timber permittee shall comply with any instructions received from the Forest Officer relating to the welfare of livestock within the grazing area.
5. The timber permittee must contact the grazing disposition holder at least 10 days prior to entry to discuss access and any other concerns.
6. The timber permittee is responsible for any necessary brush piling and/or burning prior to termination of the permit. This responsibility may be transferred to the grazing disposition holder. If the disposition holder agrees, a confirmation letter, stating this commitment, should be returned to the Area Office to be kept on file.

Reforestation & Reclamation Liability within Grazing Dispositions

Sustained yield timber production (SYTP) is not required on all forested Crown lands. There is no reason however why other land use activities can not co-exist with timber operations. Reforestation obligations will be imposed for harvesting any portion of the disposition designated for sustained yield timber production. The proper management of livestock (stocking levels, entry dates, and appropriate utilization, etc.) by the grazing disposition holder is absolutely essential and must be in place to ensure minimal damage to reforestation. Any reforestation or reclamation activities must conform to existing RMPs.

The Area must ensure all restoration and reclamation conditions noted in the timber permit are satisfactorily completed prior to termination. If a grazing opportunity existed prior to timber harvesting, that opportunity must exist after harvest completion.

White Area Dispositions

For information regarding the allocation and management of timber on White Area grazing dispositions, refer to Agriculture, Food & Rural Development's Department Policy Directive LMD 95-2.

Farm Development Sales

In the past, Farm Development Sales may have been purchased, but paid for in instalments over many years. As timber rights do not transfer from the Crown to the purchaser until the final payment has been made, a timber permit is required in order to harvest timber from these lands until the purchaser obtains the timber rights. Timber dues will be waived within these Farm Development Sales as the value of the timber was included into the original sale price of the land. Timber permit issuance is done by direct allocation to the purchaser. Holders of these lands must comply with all provisions of the Forests Act.

Public Lands Department must be contacted prior to any timber permit being issued on Farm Development Sales lands. Confirmation that a valid sales contract is in place, that the account is in good standing and that consent has been obtained in joint ownership situations will be determined by Public Lands Department staff.

Other Dispositions

Holders of Cultivation Permits, Farm Development Leases (with or without an option to purchase), Homestead Sales or any form of sale agreement may also be issued timber dispositions either by direct allocation or competitive bid. These holders must comply with all provisions of the Forests Act, and therefore are required to obtain a timber permit prior to harvesting any timber from that area.

Sand and Gravel Leases

Timber dispositions may be issued on Sand or Gravel leases unless:

- the timber rights have already been assigned, or
- the lessee owns the timber through payment of a full timber damage assessment, including the value of stumpage.

Authorities

Section 7 of the Forests Act - The Minister will administer and manage timber on public lands.

Section 95(4) of the Timber Management Regulation - Upon payment of a timber damage assessment the timber becomes the property of the person authorized to cut, damage or destroy it.

Contacts

Doug Sklar - 422-4590
Scott Milligan - 422-0329
