

OPASKWAYAK CREE NATION

Timber Permit Process

Authority

Section 32 of the OCN Land Code provides for granting of interests and licences.

Subsection 6.5(g) of Governing Use and Occupancy of OCN Lands provides for permits such as timber that requires a Band Council Resolution approved by absolute majority of Council.

Process

1. Proponent contacts the Lands Department requesting for harvesting of merchantable timber.
2. Lands Department reviews with the Proponent a forest inventory plan to check for merchantable timber.
3. Proponent is advised of requirements for a permit:
 - ▶ complete application for harvesting of resources. Harvest quantity is identified here. You go with your inventory plan. Class 4 is most merchantable.
 - ▶ cutting plan to be appended to the permit. Prepare and complete cutting plan prior to commencement period of permit. Cutting specifications require stump cut low enough to minimize waste and not higher than 30 centimeters. a purchase agreement between the proponent and the buyer to be appended to the permit.
 - ▶ a forestry inventory plan to appended to the permit. Outlines the approximate cut area that would be your land description of area.
 - ▶ an environmental assessment impact and mitigation plan is appended to the permit. Federal laws need to be looked at and referenced if applicable, ie: SARA. (You may need to use expertise in the environment portion. Use local knowledge, scientific knowledge from INAC/Environment, Tribal Council)
 - ▶ stumpage fees and restoration fees apply. These fees are based on provincial rates.
 - ▶ period (usually short term) to provide for the harvesting and clean-up.
 - ▶ remedial action.
 - ▶ dispute resolution.
 - ▶ monitoring for compliance.
4. The Lands Department reviews or double checks the application and all its supporting documentation, eg. Cutting plan, purchase agreement (this is to ensure all relevant information has been provided by the proponent in order to proceed with the application).
5. The Lands Department prepares package for the Land Authority Board Meeting (Issue Sheet stating the particulars of the applicant, including purpose and area applied for, type of interest, duration of interest, applicable fees). A draft Band Council Resolution is also appended to the Issue Sheet).

6. The Board reviews the information/application and makes a decision based on the information prepared by the Lands Department.
7. If the decision is to proceed, a Issue Sheet to the Chief and Council is prepared based on the Board's recommendation. A Band Council Resolution goes with this.
8. Land Manager presents the Issue to Council and answers any questions (if any).
9. Upon approval from the authority(ies), the Lands Department advises the proponent in writing of the decision, and requests for the proponent to attend the office to sign the permit. (May be at this point you can go over the permit (in summary) again so as to ensure compliance).
10. The First Nation authority signs the permit.
11. Application for Registration is prepared based on the document. (Make sure all appendices are attached to the Permit including the Band Council Resolution).
12. Send to First Nation Land Registry.
13. Upon receipt of the registered document from FNLR, disperse document to the proponent (in writing).
14. Monitor through desk and field work.

PLEASE NOTE: We were fortunate to base our timber inventory completed by Forestry Canada in 1995. If First Nations don't have forest inventory data/plan, then the First Nations Forestry Service should be contacted. This is the one Kerry Kipping is referring to. For our own forestry projects such as thinning the underbrush, it's proposal based. Perhaps, the First Nations should look into a proposal for forest inventory and management plan.