

Province of Nova Scotia



Population: 948,700¹

Area: 5 527 360 ha

Forests: 4 275 000 ha²

Ownership/allocation of forested lands:

Public: 1,994,000 ha (47%)

Private: 2,281,000 ha (53%)

Public forest land subject to forest management agreements: 604,000 ha

Parks and protected areas: 736,800 ha

1. Description

Situated on the south-eastern coast of the country, Nova Scotia's forests contain 35% hardwood species and 65% softwood species by standing volume. Part of the Acadian Forest Region, common species include spruce, balsam fir, white pine, maple and birch. Fifty-three percent of forest land in Nova Scotia is privately owned and forty-seven percent is owned by the provincial or federal government.

Nova Scotia's largest forest product export markets are the United States (54%), the European Union (16%), Turkey (7%), India (6%) and China (5%). Total forest product export sales in 2012 were \$384 million³. About half of Nova Scotia's harvesting is for pulp and paper production, although significant amounts of lumber are also manufactured. The United States and the rest of Canada are the primary market destinations for solid wood, pulp and paper products.

2. Forest governance

Public lands:

The Nova Scotia Department of Natural Resources (DNR) provides authority to harvest from provincial public (Crown) land under two Acts;

- [Crown Lands Act](#), and
- [Scott Maritimes Pulp Limited Agreement \(1965\) Act](#).

There are four forms of authority used in the *Crown Lands Act*; a letter of authority, a permit, a licence and a forest utilization licence agreement. The first two are often used for

¹ [Statistics Canada, 2012](#)

² Source of all forest area information: Province of Nova Scotia, 2012

³ Statistics Canada 2012. Trade data accessed via the World Trade Atlas, March 2013. Includes Harmonized System codes 44, 47 and 48

small sales. The latter are used with mill operators and producers of goods that may be exported.

The "Scott Act" referred to above is a special agreement made in 1965 with a specific company. The current successor to the original company is Northern Pulp Nova Scotia Ltd, which produces pulp for export to global markets.

Provincial Crown lands supply a small share (12 % in 2011) of the total timber harvest and only 15 mills had Crown timber rights in 2012. Companies with larger, multi-year timber harvest authority must obtain DNR approval for an Annual Operating Plan showing the type of harvesting and the planned locations of all operations. They must also provide an Annual Report with the locations of actual harvests completed. With the Department's consent, generally in the form of a letter, companies that hold Crown timber authority often sell or exchange portions of their harvest with other processors, based on species, grade or size.

Parks and protected areas

Nova Scotia's *Environmental Goals and Sustainable Prosperity Act* committed the province to legally protect at least 12% of its total land mass by the year 2015. Protected area declarations exclude economic development or extraction of the natural resources.

The Protected Areas Branch of the Nova Scotia Department of Environment is responsible for planning and managing Nova Scotia's [Wilderness Areas](#), [Nature Reserves](#) and [Heritage Rivers](#), and for encouraging and supporting [private land conservation](#). As of 2012, there were 40 Wilderness Areas and 22 Nature Reserve properties, totaling approximately 360,000 ha.

The Parks and Recreation Division of DNR is responsible for administering the *Parks Act*, the *Trails Act* and the *Beaches Act*. There are 312 Provincial Park properties totaling 33,000 ha.

As of 2012, 135,000 ha were protected as National Parks in Nova Scotia, 148,000 ha had legal designation as provincial or national wildlife management or sanctuary areas, and 60,800 ha were designated as domestic Water Supply Areas. Private lands can be legally protected through the *Provinces' Conservation Easement Act*.

On August 1, 2013, Nova Scotia released a [Parks and Protected Areas Plan](#), which will protect 13% of the province's landmass. The Plan will create four new Parks, 44 new Wilderness Areas and 118 new Nature Reserves.

Private lands:

Nova Scotia's [Land Registration Act](#) (2001) ensures that land owners in the province, including the Crown, are able to obtain a guaranteed title to a property. Under the Act, there is a process to resolve disputes of ownership between parties.

3. Forest management legislation and regulations

All lands:

- [Forests Act](#)
 - [Wildlife Habitat and Watercourses Protection Regulations](#): These regulations are specific to forest harvesting and specify performance and post-harvest requirements that operators must achieve on harvest sites larger than a specified size. They are applicable on all lands regardless of ownership.

- [Endangered Species Act](#): This provincial Act provides for the designation of a species status, and is in addition to Canada's national species at risk legislation. As of 2013, black ash (*Fraxinus nigra*) is the only tree species listed as 'Threatened' under this Act and its harvest is now prohibited. Products made in or exported from Nova Scotia containing black ash must only use wood obtained from other Canadian provinces.

Private lands:

- *Forests Act*
 - [Forest Sustainability Regulations](#): Any person attempting to place primary or secondary forest products grown in Nova Scotia into a market would be covered by these regulations unless the volume of products is below the size limit (see below). The *Forests Act* is enforced by the DNR. Due Diligence verification that a Registered Buyer⁴ is in compliance with the *Forests Act* and Forest Sustainability Regulations can only be provided by DNR, through the [Buyers Registry](#).

Those buyers who acquire more than 5,000 cubic metres/year of privately sourced wood for manufacturing or export must provide for silviculture treatments. These treatments must adhere to the amounts specified in the Regulations or the buyer must make a payment to a special fund. Failure to do so would be an offence under this Act.

Compliance monitoring, enforcement and penalties

DNR has the provincial administrative authority for forestry, provincial parks, wildlife management, minerals and the administration of Crown lands.

It is an offence under the *Crown Lands Act* to cut or damage timber other than has been authorized or to provide false information. DNR's regional field staff and conservation officers monitor and enforce activities on Crown lands to prevent the unauthorized harvest or theft of timber. To illustrate DNR's diligence in enforcing its Crown lands authority, between January 2007 and October 2012, DNR investigated 230 instances related to the cutting of timber, resulting in 135 warnings and 20 charges under the *Crown Lands Act* or the *Forests Act*.

Persons committing an offence under the *Crown Lands Act* may be subject to a penalty of double the value of timber, or if convicted a fine of not more than \$2,000 or imprisonment of up to six months. Persons or companies committing an offense under the *Forests Act* may be fined up to \$100,000 or imprisonment of not more than six months.

Persons or companies allocated Crown timber rights must pay stumpage (royalties) owed for timber products harvested. Failure to do so would be an offence. Failure to pay normally results in:

- i) imposition of interest charges on overdue amounts;
- ii) suspension of authority to continue to harvest; and
- iii) non-payment debts directed to the Department of Justice for collection, which includes a potential lien action.

⁴ Individuals and businesses who acquire primary forest products for processing into secondary products, export, sale as firewood, or production of energy.

Private landowners rely upon general civic or commercial law to protect their property from trespass or timber theft or to enforce the terms of a business transaction.

4. Timber processing legislation and regulations

As noted above, persons or companies allocated Crown timber rights must pay stumpage (royalties) owed for timber products harvested. In addition to stumpage requirements, timber processors must adhere to the following Act and regulations for wood sourced from all lands.

- *Forests Act*
 - [*Registration and Statistical Returns Regulations*](#): These regulations require that any person acquiring primary forest products must be registered and provide statistical information on the amount and source of timber acquired and what products were made from that timber. No timber products originating from timber grown in N.S. can be legally placed on the market without also having been reported by a Nova Scotia Registered Buyer. The names of Registered Buyers are published in an [Annual Report](#).
- [*Primary Forest Products Marketing Act*](#)
 - *Check-Off Regulations & Orders*: If the products that are harvested are pulpwood logs, pulpwood chips or sawlogs, and the products are sold between a producer and a manufacturer, then a levy specified under this Act would be owed and payable by the purchaser to the [Nova Scotia Primary Forest Products Marketing Board](#). Due diligence verification regarding any producers would need to be obtained from the Board itself or examining the buyer's submissions made to the Board.
- [*Scalers Act*](#): This Act specifies the manner by which round logs and other harvest products must be measured. Scaling is a regulated occupation in Nova Scotia, and this Act specifies the credentials required for persons who do so. An independent Board of Examiners provides for the training and licensing of timber scalers in the province.

5. Forest certification

As of 2016, five forest industry manufacturers and three woodlot owner organizations held third-party sustainable forest management certification on 1.3 million ha of land in Nova Scotia⁵. These forests were certified to at least one of three certification systems: the Canadian Standards Association (CSA), the Forest Stewardship Council (FSC) and the Sustainable Forestry Initiative (SFI).

6. Public engagement in forest management

The Government of Nova Scotia makes extensive use of public engagement in developing its various programs and policies.

⁵ [Certification Status Report, Nova Scotia-SFM-Year End 2016](#). www.certificationcanada.org.

[*The Path We Share, A Natural Resources Strategy for Nova Scotia 2011-2020*](#) is a 10-year plan for Nova Scotia's natural resources. It sets a clear direction for the future of Nova Scotia's natural resources. The province's environmental and economic goals include the adoption of strategies to ensure the sustainability of the province's natural capital in the areas of forests, biodiversity, geological resources and provincial parks. To reach this goal, DNR embarked on a comprehensive three phased strategy development process, built on a set of [Guiding Principles](#).

Phases 1 and 2 were managed by citizen volunteer bodies. Work was conducted at arms length from government to ensure citizen values and technical expertise were not unduly influenced by the department's perspectives. This unique strategy development process is a new way forward for government and citizens to work together.

In Phase 3, DNR staff led the process to develop a [Natural Resources Strategy](#), using the Phases 1 and 2 reports and in-house expertise.

The "Made-in-Nova Scotia Process" is the forum for the Mi'kmaq First Nations, Nova Scotia and Canada to resolve issues related to Mi'kmaq treaty rights, Aboriginal rights, including Aboriginal title, and Mi'kmaq governance. The process involves the Mi'kmaq of Nova Scotia as represented by the Assembly of Nova Scotia Mi'kmaq Chiefs and the provincial and federal governments.

In 2007, the parties signed the [Mi'kmaq-Nova Scotia-Canada Framework Agreement](#) for the Made-in-Nova Scotia Process. The Framework Agreement was an important milestone because it confirmed each party's commitment to work to resolve Mi'kmaq rights issues through negotiation in a spirit of reconciliation.

The Made-in-Nova Scotia Process is a comprehensive negotiation and one of the few that addresses an entire province. In 2010, the thirteen Mi'kmaq communities through the Assembly of Nova Scotia Mi'kmaq Chiefs signed a historic agreement with the Governments of Canada and Nova Scotia. The Mi'kmaq-Nova Scotia-Canada Consultation Terms of Reference lays out a consultation process for the parties to follow when governments are making decisions that have the potential to adversely impact asserted Mi'kmaq Aboriginal and Treaty rights. The Office of Aboriginal Affairs coordinates the Province of Nova Scotia's consultation with the Mi'kmaq of Nova Scotia.