

FOR 211-3

FORESTRY LAW

CODE NO.

COURSE NAME

SAULT COLLEGE OF APPLIED ARTS & TECHNOLOGY

SAULT STE. MARIE, ONTARIO

COURSE OUTLINE

COURSE TITLE: FORESTRY LAW

CODE NO.: FOR 211-3 SEMESTER: IV

PROGRAM: FORESTRY TECHNICIAN

AUTHOR: H.A. COOPER

DATE: NOVEMBER 1991 PREVIOUS OUTLINE DATED: JUNE 1990

APPROVED: [Signature] DEAN DATE Dec 2 1991

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TOTAL CREDIT HOURS: 48

PREREQUISITE(S): None

I. PHILOSOPHY/GOALS:

This course will acquaint students with the Canadian and Ontario justice systems and how forest related Acts and regulations are formulated and implemented.

The students will be required to have a working knowledge of the content of the major Acts that affect forest resource use, as well as the role and powers of officers under these acts.

II. STUDENT PERFORMANCE OBJECTIVES:

Upon successful completion of this course the student will:

1. Discuss the origin and jurisdiction of Natural Resource legislation.
2. Describe the history of Native Rights legislation in Ontario.
3. Describe the Levels of Court in Ontario.
4. Distinguish between Provincial and Federal powers and procedures in enforcement.
5. Discuss the importance of major legislation that affects Natural Resources.
6. Discuss the role of enforcement officers in Integration Field Monitoring (I.F.M.).

III. TOPICS TO BE COVERED:

1. i) The History of Natural Resource Law
ii) The application of Native Legislation in the context of the BNA and the Constitution Act 1982.
2. Laws and Their Application in General.
3. Statutes and Regulations That Protect Our Forests.
4. Statutes and Regulations That Protect Our Parks and Public Lands.
5. Statutes and Regulations That Protect the Environment.
6. Statutes and Regulations That Protect our Fish and Wildlife.
7. Statutes and Regulations That Protect People (Related to Natural Resources).
8. Integrated Field Monitoring

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IV. LEARNING ACTIVITIES:

STUDENT REQUIRED RESOURCES:

1.0 The History of Natural Resources Law

Upon successful completion of this unit, the student will be able to:

Read the summation of the "Charter of Rights and Freedoms".

- 1.1 Draw a chart showing the levels of court and the responsibilities of each level.
- 1.2 Distinguish between Federal, Provincial and Municipal jurisdiction and legislation.
- 1.3 Describe how the Charter of Rights and Freedoms may affect Natural Resource law.
- 1.4 Distinguish between 'treaty rights' and 'aboriginal rights' as they apply to Native nations.
- 1.5 State the hierarchy of the above rights compared to provincial laws, federal laws, and the Constitution.

Assigned Readings:
Students will be asked to read some of the following:

- 1. Assorted newspaper clippings.
- 2. "Fair Game" - P. Usher
- 3. "Native Use of Wildlife" - Canadian Wildlife Federation
- 4. "Self-Government and the Aboriginal and Treaty Food Harvesting Rights of the Aboriginal Peoples of Ontario" - Chris Reid

2.0 Laws and Their Applications

Students will do a short written assignment based on selected readings.

- 2.1 Describe the sources of law used in Ontario.
- 2.2 Distinguish between a tort and an offence.

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IV. LEARNING ACTIVITIES: (cont'd)

STUDENT REQUIRED RESOURCES:

2.3 Describe significant differences between Federal and Provincial offences and procedures in their enforcement.

The History of Natural Resources Law

2.4 State the powers that officers and citizens have to arrest and search/seizure under pertinent legislation.

1.1 Draw a chart showing the levels of court and the responsibilities of each level.

2.5 Describe significant examples of case law that are used to define Native food harvesting rights.

1.2 Distinguish between federal, provincial and municipal jurisdiction and legislation.

3.0 Statutes and Regulations That Protect Our Forests

Review key sections of:

3.1 State the intent of legislation that protects Forests.

The Provincial Offences Act
The Criminal Code of Canada

3.2 Solve case studies and problems related to this type of legislation.

The Young Offenders Act
The Crown Timber Act
The Woodlands Improvement Act
The Forestry Act
The Trees Act
The Forest Fire Prevention Act
The Forest Tree Pest Control Act

4.0 Statutes that Protect Our Parks and Public Lands

Review key sections of:

4.1 State the intent of legislation that protect our parks and public lands.

The Provincial Parks Act and Regulations

4.2 Solve case studies and problems related to this type of legislation.

The Wilderness Areas Act
The Beds of Navigable Waters Act
The Public Lands Act
The Navigable Water Protection Act
The Lakes & Rivers Improvement Act
The Wild Rice Harvesting Act
The Conservation Authorities Act
The Aggregate Resources Act

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IV. LEARNING ACTIVITIES:(cont'd)

STUDENT REQUIRED RESOURCES:

5.0 Statutes That Protect the Environment

Review key sections of:

5.1 State the intent of legislation designed to protect our environment (Listed under "required resources").

- The Environmental Protection Act
- The Environmental Assessment Act
- Public Health Act
- The Ontario Water Resources Act
- The Drainage Act
- The Canada Waters Act

5.2 Solve case studies and problems related to this legislation.

- Public Lands Act
- The Lakes & Rivers Improvement Act
- The Fisheries Act

6.0 Statutes that Protect Our Fish and Wildlife

Review key sections of:

6.1 State the intent of legislation designed to protect fish and wildlife (Listed under "Required Resources").

- The Fisheries Act
- The Ontario Fishery Regulations
- The Migratory Birds Convention Act and Regulations
- The Game and Fish Act and Regulations

6.2 Solve case studies and problems related to this legislation.

- The Endangered Species Act
- The Criminal Code of Canada

7.0 Statutes That Protect People Related to Natural Resources

Review key sections of:

7.1 State the intent of legislation (listed under "Required Resources") designed to protect people.

- The Indian Act
- The Trespass to Property Act
- The Occupiers Liability Act
- The Dog Licensing and Livestock and Poultry Protection Act
- The Wolf Damage to Livestock Compensation Act

7.2 Solve case studies and problems related to this legislation.

- The Hunter Damage Compensation Act
- The Game and Fish Act
- The Public Health Act
- The Environmental Protection Act
- The Off-Road Vehicles Act
- The Motorized Snow Vehicles Act

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IV. LEARNING ACTIVITIES: (cont'd)

8.0 Integrated Field Monitoring

8.1 Describe the need and use of work permits on Crown Land.

8.2 Explain what legislation is monitored under the work permit system.

8.3 Describe the steps in compliance monitoring

STUDENT REQUIRED RESOURCES:

2.0 Statutes That Protect the Environment

2.1 State the intent of legislation designed to protect our environment (listed under "required resources").

2.2 Solve case studies and problems related to this legislation.

6.0 Statutes that Protect Our Fish and Wildlife

6.1 State the intent of legislation designed to protect fish and wildlife (listed under "Required Resources").

6.2 Solve case studies and problems related to this legislation.

7.0 Statutes That Protect People Related to Natural Resources

7.1 State the intent of legislation (listed under "Required Resources") designed to protect people.

7.2 Solve case studies and problems related to this legislation.

Review key sections of:

- The Fisheries Act
- The Ontario Fishery Regulations
- The Migratory Birds Convention Act and Regulations
- The Game and Fish Act and Regulations
- The Endangered Species Act
- The Criminal Code of Canada

Review key sections of:

- The Indian Act
- The Trespass to Property Act
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- The Dog Licensing and Livestock and Poultry Protection Act
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V. EVALUATION METHODS: (INCLUDES ASSIGNMENTS, ATTENDANCE REQUIREMENTS ETC.)

Four term tests based on theory, case studies	-	70%
Short reports based on reading assignments and courthouse visit	-	30%

		100%

<u>Grading</u>	-	A+	=	90%+
		A	=	80 - 89%
		B	=	70 - 79%
		C	=	60 - 69%

VI. REQUIRED STUDENT RESOURCES:

Office Consolidations of Acts (available in the Bookstore)
 Reprints of key section of other legislation (hand-out)
 "Schedule of Offences and Out-of-Court Settlements" - Bookstore

VII. SPECIAL NOTES:

Rewrites - Students with an overall average of more than 55% may have an opportunity to rewrite the course material in a final examination, providing their attendance and demonstrated effort are satisfactory.

Students with special needs (e.g. physical limitations, visual impairments, hearing impairments, learning disabilities) are encouraged to discuss required accommodations confidentially with the instructor.

Your instructor reserves the right to modify the course as he/she deems necessary to meet the needs of students.

