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SAULT COLLEGE OF APPLIED ARTS & TECHNOLOGY

SAULT STE. MARIE, ONTARIO

COURSE OUTLINE

COURSE TITLE: NATURAL RESOURCES LAW

COURSE NO.: FOR 240-3 SEMESTER: IV

PROGRAM: FORESTRY, RENEWABLE RESOURCES, PARKS AND OUTDOOR
RECREATION, FISH & WILDLIFE TECHNICIAN PROGRAMS

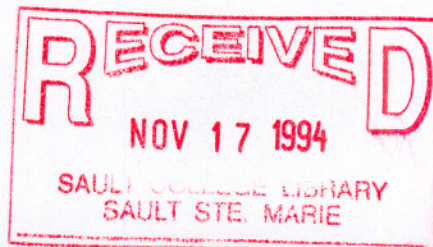
AUTHOR: H.A. COOPER

DATE: OCTOBER 1994 PREVIOUS OUTLINE DATED: SEPTEMBER 1992

APPROVED:

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NATURAL RESOURCES LAW

FOR 240-3

COURSE NAME

CODE NO.

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 rationale for Natural Resource legislation.
2. Describe the history and current status of Native Rights legislation in Ontario.
Describe the Levels of Court and jurisdictions of legislative powers in Canada.
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 Integrated Field Monitoring (I.F.M.) and Compliance Monitoring in Resource management.

III. TOPICS TO BE COVERED:

1. The History of Natural Resource Law
2. The application of Native Legislation in the context of the BNA and the Constitution Act 1982.
3. Laws and Their Application.
4. Statutes and Regulations That Protect Our Forests.
5. Statutes and Regulations That Protect Our Parks and Public Lands.
6. Statutes and Regulations That Protect the Environment.
7. Statutes and Regulations That Protect our Fish and Wildlife.
8. Statutes and Regulations That Protect People (Related to Natural Resources).
9. 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.

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

1.2 Distinguish between Federal, Provincial and Municipal jurisdiction and legislation.

1. Assorted newspaper clippings.

1.3 Describe how the Charter of Rights and Freedoms may affect Natural Resource law.

2. "Native Use of Wildlife" - Canadian Wildlife Federation

3. "Self-Government and the Aboriginal and Treaty Food Harvesting Rights of the Aboriginal Peoples of Ontario" - Chris Reid

2.0 The Application of Native Legislation

2.1 Explain "Aboriginal rights" to resources and how they are defined by case law.

2.2 Describe the origin of "Treaties" and treaty rights as related to Natural Resources.

2.3 Describe significant case law that reflects aboriginal rights, treaty rights and common law.

2.4 Discuss the pro's and con's of Ontario's "Interim Enforcement Policy" re: aboriginal hunting and fishing.

Read the "Interim Enforcement Policy - OMNR

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IV. LEARNING ACTIVITIES: (cont'd)

STUDENT REQUIRED RESOURCES:

3.0 Laws and Their Applications

3.1 Describe the sources of Law used in Ontario.

Students will do a short written assignment based on a courtroom visit.

3.2 Distinguish between a tort and an offence.

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

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

Read "Interim Enforcement Policy for Natives" OMNR

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

4.0 Statutes and Regulations That Protect Our Forests

Review key sections of:

4.1 State the intent of legislation that protects Forests.

The Provincial Offences Act
The Criminal Code of Canada
The Young Offenders Act
The Crown Timber Act

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

The Woodlands Improvement Act
The Forestry Act
The Trees Act
The Forest Fire Prevention Act
The Forest Tree Pest Control Act

5.0 Statutes that Protect Our Parks and Public Lands

Review key sections of:

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

The Provincial Parks Act and Regulations
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

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

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IV. LEARNING ACTIVITIES:(cont'd)

STUDENT REQUIRED RESOURCES:

6.0 Statutes That Protect the Environment

Review key sections of:

6.1 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

6.2 Solve case studies and problems related to this legislation.

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

7.0 Statutes that Protect Our Fish and Wildlife

Review key sections of:

7.1 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
The Endangered Species Act
The Criminal Code of Canada

7.2 Solve case studies and problems related to this legislation.

Review key sections of:

8.0 Statutes That Protect People Related to Natural Resources

The Indian Act
The Trespass to Property Act
The Occupiers Liability Act
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
The Livestock, Poultry and Honeybee Protection Act

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

8.2 Solve case studies and problems related to this legislation.

IV. LEARNING ACTIVITIES: (cont'd)

STUDENT REQUIRED RESOURCES:

- 9.0 Integrated Field Monitoring
- 9.1 Describe the need and use of work permits on Crown Land.
- 9.2 Explain what legislation is monitored under the work permit system.
- 9.3 Describe the steps in compliance monitoring

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V. EVALUATION METHODS: (INCLUDES ASSIGNMENTS, ATTENDANCE REQUIREMENTS ETC.)

Three term tests based on theory, case studies	-	60%
Short reports based on assignments/and quizzes	-	30%
Presentation to class	-	10%
		<u>100%</u>

Grading - A+ = 90%+

A	=	80 - 89%
B	=	70 - 79%
C	=	60 - 69%

Consistently

VI. REQUIRED STUDENT RESOURCES:

Study Guide for FOR 240

Office Consolidations of Acts (available in the Bookstore)

- *Game & Fish Act
- Fire Prevention Act
- *Public Lands Act
- Ont. Hunting Regulations
- Ont. Fishing Regulations

Other readings as assigned

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.