

Agreement between reindeer herding cooperatives in the Sámi Homeland, the Sámi Parliament, the Skolt village meeting and Metsähallitus on forest management instructions and procedures and more specific local agreements in state lands in the Sámi Homeland region.

Overview

The following determines and governs forest management practices at Metsähallitus: Valid legislation (including the Forest Act, Nature Conservation Act, Reindeer Husbandry Act, Act on Metsähallitus), Metsähallitus' Environmental Guidelines for Practical Forest Management (2011), Natural Resource Plans, forest certification criteria (PEFC 2009), and other external and in-house instructions. Adherence to guidelines is monitored by means of internal and external audits. The Forestry Centre supervises compliance with the Act on Metsähallitus. Metsähallitus highlights the requirements of the Reindeer Husbandry Act in connection with the enforcement of the Forest Act.

Cooperation related to reindeer husbandry is described in the Environmental Guidelines for Practical Forest Management (section 5.1) and regional Natural Resource Plans. Reindeer herding cooperatives and other reindeer husbandry organisations participate in natural resource planning as members of the cooperation group and/or commentator.

The objective of the agreement is to provide guidelines for cooperation and procedures in a manner that ensures that, by complying with the forest management instructions included in the Metsähallitus agreement (section 2.1) and this agreement, Metsähallitus' operations fulfil in the best possible manner the requirements laid out in the Act on Metsähallitus and the Reindeer Husbandry Act (14.9.1990/848) concerning the matters detailed in this agreement within the Sámi Homeland.

With this agreement, reindeer herding cooperatives in the Sámi Homeland, the Sámi Parliament, the Skolt village meeting and Metsähallitus agree on the following:

1. AGREEMENT ON NEGOTIATING PROCEDURE

1.1. Annual meetings in the Sámi Homeland

Metsähallitus annually invites reindeer herding cooperatives from the Sámi Homeland to a negotiation during which:

- A feedback discussion is held concerning the past year's operations and cooperation.
- Current reindeer husbandry-related matters of various Metsähallitus functions are processed (Annex 1), while also agreeing on any required local coordination procedures.
- An accord is reached on the arrangement of cooperation other than that detailed in section 1.2, on a reindeer herding cooperative-specific basis.
- Representatives from the Reindeer Herders' Association, Sámi Parliament and Skolt village meeting are also invited to attend these negotiations.

1.2. Forestry and reindeer herding cooperatives

Metsähallitus' forestry unit annually convenes the reindeer herding cooperative negotiations, while also arranging other communications ensuring the reindeer herding cooperatives' awareness of future Metsähallitus measures.

Matters related to the coordination of forestry and reindeer husbandry are processed in these negotiations (Annex 2). If necessary, representatives from Natural Heritage Services and Laatumaa may be invited to the negotiations, making it possible to process other predetermined matters in the negotiations.

The reindeer herding cooperatives should be provided with material in accordance with normal meeting procedures in advance. The reindeer herding cooperatives must inform Metsähallitus in advance of matters that require preparations to be made prior to a reindeer herding cooperative meeting.

Metsähallitus will also provide the reindeer herding cooperative managers with maps, including explanations, of all such future felling operations, soil preparation and construction of new roads that transpire after the annual negotiations.

Changes and needs for change related to a reindeer herding cooperative's fence locations, transfer directions of reindeer into enclosures, permanent feeding areas, and important beard moss and lichen areas will be discussed at the annual reindeer herding cooperative meetings, or as necessary.

A memo is always created on these negotiations and authenticated by both parties' signatures.

If necessary, any departures from the agreement and disputes over interpretation will be checked in the field, documented and attached to the Metsähallitus feedback system, while also informing the Reindeer Herders' Association of these.

Procedures for handling the case are determined in the case of matters for which no immediate solution is found.

Moving the timing of the felling of key pasture areas in the annual cycle can be agreed in writing on the basis of a proposal from a reindeer herding cooperative. For a special reason, the felling of a forest area or part thereof may be agreed in writing to be moved by a maximum of five years.

If there is a failure to coordinate on the level of the reindeer herding cooperatives and forestry teams, a matter can be processed, at the proposal of a reindeer herding cooperative, by the Reindeer Herder's Association, reindeer herding cooperative and Metsähallitus. Alternatively, on a reindeer herding cooperative's proposal, a matter can be discussed in negotiations between the reindeer herding cooperative, Metsähallitus, the Sámi Parliament, and, in the Skolt area, the Skolt village meeting. Matters can also be discussed in negotiations to which the parties invite other parties of their choosing.

If a reindeer herding cooperative announces in writing that there is no need for negotiations, Metsähallitus will provide the manager of the reindeer herding cooperative with maps, including descriptions, on future felling, soil preparation, ditch network maintenance and construction of

new roads. A reindeer herding cooperative and Metsähallitus may also agree in writing, for a fixed period of time, that there is no requirement to send maps and other material.

2. COORDINATION OF REINDEER HUSBANDRY AND METSÄHALLITUS OPERATIONS

2.1. Consideration of the preconditions of reindeer husbandry in forest management

- The reindeer herding cooperative-specific 20-year (parts of Nellim: 10-year) agreements between Inari forest reindeer herding cooperatives and Metsähallitus on forest management and felling restrictions form the basis for operations in the areas of these reindeer herding cooperatives.
- In the Sámi Homeland region, the provisions of section 5.2 of Metsähallitus' Environmental Guidelines for Practical Forest Management (Sámi Culture) must also be followed.
- Felling of forests in reindeer husbandry-related winter and summer pastures (lichen and beard moss areas), calving and operations areas (e.g. enclosure, feeding and transport areas), jointly marked on maps by Metsähallitus and a reindeer herding cooperative, and restrictions thereof, are determined in reindeer herding cooperative negotiations.
- Reindeer herding cooperatives' operating areas are updated in reindeer herding cooperative negotiations.
- Soil preparation will not be carried out in lichen areas (barren and xeric forests and separately determined sub-xeric forests) or in pasture areas in which soil preparation is not necessary as regards the forest regeneration period required by the Forest Act. Elsewhere, the lightest possible methods are used.
- At locations in which regeneration without soil preparation may be possible, attempts will be made to move the time of soil preparation as close as possible to the deadline allowed by the legislation.
- A stub height that is as low as possible will be striven for with regard to regeneration area clearing and sapling stand management.
- Soil preparation in the reindeer husbandry operating areas will be agreed on a work site-specific basis.
- In the event that the performance of work requires changes to the structures of reindeer fences (e.g. an opening in a reindeer fence), a site visit must always be performed in advance. In case forestry operations take place within reindeer husbandry fence areas, a site visit will be performed before commencing work, if necessary.
- Metsähallitus will attempt to include in its work programmes felling, energy wood recovery and sapling stand management proposals made by the reindeer herding cooperative.
- An untouched zone, making all-terrain vehicle transports easier, will be left next to fixed border fences and pasture fences. The width of this zone will be settled in reindeer herding cooperative negotiations.
- The work instructions must include a warning concerning fixed reindeer fences. Reindeer herding cooperatives must be immediately informed of damaged fences. In the case of national border barrier fences, the Reindeer Herders' Association fence work director and the manager of the reindeer herding cooperative must be informed.
- Forest felling and soil preparation operations taking place between the national border barrier fence and the border opening on the Fenno-Russian border must also be communicated to the Reindeer Herders' Association fence work director, in addition to the reindeer herding cooperative.

- No openings may be created in the national border reindeer barrier fence without prior agreement. In connection with felling, seedlings should not be left next to a fence in positions that may enable them to break the fence when falling down.

2.2. Notifications of Metsähallitus and reindeer herding cooperative operations

2.2.1. Metsähallitus

For reindeer herding cooperative meetings, Metsähallitus will provide reindeer herding cooperative managers with maps, including descriptions (map, felling methods, soil preparation methods, planned schedule, size of area, contact information for planner) on all future felling and soil preparation operations and construction of new roads.

Metsähallitus will also provide reindeer herding cooperative managers with maps, including explanations, on all such future felling operations, land processing and construction of new roads that transpire after the annual negotiations.

2.2.2. Reindeer herding cooperative

A reindeer herding cooperative will provide Metsähallitus with information on reindeer husbandry operating areas, assembly schedules, etc. upon request. Metsähallitus will take this information into account in its operations, and may inform other forest users of it via its systems.

2.3. Joint development of operations

Metsähallitus and reindeer herding cooperatives will strive to jointly develop their operations in order to retain acceptable livelihoods for people. Related to this are forest management and reindeer husbandry, marking and gates of reindeer fences, the removal of decommissioned structures and communications to other forest users. Reindeer herding cooperatives and Metsähallitus will strive to develop cooperation with such parties as hunters' associations with regard to the improvement of fences' game safety and other development projects.

Both parties will inform each other of mutually interesting research, investigation and development projects.

Metsähallitus will negotiate the matter with the manager of a reindeer herding cooperative in the event any operations significantly impacting on land use in the reindeer herding cooperative's area are being planned.

3. Carcasses

No carcass permits for purposes of tourism and nature photography are granted for the reindeer herding area. Fixed-term permits (max 3 years) may be granted for purposes of research, investigation and conservation related to carnivore ecology.

Metsähallitus will negotiate the matter with the managers of the relevant reindeer herding

cooperatives prior to granting permits for purposes of research, investigation and conservation.

4. Land use

4.1 Sale, leasing and exchange of land and land use licenses

In the area specifically intended for reindeer herding, Metsähallitus primarily sells, leases and exchanges land in areas covered by municipal and other detailed land use plans and detailed shore plans, and directly as building sites in areas covered by municipal master plans without a requirement to draft detailed plans, or as areas designated for special use.

In areas with no detailed building plans, land can only be sold, exchanged or leased for particularly significant reasons. Metsähallitus must request a reindeer herding cooperative to provide a written statement in advance on the transfer of land other than planned building land.

A reindeer herding cooperative must be requested to provide a statement in advance on all building projects that require a building permit and tourism entrepreneurs' routes planned outside municipal land use plans. If the relevant reindeer herding cooperative so requests, negotiations will be held concerning these matters. The obligation to negotiate also applies to Metsähallitus projects. Attempts will be made to direct tourism and leisure service companies' land use licences to the same routes. The reindeer herding cooperative in question must be informed of all safaris taking place on special entrepreneur routes separately determined with the reindeer herding cooperative.

A passage about respecting reindeer's herd piece, along with maps of restricted areas, will be added to cross-country traffic permits.

In the case of land transfers, an indication of the area being located in a reindeer herding area and of the land owner or leaser not being entitled to compensation for damage caused by reindeer (PhL, section 2) will be added to the transfer document.

In the area specifically intended for reindeer herding, Metsähallitus will not institute building planning proceedings in areas essential to reindeer husbandry that are not connected to areas that are already built. However, if land use already existing in an area requires local detailed plans to be drafted, Metsähallitus must negotiate the matter with the relevant reindeer herding cooperative prior to their drafting.

In the area specifically intended for reindeer herding, land outside municipal plans may only be transferred in exchange for private land acquired within conservation areas in exchanges occurring within these areas.

Restrictions on transfer of land do not apply to short-term leasing for temporary use or the renewal of lease agreements of so-called old leasing areas or the sale of old leased plots if their purpose of use is not significantly altered in connection with the lease agreement renewal or sale. In a case where the purpose of use of these old leasing areas or leased plots is significantly altered in connection with the lease agreement renewal or sale, Metsähallitus must request the relevant reindeer herding cooperative to provide a statement before the renewal of lease agreements or sale.

The statement and negotiation procedure is not required for utility construction (water pipes, drains, etc.).

Negotiations must be held in advance with the manager of the relevant reindeer herding cooperative when deciding on significant new extraction sites.

Ore prospecting landowner permits are not granted within the Sámi Homeland region.

Negotiations must be held in advance with the relevant reindeer herding cooperative on the land use licences pertaining to major power lines (110 kV and higher).

In the case of expropriation proceedings, the responsible party will give notice and contact the reindeer herding cooperatives.

In its operations, Metsähallitus strives to ensure that, in addition to Metsähallitus roads, also co-owned roads in which Metsähallitus is a partner are freely available to reindeer herding cooperatives.

5. Peat extraction and wind power areas

Metsähallitus must negotiate pending matters with the relevant reindeer herding cooperative in the case of the leasing and sale of areas suitable for peat extraction and wind power production. Insofar as peat extraction is concerned, Metsähallitus requires buyers to have a plan for the subsequent use of the peat extraction area prior to the signing of an agreement as well as a permit from the environmental authorities, obtained after the signing of the agreement. Reindeer herding cooperatives attend to their interests via the planning or environmental permit process.

6. Hunting

Metsähallitus' general information on hunting subject to license is collected on the Eräluvut.fi website. The special characteristics of the reindeer herding area as well as the requirements of the Reindeer Husbandry Act are highlighted on the website. These instructions emphasise the importance of taking reindeer husbandry operations into account while hunting and factors that should be considered in order to avoid accidents. The information content on this website is edited and updated in partnership with representatives from the Reindeer Herders' Association. In the event that the Reindeer Herders' Association wishes to issue additional instructions for hunting in the reindeer herding area and other necessary information, a link to the Reindeer Herders' Association's website may be added to the Eräluvut.fi website.

Reindeer husbandry in area will be taken into account when determining the volume of hunting subject to license. If required, Metsähallitus and the relevant reindeer herding cooperative can negotiate the hunting-related restrictions in reindeer husbandry operating areas. Agreed restrictions will be marked on hunting license maps.

Metsähallitus grants licenses and makes agreements on exercising dogs in government-owned reindeer herding areas. These licenses provide information similar to that enclosed with hunting licenses regarding the consideration of reindeer husbandry operations during these activities. In the case of dog test permits and agreements, the organiser is responsible for finding out what type of reindeer husbandry operations are taking place in the area.

Reindeer round-up corrals of which Metsähallitus is aware that are being used are marked as point targets on hunting license maps, at the minimum. Contact information for the Reindeer Herders' Association and reindeer herding cooperatives are attached to hunting license area information. Reindeer herding cooperatives must notify people of round-ups by means of notices on forest truck roads located near reindeer round-up corrals, or some other predetermined method.

In the winter season, permits may be granted for setting up small carcasses for fox hunting purposes.

7. Reindeer feeding

Metsähallitus and reindeer herding cooperatives will jointly determine the locations in nature conservation areas and, if necessary, wilderness areas in which reindeer may not be fed.

No advance agreements are required for feeding reindeer in forest management areas.

Feeding of reindeer is not allowed on roads that are used during the winter season or on ones that will be taken into use shortly (harvesting programme). Whole hay bales may not be placed on any roads. Feeding sites are cleaned annually, with undecomposed waste also transported from the site. If necessary, feeding on forest truck roads will be specified annually in reindeer herding cooperative-specific negotiations.

8. Reindeer fence agreements

Metsähallitus leases reindeer fence and reindeer herder cabin areas for reindeer herding cooperatives in accordance with their needs. A reindeer herding cooperative must clean the leased area after the expiry of its lease agreement and after notifying that it will not renew this agreement. Metsähallitus, a reindeer herding cooperative and, if necessary (applies to round-up corrals), a municipal environmental authority will agree on clean-up procedures for the site, while also holding the necessary site reviews, of which a memo must be drafted.

Metsähallitus may lease, at the going rate, an area not exceeding four hectares to an individual reindeer herder for supplementary feeding of reindeer or keeping reindeer for tourism or slaughter, for instance. Leasing an area requires the relevant reindeer herding cooperative to provide a statement in support. Extensive fenced areas will only be leased to reindeer herding cooperatives.

A lease agreement or land use licence must always be made on reindeer fences in use, excluding temporary reindeer fences detailed in the Reindeer Husbandry Act (subsection 1 of section 39). Reindeer herding cooperatives will remove any decommissioned fences and fences for which there is no agreement and clean the area.

Principles for gates and other necessary special terms are detailed in the contractual terms for new reindeer fences.

This agreement will be valid until further notice, and its functionality will be monitored annually in negotiations between reindeer herding cooperatives and Metsähallitus. The content of this agreement can be developed in the annual negotiations. Both parties to this agreement may terminate the agreement at their discretion with one year's notice. This agreement will enter into force once all signatures have been secured in order to conclude all unfinished matters by the end

of 2014.

Date and place _____,

On behalf of Metsähallitus:

Kirsi-Marja Korhonen
Forestry, Lapland

Jyrki Tolonen
Natural Heritage Services

On behalf of the Sámi Parliament:

Heikki Paltto
Acting chairman

On behalf of the Skolt village meeting:

Veikko Feodoroff
Elected representative of the Skolt

Annex 1: Checklist for reindeer herding cooperative group negotiations

Annex 2: Checklist for reindeer herding cooperative negotiations

Annex 1: CHECKLIST FOR REINDEER HERDING COOPERATIVE GROUP NEGOTIATIONS

Opening and, if necessary, memo for previous meeting
Matters related to reindeer husbandry
Matters related to forestry
Land use and building planning
Land sale

Lease agreements
Mine-related issues
Peat extraction sites
Wind power production sites
Soil extraction sites
Hunting
Fishing
Game and fisheries control
Cross-country traffic permits
Checklist for negotiations

Annex 2
 CHECKLIST
 FOR REINDEER
 HERDING
 COOPERATIVE
 NEGOTIATIONS

Reindeer herding cooperative:
Representative of Metsähallitus:
Date:
Place:
Participants:

Matters discussed at the meeting:	no need to discuss the matter	matter discussed / OK	matter discussed issues to note	description, issues to note
Opening				
Memo for previous meeting, signed				
Wintertime felling				
* realised				
* plans				
Other felling				
* realised				
* plans				
Road clearing in winter				

Soil preparation				
* realised				
* plan				
Ditch network maintenance				
* realised				
* plan				
Road construction				
* realised				
* plan				
Routes and structures				
* realised				
* under planning				
Round-up corrals, fences and lease agreements				
Supplementary feeding sites				
Reindeer transport routes				
Lichen and beard moss areas in winter pastures				
Reindeer herding cooperative: felling proposals				
Reindeer herding cooperative: sapling stand management proposals				
Reindeer herding cooperative: energy wood proposals				

Other matters				
Checklist for negotiations				
Matters over which there is dispute: <ul style="list-style-type: none">- New negotiations- Negotiations, Metsähallitus, Reindeer Herders' Association, reindeer herding cooperative- Negotiations, reindeer herding cooperative, Metsähallitus, Sami Parliament				