

INFORMATION BULLETIN

ISSUE: Amendment of the Chief Forester's Standards for Seed Use, Section 8.8

During the recent Regulatory Review conducted by the Ministry of Forests and Range an issue was identified relating to the seed transfer rules under section 8 of the *Chief Forester's Standards for Seed Use*. The issue was that holders of more than one licence within a single timber supply area (TSA) did not have the ability to manage seed use as did BC timber sales managers under section 8.9 of the Standards.

The solution to address this issue was to amend the seed transfer standards to permit multi-licence holders to exceed seed transfer standards for up to 5% of the total trees they planted annually under all licences held within a single management unit.

SOLUTION:

In accordance with requirements and authorities provided the chief forester under section 169 of the *Forest and Range Practices Act* (FRPA), section 43 of the *Forest Planning and Practices Regulation*, and section 32 of the *Woodlot Licence Planning and Practices Regulation*, Jim Snetsinger amended the *Chief Forester's Standards for Seed Use* as follows.

Section 8.8 was repealed and replaced with the following:

8.8 Despite this Part, a person, other than a timber sales manager, who is required to establish a stand under section 29 of the Act is only required to ensure that 95 per cent of the combined total of the number of seedlings and the number of cuttings that are planted during each fiscal year, by or on behalf of that person with respect to all agreements held by that person in a single management unit, comply with the requirements of sections 8.2 through 8.7.

The purpose of the amendment is to extend the provisions afforded BC Timber Sales Managers under section 8.9 to persons who hold 2 or more licences within in a single TSA. This amendment is intended to increase efficiencies in seedling planning and planting without compromising forest health or productivity. It is estimated that this amendment is applicable to over 75 licensees or licensee divisions that collectively hold approximately 200 licences.

A "person" referred to in the amended section includes holders of major licences issued under the *Forest Act*. A "person" can consist of more than one party (e.g. jointly held agreements). Trees planted outside their transfer limits under jointly held agreements must be counted separately from trees planted under agreements held by only one party as they are considered different persons and legal entities. For example, the total trees planted by Licensee A+B in TSA X cannot be added with trees planted by Licensee A in TSA X in order to meet compliance with section 8.8.

The amendment comes into effect on October 27, 2008, 4 months after notice was published in the June 26, 2008 edition of the Provincial Gazette. Amendments to the standards cannot be retroactive as a 4-month notification period is required under FRPA section 169. Persons may, however, waive this notification period in accordance with FRPA section 169(4)(c)(ii) if they so choose. In other words, multi-licence holders may take advantage of this change immediately. Compliance with the transfer standards for trees planted prior to June 26, 2008 will however be assessed by on a licence-by-licence basis.

Under section 86 of the *Forest Planning and Practices*, persons planting trees to establish a free growing stand must report the seeds used to grow the trees planted to the ministry in a form and manner acceptable to the minister.

The acceptable form and manner required is described in found in the document [RESULTS Information Submission Specifications: Licensee Submissions](http://www.for.gov.bc.ca/his/results/business) accessible at: <http://www.for.gov.bc.ca/his/results/business>

Persons are required to report the seedlot or vegetative lot number, the species, number of trees planted per lot and spp., and the total number of trees planted beyond their respective transfer limits for each opening. Planting information associated with all licences (Forest File IDs) held by a person within in a TSA can be rolled up to check for compliance with the 95% transfer standard.

The 95% rule is intended to provide some operational flexibility in matching seedlots to planting sites, recognizing that in some circumstances seedlings are planted just beyond their respective transfer limits, and for which prior ministry approval would constitute an administrative burden. Although up to 5% of the trees may be planted beyond their respective transfer limits, professional judgement must be used to assess the associated risks and benefits. Due consideration should be given to the best-available science, biogeoclimatic conditions and forest health issues of the planting site, and operational circumstances.

CONTACTS:

For further information, please refer to the *Chief Forester's Standards for Seed Use* website at: <http://www.for.gov.bc.ca/code/cfstandards/>

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