Special Tree Protection Regulation

OFFICE OF THE CHIEF FORESTER, RESOURCE PRACTICES BRANCH

JUNE 2021

BRITISH COLUMBIA

Ministry of Forests, Lands, Natural Resource Operations and Rural Development

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STPR Highlights

- Came into effect on September 11, 2020
- New regulation under the *Forest and Range Practices Act.*
- Sets out the legal requirements for protecting "**specified trees**" that have important cultural, aesthetic and ecological values.
- Applies to Crown land and private land that is subject to an agreement under the *Forest Act.*
- Also applies to persons who are authorized to cut, damage or destroy Crown timber in the course of carrying out a primary activity under FRPA sections 52(2) and 52((1)(b).

Which trees are protected?

- **Standing** arbutus, yellow cedar, black cottonwood, Douglas-fir, grand fir, bigleaf maple, Garry oak, Ponderosa pine, western redcedar, Sitka spruce, and pacific yew trees **of specified sizes (DBH) and locations set out in the regulation's Schedule.**
- **Supporting trees** are trees within a horizontal radius of 56 meters around a **specified** tree.
- Difference between **specified** and **supporting** trees is that supporting trees can be pruned.

SCHEDULE

Item	Column 1 **Tree**	Column 2 **Location**	Column 3 **Diameter at breast height (cm)**
1	Arbutus	Anywhere	164
2	Cedar, yellow	Anywhere	265
3	Cottonwood, black	In the coastal biogeoclimatic zones	268
4	Cottonwood, black	Outside the coastal biogeoclimatic zones	176
5	Douglas-fir – coastal	Anywhere	270
6	Douglas-fir – interior	Anywhere	160
7	Fir, grand	Anywhere	146
8	Maple, bigleaf	Anywhere	198
9	Oak, garry	Anywhere	136
10	Pine, ponderosa	Anywhere	119
11	Redcedar, western	In the coastal biogeoclimatic zones	385
12	Redcedar, western	Outside the coastal biogeoclimatic zones	290
13	Spruce, Sitka	Anywhere	283
14	Yew, pacific	Anywhere	63

Protection

While carrying out primary forest activities, responsible persons:

- **must not cut, damage or destroy *specified trees*; and,**

- **must not fell, top or destroy *supporting trees*.**

REPORTING REQUIREMENTS

- ✓ Report the tree to the Minister within 30 days of finding.
- ✓ If the **specified** tree is **exempt**, the responsible person must notify the Minister within 30 days once the **specified** tree is destroyed.
- ✓ A **specified** tree report must be submitted to the Minister
- ✓ A report is not necessary if the **specified** tree has already been reported by another person.
- ✓ Responsible persons are encouraged to report specified trees where they are found outside of areas where primary forest activities are authorized, as this will assist with future operational planning.
- ✓ Reported specified trees will be recorded as Map Notations in the BC Geographic Warehouse.
- ✓ https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/forestry/timber-tenures/qa_stpr.pdf

Exemptions to protecting a specified tree

❖**<u>Exemptions</u>** can be applied for to the RED for:

- Forest management
- Protection of humans and property
- Promotion of traditional/cultural activities
- A primary forest activity cannot reasonably be carried out
- For supporting trees, if tree is not necessary to protect the specified tree
- **Applications for exemptions must be made in the form and manner specified by the RED; the application form for an exemption may be found on the Ministry's website.**

File: 10740-30

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Specified Tree Reporting Information and Exemption Submission

PART A – LICENSEE DETAILS: Information to include current email address of primary licensee contact

Agreement Holder:		Tenure:
Name:	Email:	Phone:

PART B – TENURE DETAILS: Tenure where tree is located, Cutting Authority or FRPA Authority

☐ CP or TSL No:	☐ Natural Resource District: Choose from list
☐ Road Name:	☐ Road Section No:
☐ PDF Copy of Map is attached (optional):	☐ Spatial Submission Attached (Optional): ☐ SHAPE or ☐ GDB

PART C – SPECIFIED TREE DETAILS: *Special Tree Protection Regulation* (Section 6)

☐ Species: Choose from list	Identification Date:
☐ Diameter in cm (DBH):	☐ Height in metres:

Coordinates (decimal degrees, minimum 5 decimal places): Latitude: Longitude:

PART D – COMMENTS (optional): Physical Description and Observation Notes (Live / Dead, Forest Health Risks etc.)

PART E – EXEMPTIONS: *Special Tree Protection Regulation* (Section 4)

☐ Exemption Request for a ☐ Specified Tree and/or ☐ Supporting Tree(s)

Rationale for Request: choose from list

Exemption Rationale (Attach extra pages if required)

If an Exemption is issued and a specified tree is topped, felled or destroyed the responsible person must submit a Report on work done consistent with *Special Tree Protection Regulation* (Section 6). This report should be provided to the Regional Executive Director within 30 days with reference to the Map Notation number.

DISTRICT to COMPLETE:

Entered into FTA Date: **Map Notation #:** **Exemption Approved:** ☐ **Yes** ☐ **No** ☐ **N/A**

This form must be submitted to the District Manager within 30 days of identifying a specified tree. The District Manager will forward the form to the Regional Executive Director and Forest Analysis and Inventory Branch. A copy of the form will be filed in the District Office on the Operational Files.

EXCEPTIONS: Supporting Trees

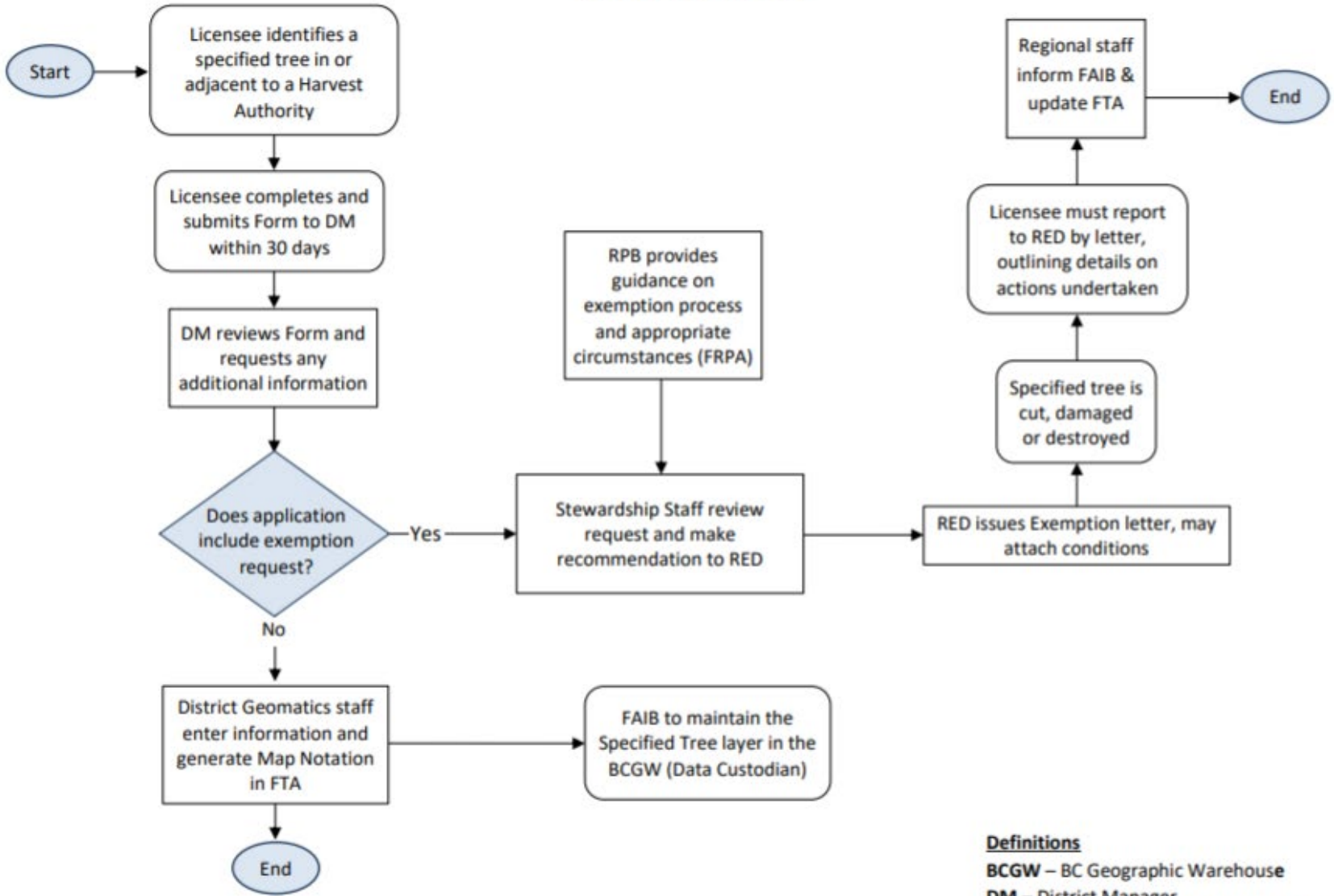
- The requirement to protect **supporting** trees does not apply when **maintaining or deactivating a road** as long as the **supporting** trees felled, topped or destroyed do not exceed those necessary to complete the road works.

- The cutting of **supporting** trees to enable road maintenance should be documented by the responsible person.

Exemption vs. Exception

Exemption (authorization required)	**Exception**
Modification of **specified** tree	Modification of **supporting** tree during road maintenance & deactivation
Modification of **supporting** tree (fall, top, destroy)	Pruning of a **supporting** tree
	Document all work done for **exceptions**

Special Tree Protection Regulation
Business Process



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https://www.bclaws.ca/civix/document/id/oic/oic_cur/0501_2020

September 14, 2020

Definitions

BCGW – BC Geographic Warehouse
DM – District Manager
FAIB – Forest Analysis and Inventory Branch
FTB – Forest Tenures Branch
FRPA – Forest and Range Practices Act
RED – Regional Executive Director
RPB – Resource Practices Branch

Forest Tenures Administration Website

- https://www2.gov.bc.ca/gov/content/industry/forestry/forest-tenures/forest-tenure-administration

PLANNING CONSIDERATIONS

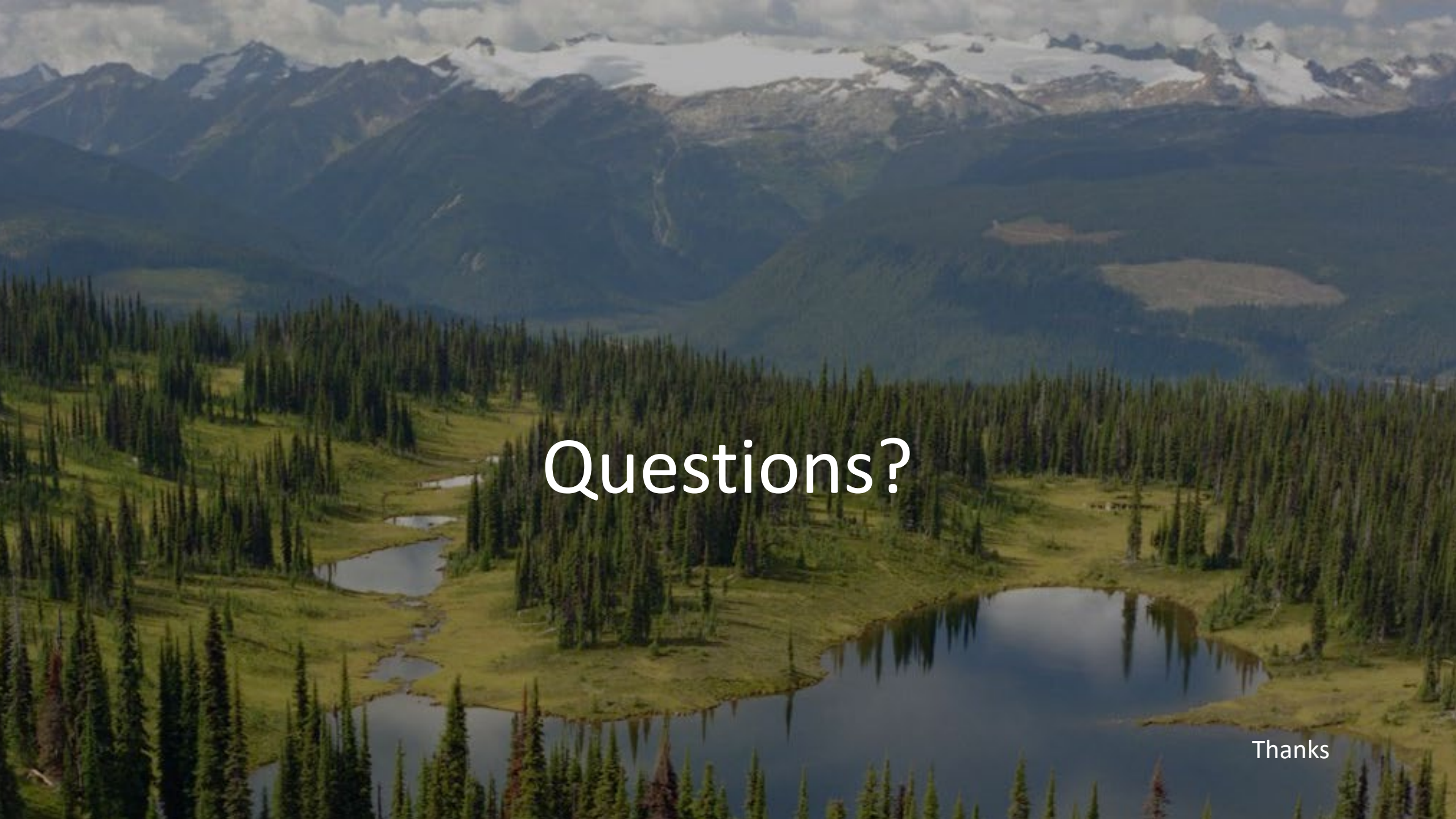
- **Specified** trees may be located within cutblocks as features to anchor retention patches.

- **Specified** trees and the 56-metre radius of **supporting** trees should be visibly marked in the field during layout activities and clearly identified on maps and appropriate documentation.

- If site conditions require modifications within the 56-metre radius of **supporting** trees, responsible persons should apply for an **exemption** at the earliest opportunity.

Enforcement

- The maximum penalty for contravening the Special Tree Protection Regulation, section 3(2) - the requirement to not cut, damage or destroy specified trees, and to not fell, top or destroy supporting trees – is $100,000.


Questions?
Thanks