

File: 19500-20

October 30, 2001

Major Licensees
Woodlot Licensees
Community Forest
Lakes Forest District

Dear Licensee:

The purpose of this letter is to ensure consistency among licensee submissions by providing information and direction regarding the following:

1. Free Growing Declaration
2. Review of Free Growing Declarations and Acknowledgement
3. Acceptability of Free Growing Surveys
4. Stump Count Guidelines
5. Minimum Inter Tree Distance
6. Assessing brush competition

FREE GROWING DECLARATION

Under Section 70 of the *Forest Practices Code of British Columbia Act* and Section 88 of the *Woodlot Licence Forest Management Regulation* a holder of a silviculture prescription and a holder of a woodlot licence or community forest agreement, where the commencement date has occurred, must establish a free growing stand on the net area to be reforested. A free growing stand must be established and surveyed within the free growing assessment period.

In addition, *Silviculture Practices Regulation* (SPR 28 (1)(d)) requires a holder of a major license to submit a declaration to the district manager signed and sealed by a professional forester when a stand is free growing. *Woodlot Licence Forest Management Regulation* (WLFMR 89) requires a holder of a woodlot licence to submit an annual report to the district manager in the form, and with the content, required by the chief forester. A holder of a community forest agreement is required to proceed as per the conditions of the agreement.

Scope of the Free Growing Declaration

The free growing declaration must state that a free growing stand has been achieved in accordance with the applicable section of the legislation as specified in the previous paragraph. The declaration should not state that other obligations have been fulfilled. Other (non-silviculture) obligations are a separate issue, which will be monitored through standard compliance inspections.

Making a Free Growing Declaration

1. For Major Licensees

The free growing declaration should consist of:

- ◆ Declaration letter
- ◆ A report of the free growing survey as required under SPR25
- ◆ Written record (field cards, survey confidence limits and maps including location of seedlots
- ◆ Other supporting documentation (this may be submitted voluntarily)

2. For Woodlot Licenses

- ◆ A declaration letter should be submitted by the woodlot license holder for areas where a free growing survey is carried out in order to allow timely field inspection. There is no legal requirement for this letter to be signed by an RPF.
- ◆ A report of the free growing survey as required under WLFMR 89
- ◆ Written record (field cards, survey confidence limits and maps including location of seedlots
- ◆ Other supporting documentation (this may be submitted voluntarily)

3. For Community Forest Agreements

Holders of community forest agreements must report in accordance with the requirements of their specific agreements.

Declaration by Standards Unit

On the majority of cutblocks, free growing declaration will be based on the entire net area to be reforested (NAR). However, specific circumstances may justify free growing declaration on a standard unit basis. If a free growing declaration is submitted on a standard unit (SU) basis, I may consider the following when determining if the free growing declaration should be accepted on a SU basis:

- ◆ Does the free growing assessment period (FGAP) for one SU differ from the remaining SU(s)?
- ◆ Has the area been adequately managed?
- ◆ Is there a significant difference in stand structure?
- ◆ Is the licensee carrying an unreasonably high risk for an extended period?
- ◆ Does one SU, or portion of that SU, exceed maximum density and thus require basic spacing before the SU can be declared free growing?

Minimum Stratum Size

A strict interpretation of the FPC70 requires that the entire net area to be reforested meets the minimum number of well-spaced or free growing stems/ha. However, despite this, discretion will be applied and consideration given to the intention of the prescription as a

whole and whether or not the actions of the licensee were reasonable in attempting to achieve the required standards. Generally all areas greater than one hectare in size must achieve the prescribed stocking levels. Where non-contiguous patches of NSR or non-FG area 0.25 ha or larger in size are present, and if the cumulative area of these NSR or non-free growing areas exceeds the lesser of 2 ha or 20% of the NAR by SU, silviculture treatments required to increase the stocking of acceptable trees must be undertaken.

REVIEW OF FREE GROWING DECLARATIONS AND ACKNOWLEDGEMENT

Review procedures

The following procedures are a general outline of the steps I will be following after receiving a free growing declaration:

1. The MOF will acknowledge receipt of a free growing declaration by formal letter.
2. All free growing declarations will be reviewed in the office.
3. If the latest free growing date has lapsed and the area is not free growing the area is in non-compliance. At this stage, an area can not be brought into compliance through approval of an amendment to the silviculture prescription.
4. All free growing declarations will be field checked for rust incidence during the rust season. Based on a risk assessment, a portion of the free growing declarations will be field checked to ensure that minimum number of healthy well-spaced free growing stems/ha exist. A field inspection will be carried out within one year of the declaration provided that sufficient time was given to prepare and undertake rust surveys during the rust season.
5. The acknowledgement of free growing and the approval of any amendments will usually be two separate documents.
6. If a survey or declaration is rejected (following an office review or field inspection), I will inform the licensee providing the reasons for the decision. This may or may not be a notice of suspected contravention depending on whether or not the late free growing date has lapsed.

Free growing stand destroyed by cause out of the control of the licensee

If a free growing stand is destroyed by cause outside the control of the licensee (excluding forest health factors), before my staff have had a chance to field check the area, the plantation will be considered to have met free growing status as long as:

1. an acceptable free growing survey was already done
2. it is declared by an RPF, that to the best of her or his knowledge, based on available information, that the area was free growing prior to the damage, and
3. I can not determine that the area was not free growing.

The early free growing date can not be amended if an area has been destroyed (i.e. An area destroyed prior to the early free growing date is not eligible to be amended and declared free growing).

ACCEPTABILITY OF FREE GROWING SURVEYS

Section 24(a) of the *Silviculture Practices Regulation* and Section 88(5) of the *Woodlot Licence Forest Management Regulation* require that the surveys required under the Section 23 of the SPR and Section 88 of the WLFMR must be carried out to the satisfaction of the district manager. I will exercise my discretionary power under this section and require that the free growing surveys meet the following:

- ◆ A minimum number of plots per stratum is the greater of five (5) or one (1) plot per every two (2) hectares. An equal grid method must be used to place plots.
- ◆ Free growing surveys should be conducted during the rust season, or at least a walk through the blocks should be done at that time (prior to the actual survey) and forest health incidence recorded. In areas where brush competition may be a factor in free growing determination, an assessment for brush must be done after the time of maximum leaf out and before the leaf fall down.

STUMP COUNT GUIDELINES

Some license holders are referring to the “Lakes Forest District Stump Survey Guidelines” as a rationale to reduce the stocking standards (well-spaced stems/ha). No written guidelines exist for the district. Consequently, silviculture prescriptions should not use such document as a reference. A mutual agreement, however, exists between the licensees and the ministry on the use of this type of survey. Due to the lack of clearly written guidelines I have decided to discontinue the use of the stump count surveys as a sole basis for the reduction of stocking standards. Stocking standards will be based on Biological Ecosystem classification (BEC) considering all resource values. Any variation from the “Establishment to Free Growing Guidebook Prince Rupert Region” will have to be supported by a rationale, which provides sufficient information to allow me to make an informed decision.

MINIMUM INTER TREE DISTANCE

The *Woodlot Licence Forest Management Regulation* recognises 1.5 m inter- tree distance to be an acceptable management practice in the artificially regenerated plantations. I have decided to accept 1.5 m inter-tree distance in the artificially regenerated plantations as an acceptable practice throughout the district. I will also accept 1.0 m inter-tree distance on the following sites (excluding complexes of these sites with other site series): SBSdk 07, 08, 09,10; SBSmc2 07, 09, 10, 12 and ESSFmc 07, 08, 09, 10.

ASSESSING BRUSH COMPETITION

I consider the retention of alder at levels that exceed the “Free from brush –free growing criteria” specified in Appendix 9 of the “Establishment to Free Growing Guidebook Prince Rupert Region” to be beneficial for the sites (nutrients cycling, stream banks,

water quality and fish habitat protection, species biodiversity etc.). If found within the blocks during the free growing surveys, alder will not be considered as competitors (deleterious) species.

This letter will replace any previous direction provided on the topics. These directions and recommendations will take effect starting with the 2002/2003 field season. If you have any questions please contact Merima Domazet or Brent Turmel at the Lakes Forest Service.

Yours truly,

Original Signed October 30, 2001

R. A. Murray
District Manager
Lakes Forest District

cc: Small Business Forest Enterprise Program

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