



General Bulletin

Number 34

March 1, 2001

Evaluation of Forest Health in Free Growing Assessments

Introduction

Holders of a silviculture prescription (SP) are required to establish a free growing stand of healthy trees. This bulletin has been prepared to assist a district manager (DM) make determinations on forest health requirements of a free growing stand. Specifically, the bulletin addresses the following questions:

1. What are the forest health requirements of an SP?
2. When assessing free-growing status which forest health criteria are used, those in place at the time the SP was approved or the current criteria?
3. Can a DM require a licensee to delay a free growing declaration if a stand is in the free growing assessment window and meets all of the forest health related stocking requirements?

1. What are the forest health requirements of the SP?

The basic requirement is to produce “a stand of healthy trees of a commercially valuable species, the growth of which is not impeded by competition from plants, shrubs or other trees”. “Healthy” is not defined by legislation. To assist the DM, guidance for assessing the health of a tree is provided in the forest health damage criteria (see question 2 below). Forest health obligations based on a pest incidence survey may be specifically stated in the SP or the obligation may simply be the general legislative requirement to produce a free growing stand of “healthy” trees.

a) The holder of a licence must follow measures to reduce forest health risks if these measures are stated in the SP.

The DM may require that a pest incidence survey be conducted prior to the approval of an SP [OPR37(1)(d)]. If the survey identified significant forest health risks, the SP must specify measures to reduce those risks [OPR39(3)(b)]. For further information, please see the SP Guidebook at the following Forest Practices Code website:

<http://www.for.gov.bc.ca/tasb/legsregs/fpc/FPCGUIDE/Guidetoc.htm>

If these measures were not followed, there may be a contravention of FPC67(1)(e). However, if an SP were accepted which omitted these “measures”, the licence holder could not be held accountable under that section.

b) Producing a stand of “healthy” trees

FPC70(4)(d) requires that stocking requirements be maintained after the regeneration date. If the number of healthy well-spaced trees falls below the minimum stocking before a free growing stand is established, the licensee is obligated to increase the stocking to acceptable levels. If the stocking requirements of the SP will not be achieved within the required timeframe by performing the operations specified in the plan, under FPC35(1)(a) the licensee must submit an amendment or a new SP. The DM has several options if an SP fails, including approving a thoroughly rationalized and documented SP amendment where the treatment options are not available. Administrative penalties may or may not apply.

FPC70(4)(g) is unique to forest health - it specifies that if the quality and health of trees fail to meet the prescribed requirements, silviculture treatments must be carried out to cause the quality and health of the trees to meet the prescribed requirements. In this case, “prescribed requirements” means the minimum number of healthy well-spaced trees required in the SP. **This section of the Act only applies to areas where it is feasible to “fix” the trees that are currently on site.** The holder of the licence has until the end of the free growing assessment period to implement the appropriate action. If it is not feasible to fix the trees, then the extended time frame does not apply. The area should be brought up to acceptable stocking, by fill planting, or the SP should be amended as soon as possible as required by FPC35.

2. When assessing free-growing status which forest health damage criteria are used - those in place at the time the silviculture prescription was approved or the current criteria?

A healthy tree will generally be determined in light of current knowledge that exists at the date the requirement must be met. To assist the administrative decision-making process, a healthy tree is defined by the forest health damage criteria. The most recent forest health damage criteria are listed in the current Establishment to Free Growing Guidebook¹.

The damage criteria are intended to provide the DM with general guidelines based on current knowledge. The DM may allow or require deviations from these criteria in situations where the recommendations are not adequate to determine the health of a tree.

¹ The 6 regional Establishment to Free Growing Guidebooks can be found at the following website:
<http://www.for.gov.bc.ca/tasb/legsregs/fpc/fpcguide/guidetoc.htm>

The DM must also consider information provided by the license holder, either historic or current, that might have a bearing on the applicability of these criteria.

Previous versions of damage criteria may influence a DM to deviate from the current damage criteria. If a licensee were induced to follow a course of action by previous forest health damage criteria, and as a result cannot reasonably comply with current requirements for forest health, then the licensee may request that the previous damage criteria be used for evaluation. It is also assumed that the guidelines provided by the ministry did not lead the licensee to believe that a determination of whether a crop tree is healthy would for all time be governed by those particular criteria. In the provincial forest health damage criteria this assumption was avoided by stating that the damage criteria provided by the ministry would be updated or revised when necessitated by new information.

Most of the recent changes to the damage criteria have been intended to clarify or more clearly define the criteria, rather than impose more onerous or restrictive criteria. In general, the current criteria are believed to be equally or less demanding, as a result of better information, than previous versions.

3. Can a DM require a licensee to delay a free growing declaration if a stand is in the free growing assessment window and meets all of the forest health related stocking requirements?

The short answer is, “No”. The holder of an SP must establish a free growing stand that meets the stocking requirements within the timelines specified in the prescription. The legislation does not permit the DM to force the licensee to wait until some future date.

When setting the early free growing date in an SP, sufficient time should be allowed for expression of forest health agents. Similarly, when the DM is considering an amendment which requests an earlier free growing assessment date, the DM should consider if the earlier date will allow for adequate assessment of forest health agents. Once the timeline is set, the licensee can declare an area to be free growing as long as it is within the free growing assessment period.

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