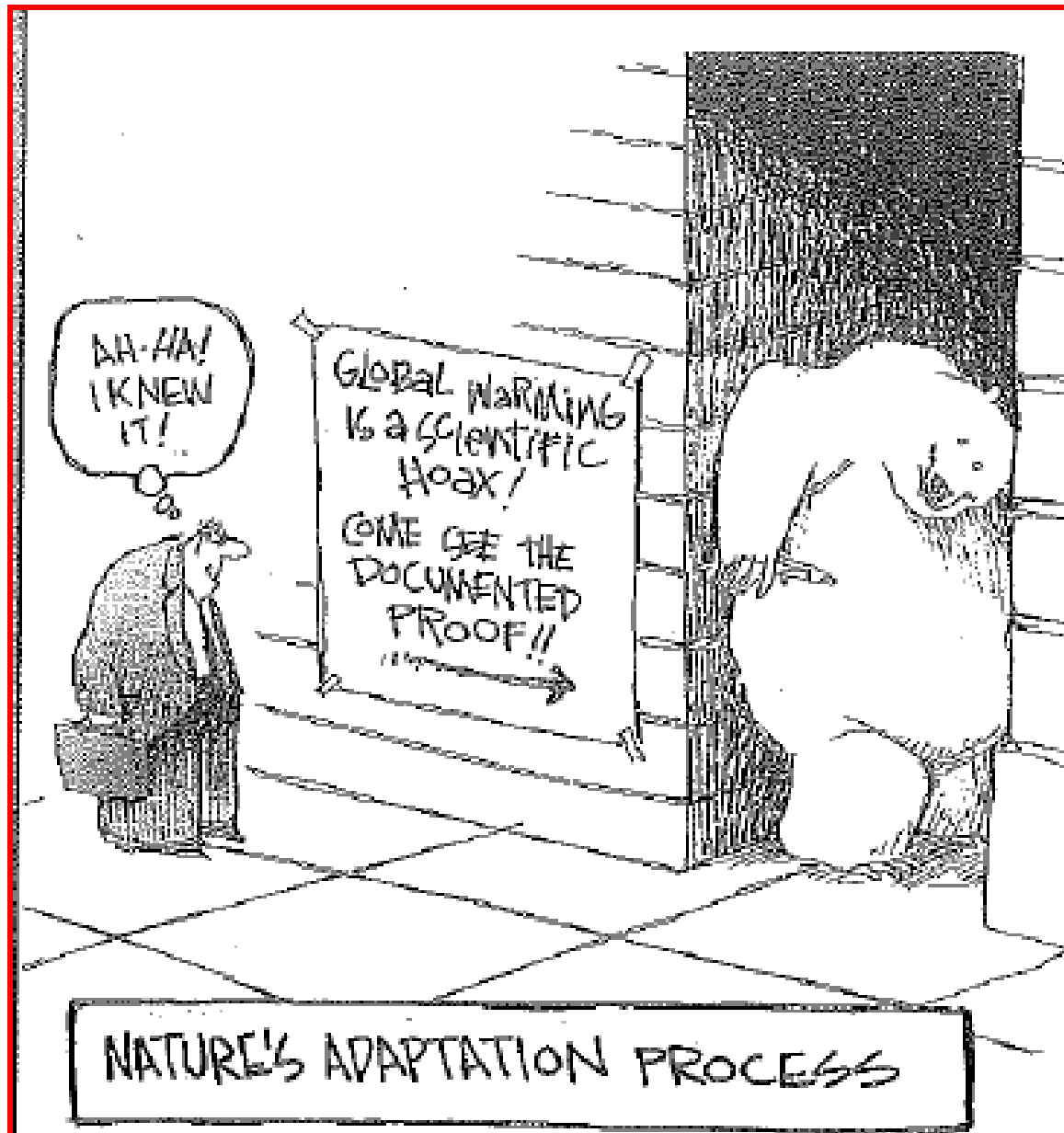


I WOULD'VE BET ANYTHING THAT AT LEAST
ONE OF THEM MIGHT THINK ROSES GROWING
IN THE WOODS IS A LITTLE SUSPICIOUS





NATURE'S ADAPTATION PROCESS

Ministry of Forests, Lands and Natural Resource Operations Compliance and Enforcement Free Growing Inspections.

South Coast Region perspective

Legislation

Risk Rating

Inspection Process

Photos and Examples

Legislation

- Forest Practices Code of BC Act
- Forest and Range Practices Act
- Forest Planning and Practices Regulation

Legislative Details

- Forest and Range Practices Act
- Free growing stands
- 29 (1) A holder of a major licence or community forest agreement who harvests timber to which a forest stewardship plan applies must establish in accordance with the plan, the prescribed requirements and the standards, a free growing stand on those portions of the area of the harvest that are in the net area to be reforested.
-
- Transfer of obligation to establish a free growing stand
- 29.1 (1) A person who, under section 29 or Part 1.1, has an obligation to establish a free growing stand may transfer the obligation to another person by agreement if
- (a) the agreement to transfer is in writing,
- (b) the transfer meets the prescribed requirements, and
- (c) the parties to the agreement submit it to the minister and the minister approves it.
- (2) An agreement referred to in subsection (1) has no effect if it does not receive the minister's approval under subsection (1) (c).
-
- Free growing stands for non-replaceable licences
- 30 (1) In this section, "licence holder" means a person who
- (a) is the holder of a timber licence, forestry licence to cut, non-replaceable forest licence, non-replaceable woodlot licence or non-replaceable timber sale licence,
- (c) has an obligation under section 29 to establish a free growing stand on an area harvested under the timber licence, forestry licence to cut, non-replaceable forest licence, non-replaceable woodlot licence or non-replaceable timber sale licence, and
- (2) A licence holder may request that the government assume responsibility for carrying out the obligation under section 29 to establish a free growing stand
-
-
- Forest Planning and Practices Regulation
- Free growing stands generally
- 44 (1) A person who has an obligation to establish a free growing stand must establish, for areas that have been identified under section 16 (1) [stocking standards] as areas to which this section will apply, a stand that
- (a) meets the applicable stocking standards set out in the forest stewardship plan for the area, by the applicable regeneration date specified for the area, and
- (b) meets the applicable stocking standards and free growing height set out in the forest stewardship plan for the area by a free growing date that is no more than 20 years from the commencement date, unless the minister permits a later free growing date.
- (3) A person is exempt from the requirements of section 29 (1) and (2) [free growing stands] of the Act in respect of an area if timber harvesting is restricted to one or more of the following:
-
- 45 Free growing stands collectively across cutblocks
- 45.1 Exemption respecting free growing stand for certain forestry licences to cut
- 45.2 Exemption respecting free growing stand for certain timber sale licences
-
- 46 Free growing stand — forestry licence to cut
-
- 46.1 Free growing stands: community salvage licence
- Free growing stand requirement applies to each hectare
- 46.11 (1) Subject to subsection (2), a person who has an obligation to establish a free growing stand under
- must ensure that the obligation is fulfilled on each hectare within the net area to be reforested, unless otherwise specified in a forest stewardship plan.
- (2) If the stocking within a standards unit conforms to the applicable stockings standards, an area within the standards unit is not required to meet the applicable stocking standards if
- (a) the area is less than 1 ha, or
- (b) when the free growing stand is established,
- (i) the area is mappable and is at least 1 ha but no more than 2 ha, and
- (ii) the portion of the standards unit that is occupied by areas referred to in subparagraph (i) does not exceed 5% of the standards unit.
-
- Requirements if free growing stand cannot be established
- 46.2 (1) Subject to section 108 of the Act and section 97.1 of this regulation, a person who
-
- (a) is required to establish a free growing stand under section 44 to 46.1 of this regulation, and
- (b) knows that the requirements of section 44 to 46.1 of this regulation, as applicable, cannot be met,
- must
- (c) give notice to the minister that the requirements to establish a free growing stand cannot be met, giving the reasons, and
- (d) submit to the minister a proposal for establishing a free growing stand on the area, including the stocking standards, the free growing height and the latest date by which the stocking standards and free growing height will be achieved.
-
-
- Declarations of agreement holders and others as to fulfillment of obligations
- 97 (1) In this section, "treatments" means silviculture treatments that
- (6) A stand on an area that is the subject of a written declaration under section 107 of the Act is not free growing on the date of the declaration, if
- (a) it is more likely than not that 20 years after the applicable commencement date, the stand
- (i) will not conform to the applicable stocking standards, or
- (ii) will be impeded in its growth because of adverse effects on the area
-
- because of the effect on the area of forest health factors or competition from plants, shrubs or other trees, or
- (b) it is more likely than not that 5 years after completion of the last of the brushing or spacing treatments on the stand that were carried out more than 15 years after the applicable commencement date the stand
- (i) will not conform to the applicable stocking standards, or
- (ii) will be impeded in its growth by competition from plants, shrubs or other trees
- because those treatments were ineffective or had an adverse effect on the stand.
-
- (7) A written declaration under section 107 of the Act to the effect that the requirements for the regeneration date or free growing date on an area have been met in respect of an area must include or incorporate by reference a current forest cover inventory for the area.
-
- Declaration regarding free growing stand obligations met to the extent practicable
- 97.1 (1) If a person who has an obligation to establish a free growing stand under
- considers that the obligation has been met on an area to the extent that is practicable, the person may submit to the district manager a written declaration that
- (2) Subject to subsection (3), on the date a declaration is submitted under subsection (1), the person who submitted the declaration is deemed to have fulfilled the applicable obligation referred to in subsection (1) (a) to (c) on the area identified in the declaration.
- (3) A person who submits a declaration under subsection (2) in respect of an area remains responsible for establishing a free growing stand on the area if the minister
- (a) determines, by order, that
- (i) the obligation has not been fulfilled on the area to the extent that is practicable, or
- (ii) the person
- (A) made a material misrepresentation or misstatement of fact in the declaration in relation to the obligation, or
- (B) omitted information from the declaration that the person knew or ought to have known was material to determining whether the obligation had been fulfilled to the extent that is practicable, and
-
-

Forest and Range Practices Act (FPRA)

- 29 Establishing Free Growing Stand
- 29.1 Transfer of Free Growing Obligations
- 30 Free Growing for Non-Replaceable Licences
- 107 Declarations

Forest Planning and Practices Regulation (FPPR)

- 44 Meet stocking standards and also sets parameters for exemptions to establishing a free growing stand
- 45 Collective Free Growing Stands
- 45.1 Exemptions to Free Growing Stands for Forestry Licences to Cut
- 45.2 Exemptions to Free Growing Stands for Timber Sales Licences

Forest Planning and Practices Regulation (FPPR)

- 46 Free Growing stands for Forestry Licence to Cut
- 46.1 Free Growing stands and Community Salvage Licence

● **46.11** The Free Growing stand requirement applies to each hectare.

Forest Planning and Practices Regulation (FPPR)

- 46.2 Requirements if a Free Growing stand cannot be established
- 97 Requirements associated with FRPA 107 declarations
- 97.1 Declarations for stands that are free growing to the extent ~~practicabl, practical, praccigblflakgj~~;.....practicable

- If you are signing and submitting declarations, please read FRPA Section 107 and FPPR Section 97

Risk Rating

- Not all blocks are inspected
- Sunshine Coast District 11 blocks
- Chilliwack Forest District 20 blocks
- Sea to Sky District 16 blocks
- Office inspections Many eg RESULTS (Reporting
submissions review of licensee

Silviculture Updates and Land status Tracking System)

Risk Rating

Risk Management Strategy for Free Growing inspections 2010/11

Licensee Risk	Licensee Risk	Cut Block Risk Criteria
	Based on the 2009 risk ranking process which compared the number of alleged non-compliances vs. the number of inspections. Previous determinations and reporting requirements. The Licensee risk rating is a separate process from the block risk rating.	Based on ecological conditions on the individual openings.
High	<ol style="list-style-type: none"> 1) Standard units submitted for Free Growing declaration from a Licensee with identified instances of alleged non-compliance for failure to establish a free growing stand within the Free Growing assessment period (FGAP) during the previous fiscal year. Refers to instances where compliance action was taken for the alleged non compliance 2) Standard units submitted for Free Growing declaration from a licensee with a previous determination for failure to establish a free growing stand within the Free Growing assessment period (FGAP). 3) Standard units where both the Late Free Growing date and the May 31 reporting date have passed where no Free Growing declaration has been received. 	<ol style="list-style-type: none"> 1. Standard units submitted for Free Growing declarations for sites identified as having a high brush hazard and dry ecosystems (includes; CWHdm all site series, CWHds1 all site series, CWHms1 site series 01, 06, IDFww all sites, and CWHvm1 site series 05, 07).
Moderate		<ol style="list-style-type: none"> 1) Standard units submitted where the identified treatment was Commercial thinning or partial cutting with no regeneration objectives.
Low		<ol style="list-style-type: none"> 1) Standard units submitted for Free Growing declaration where brush hazard is not high

Inspection Process

- Run a RESULTS report for Free Growing stands within a certain timeframe, eg Free Growing window
- RESULTS review of forest cover information
- Focus: No Reporting, Late Free Growing dates that have expired, Low free growing numbers in forest cover
- Risk rating of blocks

Inspection Process

- Pick a sample population of blocks
- Conduct inspection
- Aerial inspection
- Ground inspections

Inspection Rationale

- The following is an explanation for why these blocks were chosen:
- Licensee 1 Blocks
 - 1 Preferred free growing numbers less than the minimum free growing in the stocking standard for standards unit 1.
 - 2 Preferred free growing numbers less than the minimum free growing in the stocking standard for standards unit 2.
 - 3 This block was chosen because it is in the general area of block 1.
 - 4 General inspection to confirm the reported forest cover.
- Licensee 2 Blocks
 - 5 This block was chosen because it is the only ZZZZZZZZZZ Products block in the sample.
- Licensee 3
 - 6 There is 10% Alder in the forest cover.
 - 7 There is 10% Alder in the forest cover.
- Licensee 4
 - 8 SU 1 40% Vb in the forest cover.
 - 9 SU 2 10% Alder in the forest cover.
- Licensee 5
 - 10 Late Free Growing date has expired and there is no reported forest cover.
- Licensee 6
 - 11 Late Free Growing date has expired and there is no reported forest cover.

Emerging Issues

- Retained overstory stocking and impact on height growth and minimum height requirement.
- Retained overstory of Hw with Hw mistletoe and acceptable free growing Hw regeneration.
- What does minimum in “minimum preferred” and “minimum stocking” mean?

Meagar Creek landslide event



Meagar Creek landslide event





Free growing?



Fireweed competition, what do the standards say, 100%, 125%, 150%



Deciduous competition near equal height to
conifer trees.



Dead trees, is there a damage agent in the block. Is the damage reported in the free growing declaration.





Low stocking areas within the block



Did we consider FPPR 46.11



Rehabilitated roads really stand out.



Is stratification required?



Legacies, Seepage, stratification, and Section 97.1



Silviculture survey methods



Douglas-fir, birch and Appendix 9 guidelines



Marginal stocking. The grey area.



Better do a field visit.



Looks good, but no reporting was done.



Submit amendments prior to the expiration of the Late Free Growing date.



Variable stocking, well stocked ridges and low stocking in the seepages areas and lower slope.



Does the ground match the survey results.



Free growing today, but what about Feb 28,
2018?



Appendix 9 guidelines or FPPR 97.1 or more work?





What do you do when Ss makes up most of your FG stocking and there is Ss weevil?









Stuart Island



Hey Desrochers, take off eh !

