



Forest and Range Practices Act

SPECIAL TREE
PROTECTION REGULATION

B.C. Reg. 229/2020

Deposited and effective September 11, 2020

Consolidated Regulations of British Columbia

This is an unofficial consolidation.

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This is an unofficial consolidation provided for convenience only. This is not a copy prepared for the purposes of the *Evidence Act*.

This consolidation includes any amendments deposited and in force as of the currency date at the bottom of each page. See the end of this regulation for any amendments deposited but not in force as of the currency date. Any amendments deposited after the currency date are listed in the B.C. Regulations Bulletins. All amendments to this regulation are listed in the *Index of B.C. Regulations*. Regulations Bulletins and the Index are available online at www.bclaws.ca.

See the User Guide for more information about the *Consolidated Regulations of British Columbia*. The User Guide and the *Consolidated Regulations of British Columbia* are available online at www.bclaws.ca.

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SCHEDULE

PART 1 – INTERPRETATION AND APPLICATION

Definitions

1 In this regulation:

“**Act**” means the *Forest and Range Practices Act*;

“**breast height**”, in relation to a tree, means 1.3 m above the higher of

- (a) the high side of the tree, and
- (b) the point of germination for the tree;

“**diameter at breast height**”, in relation to a tree, means the outside bark diameter of the tree measured at breast height;

“**primary forest activity**” has the same meaning as in the Forest Planning and Practices Regulation;

“**responsible person**”, in relation to a primary forest activity, means

- (a) a holder of an agreement under the *Forest Act* that authorizes the primary forest activity, and
- (b) a person who is authorized to cut, damage or destroy Crown timber in the course of carrying out the primary forest activity
 - (i) by section 52 (2) of the Act, or
 - (ii) by an authorization under section 52 (1) (b) of the Act;

“**specified tree**” means a tree specified in the Schedule;

“**supporting tree**” means a tree within a horizontal radius of 56 metres around a specified tree.

Application

- 2** This regulation applies in relation to
- (a) Crown land, and
 - (b) private land that is subject to an agreement under the *Forest Act*.

PART 2 – PROTECTION OF SPECIFIED AND SUPPORTING TREES**Division 1 – Protection****Protection of specified and supporting trees**

- 3** (1) This section is subject to
- (a) section 4 [*exemption by minister*], and
 - (b) section 5 [*exception in relation to roads*].
- (2) A responsible person for a primary forest activity must ensure that, in the course of carrying out that activity,
- (a) specified trees are not cut, damaged or destroyed, and
 - (b) supporting trees are not felled, topped or destroyed.
- (3) For certainty, a tree is cut for the purposes of this regulation if the tree is felled, topped, limbed, pruned or otherwise cut.

Exemption by minister

- 4** (1) Section 3 (2) does not apply in relation to a tree that is cut, damaged or destroyed in accordance with an order under this section.
- (2) On application by a responsible person, the minister may, by written order, exempt the person from section 3 (2) in relation to a tree if the minister is satisfied of one or more of the following:
- (a) the exemption is necessary or advisable for
 - (i) forest management,
 - (ii) protection of humans or property, or
 - (iii) promotion of traditional or cultural activities;
 - (b) a primary forest activity cannot reasonably be carried out without cutting, damaging or destroying the tree;
 - (c) in the case of a supporting tree, the tree is not necessary to protect a specified tree.
- (3) An application under subsection (2) must be made in the form and manner specified by the minister.

Exception in relation to roads

- 5** Section 3 (2) (b) does not apply in relation to a supporting tree if

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- (a) the primary forest activity is maintaining or deactivating a road, and
- (b) supporting trees are felled, topped or destroyed no more than is necessary to carry out the activity.

Division 2 – Reporting**Report about specified tree**

- 6** (1) A responsible person for a primary forest activity who is aware of a specified tree in the area in which that activity is authorized must submit a report about the tree to the minister within 30 days after the later of the following:
- (a) the tree becomes a specified tree;
 - (b) the person becomes aware of the tree.
- (2) Subsection (1) does not apply in relation to a tree if a report has previously been submitted under that subsection about the tree.
- (3) A report under subsection (1) must
- (a) be in writing,
 - (b) be submitted in the form and manner specified by the minister, and
 - (c) set out the following information:
 - (i) the authorization for the responsible person to carry out the primary forest activity and, if applicable, the number of that authorization;
 - (ii) the date the tree was identified;
 - (iii) the location of the tree, expressed as a latitude and longitude in decimal degrees;
 - (iv) the species and, if applicable, variety of the tree;
 - (v) the height and diameter at breast height of the tree.

Cutting, damaging or destroying specified tree under exemption

- 7** (1) A responsible person who fells, tops or destroys a specified tree under an exemption granted under section 4 (2) must notify the minister within 30 days after doing so.
- (2) A notice under subsection (1) must be
- (a) in writing, and
 - (b) submitted in the form and manner specified by the minister.

SCHEDULE**SPECIFIED TREES – DIAMETER AT BREAST HEIGHT****Definition**

- 1 In this Schedule, “**coastal biogeoclimatic zones**” means the Mountain Hemlock, Coastal Douglas-fir and Coastal Western Hemlock biogeoclimatic zones as shown on the attached maps numbered 1 to 4 and titled “Coastal Biogeoclimatic Zones”.

Specified trees

- 2 A tree is specified under this Schedule if the tree
- (a) is standing,
 - (b) is described in Column 1 of the Table,
 - (c) is located in an area described in Column 2 opposite that description, and
 - (d) has a diameter at breast height equal to or greater than the diameter at breast height specified in Column 3 opposite that description.

Table

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

NOTE: Maps are exempt from publication and may be inspected at the offices of the Ministry of Forests, Lands, Natural Resource Operations and Rural Development, 2975 Jutland Road, Victoria, B.C. V8T 5J9, during regular office hours.