

Forest Practices Code of British Columbia Act

**TREE CONE, SEED AND VEGETATIVE
MATERIAL REGULATION**

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Definitions

1 (1) In this regulation:

"dealer" means a person, other than an employee of the ministry, who buys and sells cones, seeds or vegetative material as a business enterprise, and includes a processor;

"licence" means an agreement in the form of a forest licence, timber sale licence, timber licence, tree farm licence, woodlot licence or timber sale harvesting licence entered into under the *Forest Act* or the former Act;

"process" and **"processing"** mean drying, kilning and tumbling of cones and dewinging and cleaning of seeds and other treatments of cones and seeds;

"processor" means a person engaged in processing, but does not include an employee of the ministry;

"seedlot" means a quantity of cones or seeds having the same species, source, quality and year of collection;

"source" means

(a) the geographic source of cones, seeds and vegetative material including the latitude, longitude and elevation of the source, or

(b) the name and licence number of the seed orchard or cutting orchard;

"vegetative lot" means a quantity of vegetative material or vegetative propagules having the same species, source and year of collection;

"vegetative material" means plant parts or tissues used to produce vegetative propagules through asexual means;

"vegetative propagule" means a plant that has been produced through asexual means.

(2) A reference in this regulation to cones, seeds or vegetative material is a reference to the cones, seeds or vegetative material of any species of commercial forest trees intended to be used for reforestation.

Collection

2 (1) Subject to subsection (2), a person must not collect cones, seeds or vegetative material from Crown land unless in possession of a cone and vegetative material collection permit issued by the district manager, or person authorized by the

district manager.

(2) Subsection (1) does not apply to

- (a) employees or agents of the government, or
- (b) persons collecting cones or vegetative material for a non-commercial purpose.

(3) A permit issued under subsection (1)

- (a) must be in Form 1,
- (b) must contain a description of the area of land to which it relates,
- (c) may confer rights and be granted subject to obligations referred to in the permit, and
- (d) may require, as a condition of issuance, that the holder submit, on completion of the collection, a cone collector's report in a form approved by the chief forester.

(4) A permit to collect cones, seeds and vegetative material from Crown land held under licence or lease must not be issued unless the licence holder or tenant consents in writing to the collection.

Registration

3 (1) It is the duty of the ministry to

- (a) issue seedlot or vegetative lot numbers for the purposes of registration,
- (b) keep a register of numbers issued under paragraph (a) and also enter in that register particulars of every seedlot and vegetative lot accepted for registration, and
- (c) issue a notice of registration for each seedlot and vegetative lot accepted for registration.

(2) A person seeking to have a seedlot registered must submit to the tree seed centre of the ministry

- (a) the seedlot, and
- (b) a completed natural stand (and plantation) cone collection report in Form 2 or a seed orchard cone collection report in Form 3.

(3) A person seeking to have a vegetative lot registered with the ministry must submit an application about the lot to the ministry which includes all the following information:

- (a) species;
- (b) quantity;
- (c) source;
- (d) year of collection;
- (e) any other information requested by the ministry.

(4) Without limiting subsections (2) and (3), if required by the district manager or person authorized by the district manager, the person seeking to register a seedlot or vegetative lot collected from Crown land must submit a copy of the cone and vegetative material collection permit issued under section 2.

Processing

4 (1) A processor must not process cones or seeds collected from Crown land unless the processor

- (a) is in possession of a seed and vegetative material dealer's licence in Form 4 issued by the chief forester, or person authorized by the chief forester, and
- (b) receives, with the cones and seeds, a cone and vegetative material collection permit, and either a natural stand (and plantation) cone collection report or a seed orchard cone collection report for those cones or seeds.

(2) Except with the consent of the chief forester, a person must not remove from British Columbia for processing cones or seeds collected from

- (a) Crown land, or
- (b) seed orchards on private land which is subject to a licensing agreement with the ministry.

Disposition

5 (1) A dealer must not buy, sell or trade in cones, seeds or vegetative materials unless under and in accordance with a seed and vegetative material dealer's licence in Form 4 issued by the chief forester or a person authorized by the chief forester.

(2) Every dealer must maintain within British Columbia a ledger containing, in respect of each transaction in cones, seeds or vegetative material, all of the following:

- (a) the name and address of the seller and buyer;
- (b) the date of the transaction;
- (c) the species of the cones, seeds or vegetative material;
- (d) the volume of cones, mass of seeds or number of vegetative propagules;
- (e) the seedlot and vegetative lot registration number, cone and vegetative material collection permit number or any other identifying number, or, if the cones, seeds, or vegetative material have been collected from land other than Crown land, the name and address of the owner of that land.

(3) The chief forester or person authorized by the chief forester may inspect and make copies of the ledger at any reasonable time.

Offence

6 (1) A person commits an offence if he or she

- (a) contravenes section 2 (1), 4 or 5 (1) or (2),
- (b) fails to comply with a condition of a permit or licence issued under this regulation, or
- (c) obstructs or impedes the chief forester or person authorized by the chief forester in carrying out an inspection under section 5 (3).

(2) A person who commits an offence is liable on conviction to a fine of not more than \$2 000 or to imprisonment for not more than 6 months or to both.

Forms 1-4

Form 1

Form 2

Form 3

Form 4

Note: This regulation repeals B.C. Reg. 284/82, the Tree Cone and Tree Seed Regulation

[Provisions relevant to the enactment of this regulation: section 210 (2) of the *Forest Practices Code of British Columbia Act*, R.S.B.C. 1996, c. 159; section 65 (f) of the *Forest Practices Code of British Columbia Amendment Act*, 1995]