



Cone Collection Authorization and Seed Registration Guidance

The information contained in this general bulletin does not constitute legal advice. Any legislative references are interpreted for the purposes of cone collection only. Government practitioners should seek legal advice from the Attorney General, while industry practitioners should seek independent legal advice. If you wish to use the guidance for another purpose, please consult the appropriate legislation. Please note this general bulletin cancels and replaces FRPA General Bulletin 1 dated August 12, 2004.

1.0 Legislative References

Chief Forester's Standards for Seed Use

Financial Administration Act, Section 1 Definitions

Forest Act, Part 3, Division 8.2, Section 47.6 Forestry License to cut

Forest Planning and Practices Regulation (FPPR), Section 43 Use of seed

Forest Planning and Practices Regulation (FPPR), Section 44 Free growing stands generally

Forest and Range Practices Act (FRPA), Section 29 Free growing stands

Forest and Range Practices Act (FRPA), Section 52 Unauthorized timber harvesting

Forest and Range Practices Act (FRPA), Section 60 Inspection of vehicle or vessel

Forest and Range Practices Act (FRPA), Section 67 Seizure of timber, chattels, hay, etc.

Land Act, Land Use Policy – Permission Policy

Woodlot License Planning and Practices Regulation (WLPPR), Section 32 Use of seed

Woodlot License Planning and Practices Regulation (WLPPR), Section 34 Free growing stands

2.0 Introduction

The following information has been prepared for statutory decision-makers and persons who collect cones from Crown timber and/or register tree seed for use on Crown land. This bulletin outlines the authorizations that govern cone collections, free growing obligations associated with cone collections, and collection requirements for the registration of seed. This general bulletin cancels and replaces FRPA General Bulletin 1 dated August 12, 2004.

This bulletin does not apply to all land designations. Other authorization processes may exist for certain areas, including but not limited to the following:

- on all federal lands including national parks, Department of National Defence lands, and lands regulated by Crown-Indigenous Relations and Northern Affairs Canada
- in provincial parks and protected areas, such as ecological reserves or special reserves
- in recreation areas, including provincial recreation sites and trails
- in areas specifically closed to protect sensitive resource values or public safety
- on private land and treaty lands.

3.0 Authorization for Cone Collections

Cone collections must comply with all applicable legislation related to the use of Crown land and respect the rights of Indigenous nations, private property owners, and other stakeholders. It is the cone collector's responsibility to determine land ownership status.

It is strongly recommended that cone collectors contact the district office prior to starting any collections. District staff can assist in verification of the authorizations required for the proposed method and location of cone collection, potential need to engage with Indigenous nations, and discuss any applicable district policies, including safety issues or concerns – such as active road building or harvesting activities in the collection area of interest.

3.1 Collections that DO NOT Involve Cutting or Damage

Collections that do not involve the cutting, damaging, or destruction of Crown timber, such as picking cones from branches or squirrel caches, require no authorization under the *Forest Act* or *Forest and Range Practices Act*. As such, use and occupation of Crown land for non-destructive cone collection is currently granted through the *Land Use Policy – Permission*. This policy grants lawful authority to the public, in the form of permission (e.g., a bare license), to occupy and use Crown land for activities identified by the Ministry of Forests as short-term and low impact.

The *Permission Policy* does not authorize activities which are prohibited or limited under other legislation (e.g., *Forest Act*, *Forest and Range Practices Act*, *Water Sustainability Act*, *Wildfire Act*). Permission under this policy may be limited (see *Permission Policy S.7*) or rescinded to a greater or lesser extent, from place to place, and from time to time.

3.2 Collections that INVOLVE Cutting or Damage

All persons who wish to cut, damage, or destroy Crown timber for the purpose of collecting cones must have appropriate authorization to do so. This includes cutting tree branches or tops (whether standing, fallen, living, dead, limbed, bucked or peeled) by any means for cone collections. Collectors must hold a right to occupy and use Crown land as well as have appropriate authorization to cut, damage or destroy Crown timber.

3.2.1 Forest Tenure Agreement Holders

The right to occupy and use Crown land and its resources may be granted to forest companies, communities, or individuals under their forest tenure agreement. Forest tenure agreement holders include forest licenses, timber licenses, tree farm licenses, community forest agreements, First Nations woodland licenses, woodlot licenses, or timber sale licenses.

Authorization to cut, damage or destroy Crown timber can be granted, by the minister under *FRPA Section 52(1)(b)*, to forest tenure agreement holders completing cone collections within their agreement area but outside of an authority to cut (e.g., CP). The power to issue authorizations under *FRPA 52(1)(b)* has been delegated to the District Manager and does not include removal of the Crown timber.

Applications for authorization under *FRPA 52(1)(b)* are completed through the local Natural Resource District office and forest tenure agreement holders should contact the district office for their local process. Generally, forest tenure agreement holders should email the inbox

typically used for a cutting permit. There is an Incidental Timber Harvest Application form available for District use.

3.2.2 Government Programs

Section 52(2) of FRPA authorizes cutting, damage, or destruction of Crown timber for the purpose of carrying out a forest practice that is funded under a vote as defined in Section 1 of the *Financial Administration Act*. This authorization does not include removal of the Crown timber. This type of collection is completed through a contract and may specify conditions to the authorization.

3.2.3 Other Collectors

For collectors without a forest tenure agreement authorizing cone collections or those wanting to collect outside of their forest tenure agreement area, the rights to occupy Crown land and cut Crown timber can be granted by the District Manager through a Forestry License to Cut (FLTC) under *Section 47.6 (2) (b.1) of the Forest Act* which allows for a volume of timber, not exceeding 50m³, to be cut.

Authorization under an FLTC for the purpose of collecting cones is not available for certain areas including:

- areas already occupied by an existing cutting authority
- area-based forest tenures which include Tree Farm Licenses, Community Forest Agreements, Woodlots and First Nation Woodland Licenses
- areas where there is reason under forestry legislation (e.g., *Forest Act, Forest and Range Practices Act, the Wildfire Act*) that harvesting should not occur (e.g., the area had been established as a wildlife tree retention area by a licensee or BC Timber Sales).

Proponents can submit FLTC applications to the local Natural Resource District office. District staff will review the application to determine possible impacts the cone collection activity could have on Aboriginal rights and title, government objectives, or licensee plans. District staff may engage with affected First Nations and licensees or may request the proponent to complete engagement activities. The FLTC area should include delineated areas identified on a map (exhibit A of the FLTC). The district manager may consider the rights and interests of other persons regarding the trees from which the cones, seed or vegetative material are to be collected before granting such authority. The FLTC may also include conditions or describe or delineate areas that are excluded from the available areas based on findings from the application review, engagement, and consultation.

4.0 Free Growing Obligations

Section 44(3) of the FPPR exempts tenure holders from the requirement to establish a free growing stand under FRPA Section 29 if the timber harvesting activity is restricted to facilitating the collection of seed and the opening left is not greater than 1 ha. The exemption from *FRPA Section 29(3)* for woodlot license holders is in WLPPR section 34(2).

An FLTC issued for cone collections under *Section 47.6 (2) (b.1) of the Forest Act*, does not have any legislated free growing obligations.

5.0 Collection and Registration

The chief forester is authorized to establish standards for seed to be used in the establishment of free growing stands under *Section 43 of FPPR* and *Section 32 of WLPPR*. These regulations permit the chief forester to set standards regulating the use, registration, storage, selection, and transfer of seed. All seed used in the establishment of free growing stands in British Columbia must be registered with the government through the Tree Seed Centre. Registration ensures that seedlots meet the applicable collection criteria specified in the *Chief Forester's Standards for Seed Use*.

5.1 Natural Stand Seed

Collection criteria requirements are specified in the *Chief Forester's Standards for Seed Use*. Some of the requirements for seed registration from natural stands include:

- collection from a minimum number of trees
- collection must be from the same biogeoclimatic unit
- collection area radius no greater than 8 km
- collections are not eligible for registration from plantations that consist of trees other than parent trees.

5.2 Seizure of Seed

Under FRPA, all persons may collect, process, dispose and export cones, seed, and vegetative material from Crown land so far as they do not contravene *Section 52 of FRPA*, and any applicable agreements, provincial legislation (e.g., Workers Compensation Act), federal legislation (e.g., Seeds Act, and Plant Protection Act), and laws of an importing country. *FRPA Section 60 and Section 67* include provisions for government officials to inspect a vehicle or vessel that is believed to be carrying seed and seize seed if collected contrary to the prescribed requirements.

6.0 Further Information

Additional information regarding tree seed may be found on the Government of British Columbia website: [Tree Seed - Province of British Columbia \(gov.bc.ca\)](http://www.gov.bc.ca/tree-seed) email: FORHTIP.SEEDHELP@gov.bc.ca

6.1 Legislative Links

- Chief Forester's Standards for Seed Use
[Chief Forester's Standards for Seed Use - Province of British Columbia \(gov.bc.ca\)](http://www.gov.bc.ca/seed-use)
- Delegation of Minister's Authority under the Forest and Range Practices Act
[Transfer of Authority for Natural Resource Management - Province of British Columbia \(gov.bc.ca\)](http://www.gov.bc.ca/transfer-authority)
- Land Use Policy - Permission
[Permission Policy](http://www.gov.bc.ca/permission-policy)
- Financial Administration Act
[Financial Administration Act \(gov.bc.ca\)](http://www.gov.bc.ca/financial-administration-act)
- Forest Act
[Forest Act \(gov.bc.ca\)](http://www.gov.bc.ca/forest-act)
- Forest and Range Practices Act (FRPA)
[Forest and Range Practices Act \(gov.bc.ca\)](http://www.gov.bc.ca/forest-range-practices-act)
- Forest Planning and Practices Regulation (FPPR)
[Forest Planning and Practices Regulation \(gov.bc.ca\)](http://www.gov.bc.ca/forest-planning-practices-regulation)
- Woodlot License Planning and Practices Regulation (WLPPR)

[Woodlot License Planning and Practices Regulation \(gov.bc.ca\)](#)

6.2 Available Seed Tools

- Seedlot registration in SPAR – Registration Overview
[Parent Tree Overview \(gov.bc.ca\)](#)
- SPAR Tutorials
[SPAR quick start tutorial - Province of British Columbia \(gov.bc.ca\)](#)
- Climate Based Seed Transfer Seedlot Selection Tool
[CBST Seedlot Selection Tool Version 6.0 \(forsite.ca\)](#)
- Seed Supply and Demand Dashboard
[Seed and Tree Need and Production \(forsite.ca\)](#)
- Seed Orchard Dashboard
[Seed Orchard Dashboard \(forsite.ca\)](#)