



Special Tree Protection Regulation – Q&A

1. What is a specified tree?

A specified tree is an exceptionally large tree that can often be attributed with having important cultural, aesthetic or ecological value.

2. What qualifies a tree to be a specified tree?

A specified tree is a standing tree of a specific species with a certain diameter at breast height (DBH) and in some cases located in a defined area of the Province. There are eleven species identified in the regulation and a tree must meet or exceed the prescribed DBH to be recognized as a specified tree.

3. Does the condition of the tree determine whether it is a specified tree?

No, except that the tree needs to be standing to be a specified tree.

4. What are supporting trees?

These are the trees, of all sizes and species, within a one-hectare circular buffer around the specified tree – this is measured over a horizontal distance (HD) radius of 56 meters with the specified tree at the centre.

5. Who does this regulation apply to?

The holder of an agreement under the *Forest Act* and persons authorized under sections 52 (1) (b) and 52 (2) of the *Forest and Range Practices Act*, who are carrying out a primary forestry activity.

6. What is a primary forestry activity?

Timber harvesting, silviculture treatments, wildlife habitat enhancement, or road construction, maintenance and deactivation.

7. Where does this regulation apply?

On Crown land, and private land (i.e. land other than Crown land) that is subject to a forestry agreement.

8. What exactly is prohibited?

Cutting, damaging or destroying specified trees and felling, topping or destroying supporting trees. Cutting includes felling, topping, limbing, pruning or otherwise cutting.

9. Can a person seek an exemption from the forest practice?

Yes, persons can request an exemption. The Minister may grant an exemption if necessary for:

- Forest management (e.g. forest health);
- Protection of humans or property (e.g. danger trees);
- Promotion of traditional or cultural activities (e.g. canoes or totems);
- A primary forest activity cannot be completed without cutting, damaging or destroying a tree; or
- A supporting tree is not necessary to protect the specified tree.

10. Is there anything an exemption isn't necessary for?

With respect to a specified tree, an exemption is necessary for any cutting, damage or destruction. However, for a supporting tree, an exemption is not necessary for actions other than felling, topping or destroying a tree. For example, an exemption is not necessary for pruning to the extent it does not destroy the tree. Additionally, an exemption is not necessary for felling, topping or destroying of supporting trees necessary for maintaining or deactivating a road, but only insofar as that action is necessary to carry out the activity.

11. What about danger trees?

A danger tree that is a specified tree or supporting tree must not be topped or destroyed without an exemption. If a specified tree or supporting tree is identified as a danger tree, mitigating measures, such as a no work zone, should be used to manage the hazard until an exemption is granted.



12. Is there an obligation to also report a specified tree outside an area where a primary forestry activity is authorized (e.g. cutblock boundary)?

While a person is not legally obligated to report specified trees outside of these areas they are encouraged to do so, as this will assist in future planning. If a specified tree is outside of an authorized activity area but any of the 56 meter HD buffer overlaps that area, the supporting trees within that overlap must be protected. A licensee is only obligated to report the specified tree in this situation if they wish to apply for an exemption for the supporting trees within the overlap area.

13. Do specified trees within already protected areas (e.g. designated Wildlife Tree Patches) need to be reported?

Yes, if the protected area is within an area where a primary forestry activity is authorized.

14. Do community forests and woodlot licences operating under the one cutting permit model have to report on the identification of any specified trees?

Yes, and the same requirements apply for protecting specified and supporting trees.

15. Can these specified trees be reported in RESULTS?

No, RESULTS can be used to track Wildlife Tree Patches but not specified trees.

16. How do I report specified trees?

All specified trees will need to be reported by completing parts A-D in the form located here: <https://www2.gov.bc.ca/gov/content/industry/forestry/forest-tenures/forest-tenure-administration> .

17. How long do I have to make a report?

A report must be made within 30 days of being identified.



18. Do I have to report back to government if I take an action under an exemption? If so, how do I make this report?

If a person is authorized to fell, top or destroy a specified tree under an exemption the person must report the action to the Regional Executive Director within 30 days of the action being undertaken. This is described in the letter dated September 11th, 2020 from the Director of Tenures that specifies the form and manner for reporting.

19. Are there situations where I don't have to report a specified tree?

A report is not necessary if a report has been previously submitted for the specified tree by another person.

20. What if a specified tree dies or falls down due to natural causes?

If the specified tree is no longer standing, the conditions of the regulation no longer apply (i.e. specified and supporting trees are no longer protected). However, if a specified tree dies but is standing, the conditions of the regulation still apply to the specified tree and supporting trees until it falls or an exemption is granted. It is recognized that some trees will fall over time and this information is encouraged to be reported to the District Manager, but not required.

21. Is there any obligation to create a larger buffer if it is appropriate to protect a tree?

No, there is no legal obligation; however, an additional buffer may be warranted to protect a specified tree and is strongly encouraged in this situation.

22. What happens if a specified tree is not identified during cutblock layout and is identified during harvest operations?

The specified tree and supporting trees are still protected. The licensee must take the steps necessary to ensure the conditions of the regulation are met and report the specified tree.

23. What is the process for a reappraisal if a specified tree is located within a cutblock?

A licensee can submit a reappraisal request with the relevant information through the standard process and consistent with the appraisal manual. Reappraisals are not available to holders of BCTS licenses however the appraisal manuals describe alternative approaches.



24. What if a specified tree is located within an existing cutblock with a regenerating stand?

The specified tree will be protected by the regulation as will the one hectare area (within 56 metres of the tree) surrounding the tree. The licensee retains FRPA obligations, including achieving a Free Growing stand.

25. Can members of the public report specific trees to government?

The University of British Columbia maintains a Big Tree Registry that the public can utilize to report large trees and can accessed here: <https://bigtrees.forestry.ubc.ca/bc-bigtree-registry>. Please note, the Big Tree Registry is not representative of government information, and contains trees that may not meet thresholds within the regulation.

26. How many trees will be protected by this regulation and where will they be located?

It is estimated approximately 1,500 special trees around the province will be protected under this regulation. It is anticipated that specified trees will be distributed throughout the province, as the criteria for these trees is representative of known trees throughout BC; the location of certain species dictated the DBH that is specified in the regulation. It is recognized that some species grow to different sizes depending on their location. For example, western red cedar grows larger on the coast than in the interior, but in either location can grow to be remarkable in their own right. Government may review the outcomes of the regulation and may adjust the diameter criteria based upon the results of that review.

27. What was the criteria to determine the minimum size for a tree to be considered a specified tree?

FLNRORD developed targets and reviewed provincial data to ensure the parameters were appropriate.

28. Do you know where these trees are?

Not in all cases, however some trees have already been provided protection and are already mapped. Part of the intent of the regulation, is to afford specified trees, whether previously identified or not, a form of "automatic" protection. Simply by their existence they are protected.



Provided for information only and should not be construed as legal advice as it relates to the Regulation.

29. Why are some species of trees not included in the regulation?

The BC Big Tree Registry was used to guide which tree species were of highest interest to the public. Government may review the outcomes of the regulation and may adjust the species list based upon the results of that review.

30. Are the locations of these special trees available on iMapBC, or another web-based application for public viewing?

FLNRORD is currently reviewing options to provide this information under a web-based application. Currently, these are recorded as Map Notations and available in the BC Geographic Warehouse.

31. How will this regulation be enforced?

An administrative penalty up to \$100,000 can be levied for a contravention of the prohibited actions against specified and supporting trees.

