

## Reforestation Stocking Variability

### Purpose:

To describe the Council's policy regarding stocking variability within areas that are required to be restocked and support a successfully regenerated stands under section 31 of the Private Managed Forest Land Council Regulation 2007 (the regulation).

### Regulatory Requirements:

The requirements respecting restocking and establishing successfully regenerated stands are set out in section 31 of the regulation (see Schedule A). To conform to the requirements for restocking and establishment of a successfully regenerated stand requires that the specified number of crop trees be reasonably well distributed.

A standard of crop trees being reasonably well distributed implies both of the following:

- crop trees need not be uniformly distributed, and
- large areas of voids or understocking are not permitted

### Policy:

With respect to assessing stocking variability within disturbed areas to determine whether or not the crop trees are reasonably well distributed for both restocking an area and establishing a successfully regenerated stand, it is the policy of the Council that

- (a) variation in distances between individual crop trees based on local conditions and circumstances applicable to the area is acceptable,
- (b) subject to paragraphs (c) and (d), each hectare of disturbed area is to support the applicable number of reasonably well distributed crop trees to meet the requirements of a restocked area and a successfully regenerated stand,
- (c) contiguous areas within the disturbed area may be partitioned into treatment units using generally acceptable silviculture survey techniques,
- (d) if the overall stocking of the treatment unit conforms to the applicable stocking requirements for the minimum number of reasonably distributed crop trees per hectare, individual areas within the treatment unit are not required to meet the applicable stocking standards if
  - (i) the contiguous understocked areas are each less than 1 ha, or
  - (ii) the contiguous understocked area is at least 1 ha but no more than 2 ha and the cumulative portion of the treatment unit occupied by these understocked areas does not exceed 5% of the treatment unit, and
- (e) contiguous understocked areas of more than 2 ha are not permitted.

Date: Oct 23, 2009

Approved: Original signed  
Trevor Swan, Chair

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### SCHEDULE A Council Regulation Section 31

#### Reforestation of areas where timber harvested or destroyed

31 (1) In this section:

**“completion of timber harvesting”** means the date that timber harvesting within a cutblock is concluded and is determined by

- (a) the date the area is declared as a cutblock in an annual declaration, or
- (b) if an area is not included in a declaration, a date that does not exceed two consecutive operating seasons from the commencement of harvesting in the cutblock;

**“crop tree”** means a tree that

- (a) is of a commercial species that is consistent with the species of trees specified in the management commitment for use in reforestation, and
- (b) is unencumbered by pathogens;

**“disturbed area”** means all or part of private managed forest land where

- (a) timber harvesting has been completed within a cutblock, or
- (b) timber was destroyed

but does not include an area occupied by roads referred to in section 13 or logging trails referred to in section 14 (1);

**“restock”** means to establish a stand of trees that contains at least

- (a) 400 crop trees per hectare reasonably well distributed across the disturbed area if the stand is on the Coast, and
- (b) 600 crop trees per hectare reasonably well distributed across the disturbed area if the stand is in the Interior;

**“successfully regenerated stand”** means a stand of trees

- (a) that contains at least
  - (i) 400 crop trees per hectare reasonably well distributed across the disturbed area if the stand is on the Coast, and
  - (ii) 600 crop trees per hectare reasonably well distributed across the disturbed area if the stand is in the Interior, and
- (b) where the crop trees exceed the height of competing vegetation within 1 m of the crop tree by
  - (i) 50% if the area is on the Coast, and
  - (ii) 25% if the area is in the Interior.

(2) This section does not apply to an owner of a disturbed area if

- (a) the area where the timber was harvested or destroyed is a contiguous area that is under 1 ha in size, or

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- (b) the trees remaining on the area meet the definition of a successfully regenerated stand.
- (3) If all or part of private managed forest land becomes a disturbed area after the area becomes an owner's land, the owner must reforest the disturbed area by
  - (a) restocking the disturbed area within 5 years of the completion of timber harvesting activity on the cutblock, or the date the timber was destroyed, as applicable, and
  - (b) establishing a successfully regenerated stand on the disturbed area within 15 years of the completion of timber harvesting activity on the cutblock, or the date the timber was destroyed, as applicable.
- (4) Subject to subsection (5), if all or part of private managed forest land became a disturbed area before the area became an owner's land, the owner must reforest the disturbed area by
  - (a) restocking the area within 10 years of the area becoming the owner's managed forest land, and
  - (b) establishing a successfully regenerated stand on the area within 20 years of the area becoming the owner's managed forest land.
- (5) If, in relation to a disturbed area, the council determines that
  - (a) the present owner is a corporation,
  - (b) the previous owner is a corporation and was the owner of the area when the area became a disturbed area, and
  - (c) the present owner is
    - (i) a subsidiary of the previous owner, or
    - (ii) has control of the previous owner,

the council may order that the present owner reforest the disturbed area in accordance with subsection (3).
- (6) Nothing in this section requires an owner to reforest a disturbed area if the timber on the area was
  - (a) destroyed and the disturbed area is not sufficiently productive to support a successfully regenerated stand, or
  - (b) harvested or destroyed and the disturbed area becomes occupied by buildings or other structures or installations.