



*Forest and Range Practices Act*

TREE SEEDS AND  
SERVICES REGULATION

**B.C. Reg. 138/2019**

Deposited June 24, 2019 and effective July 2, 2019

**Consolidated Regulations of British Columbia**

*This is an unofficial consolidation.*

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*Forest and Range Practices Act*

**TREE SEEDS AND SERVICES REGULATION**

**B.C. Reg. 138/2019**

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## *Forest and Range Practices Act*

### TREE SEEDS AND SERVICES REGULATION

B.C. Reg. 138/2019

#### Definitions

1 In this regulation:

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

“**cone**” includes other structures in which seeds are generated;

“**germination index**”,

(a) in relation to orchard seeds of a tree described in column 1 of Table 1 [*Orchard Seeds*] of Schedule 1, means the percentage specified in column 3 opposite that description, and

(b) in relation to wild seeds of a tree described in column 1 of Table 2 [*Wild Seeds*] of Schedule 1, means the percentage specified in column 3 opposite that description;

“**germination test**” means a test to determine the percentage of seeds in a seedlot that are likely to germinate;

“**listed price**”,

(a) in relation to orchard seeds of a tree described in column 1 of Table 1 [*Orchard Seeds*] of Schedule 1, means the price specified in column 2 opposite that description, and

(b) in relation to wild seeds of a tree described in column 1 of Table 2 [*Wild Seeds*] of Schedule 1, means the price specified in column 2 opposite that description;

“**orchard seeds**” means seeds collected from a seed orchard;

“**seed**” means a tree seed;

“**seedlot**” means seeds that are assembled as a lot for the purposes of registration in accordance with the standards established under section 169 [*chief forester standards*] of the Act;

“**tested germination rate**”, in relation to a seedlot, means the percentage of seeds in the seedlot that are likely to germinate, as determined by the minister;

“**upgrade**”, in relation to a seedlot, means to remove non-viable seeds;

“**wild seeds**” means seeds collected from a wild stand of trees.

#### Provision of seeds

2 (1) The minister may provide seeds to a person.

(2) Subject to sections 10 and 11 [*exemptions*], a person to whom seeds are provided under this section must pay to the government the price determined in accordance with the following formula:

$$\text{price} = \text{weight} \times \text{unit price} \times \text{germination adjustment}$$

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- where
- weight = the weight of the seeds, expressed in kilograms;
- unit price = the unit price for the seeds specified under subsection (3) or (4) of this section, as applicable;
- germination adjustment = the germination adjustment for the seeds determined under subsection (5) of this section.
- (3) Subject to subsection (4), the unit price for seeds is the following:
- (a) the listed price for the seeds, if the seeds are
    - (i) orchard seeds collected from
      - (A) an orchard owned by the government, or
      - (B) an orchard that receives funding from the government under an agreement to provide seeds to the government, or
    - (ii) wild seeds collected before 2004;
  - (b) in any other case, the actual cost to the government of acquiring a kilogram of the seeds.
- (4) The unit price for seeds referred to in subsection (3) (a) (i) (A) is 50% of the unit price specified under that subsection if the minister considers, having regard to the genetic quality of the seeds, that the volume of the trees grown from the seeds at the location where the seeds will be planted will not be more than 5% greater than the volume of trees of the same species growing in wild stands at that location.
- (5) The germination adjustment for seeds is the following:
- (a) if the tested germination rate of the relevant seedlot is less than the germination index for the tree from which that seedlot was collected, the quotient of the tested germination rate and the germination index;
  - (b) in any other case, one.

**Provision of vegetative material**

- 3** (1) The minister may provide vegetative material to a person in an amount that the minister considers will yield a number of seedlings requested by the person, having regard to
- (a) the age and vigour of the tree from which the vegetative material is taken, and
  - (b) the climactic conditions under which cuttings are to be taken and seedlings established.
- (2) Subject to subsection (3) and sections 10 and 11 [*exemptions*], a person to whom vegetative material is provided under this section must pay to the government \$0.03 per seedling requested by the person.
- (3) If the minister is satisfied that vegetative material initially provided to a person under this section is insufficient to yield the number of seedlings requested by the

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person, the minister may, without additional charge, provide more vegetative material to the person in an amount that the minister considers will make up the insufficiency.

**Provision of services**

- 4** (1) The minister may provide services in relation to seeds or vegetative material to a person.
- (2) Subject to sections 10 and 11 [*exemptions*], a person for whom a service is provided under this section must pay to the government the fee, if any, that is specified in this regulation.

**Seed services – processing**

- 5** (1) The fee to process seeds for registration and storage is the following:
- (a) if extraction of the seeds from cones is not required, \$75;
  - (b) if extraction of the seeds from cones is required, the fee determined under subsection (2).
- (2) The fee for the purposes of subsection (1) (b) is the sum of
- (a) a basic fee of \$150, and
  - (b) any of the following additional fees that is applicable:
    - (i) if the seeds are from a tree described in column 1 of Table 1 [*Processing Fees*] of Schedule 2, the fee specified in column 2 opposite that description;
    - (ii) if the person requests that the seeds be processed on an expedited basis, the following fee:
      - (A) if the volume of the cones from which the seeds are to be extracted is less than or equal to 40 hL, \$200;
      - (B) if the volume of the cones from which the seeds are to be extracted is greater than 40 hL, \$300;
    - (iii) if atypical effort is required to process the seeds or the person to whom the service is provided requests that the seeds be processed in a special manner, the fee determined under subsection (3).
- (3) The fee for the purposes of subsection (2) (b) (iii) is the sum of
- (a) a basic fee of \$60 per hour of labour, and
  - (b) any of the following additional fees that is applicable:
    - (i) if kiln-drying cones more than once is necessary, a fee equal to 50% of the fee referred to in subsection (2) (b) (i) per hL of cones;
    - (ii) if extra cleaning to remove pitch from cones is necessary, a fee equal to 5% of the fee referred to in subsection (2) (b) (i) per hL of cones.
- (4) The fee to upgrade or blend seedlots is \$60 per hour of labour.

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**Seed services – testing**

- 6** (1) The fee to collect a sample of seeds from a seedlot for testing is \$24 per sample, regardless of the number of tests for which the sample is to be used.
- (2) The fee for a germination test of seeds of a tree described in column 1 of Table 2 [*Germination Tests*] of Schedule 2 is the fee specified in column 2 opposite the description.
- (3) The fee for a test described in column 1 of Table 3 [*Other Tests*] of Schedule 2 is the fee specified in column 2 opposite the description.

**Seed services – preparation**

- 7** (1) The fee to prepare seeds for sowing is the sum of
- (a) a basic fee of \$16, and
  - (b) any of the following additional fees that is applicable:
    - (i) if the person requests that the seeds be stratified, the fee specified in column 2 of the Table 4 [*Stratification*] of Schedule 2 opposite the description of the requested stratification in column 1;
    - (ii) if the person requests that the seeds be pelleted, the fee determined under subsection (2).
- (2) The fee for pelleting is the following:
- (a) in the case of western redcedar seeds, the lesser of
    - (i) \$460, and
    - (ii) the sum of a basic fee of \$135 and an additional fee of \$0.45 per gram of seeds;
  - (b) in any other case, the sum of a basic fee of \$62 and the fee per gram of seeds that the government is charged to have the seeds pelleted.

**Seed services – withdrawal and shipping**

- 8** (1) The fee to withdraw, package and label seeds is \$12.
- (2) The fee to ship seeds is the greater of
- (a) the minimum fee specified in subsection (3), and
  - (b) the actual cost to the government to ship the seeds.
- (3) The minimum fee for the purposes of subsection (2) (a) is the following:
- (a) if the package is sent with 2 or more other packages withdrawn by the same person and sent to the same address, \$6 per package;
  - (b) in any other case, \$12 per package.

**Vegetative material services – shipping**

- 9** The fee to ship vegetative material is the actual cost to the government to ship the vegetative material.



**Exemption – education, research and conservation**

- 10** (1) This section applies in relation to the following prices and fees:
- (a) a price under section 2 [*provision of seeds*];
  - (b) a price under section 3 [*provision of vegetative material*];
  - (c) a fee under section 5 (1) (a) and (2) (a) and (b) (i) [*seed services – processing*];
  - (d) a fee under section 6 [*seed services – testing*], other than for a fungal assay;
  - (e) a fee under section 8 [*seed services – withdrawal and shipping*].
- (2) The minister may exempt a person from a price or fee referred to in subsection (1) in relation to the provision of seeds or vegetative material provided for an educational, research or conservation purpose if the minister considers that the purpose is likely to contribute to natural resource management in British Columbia.

**Exemption – obligation to establish free growing stand**

- 11** (1) This section applies in relation to the following fees:
- (a) a fee under section 6 [*seed services – testing*] for routine retesting of seeds that are registered and stored;
  - (b) a fee under section 8 [*seed services – withdrawal and shipping*].
- (2) A holder of an agreement under the *Forest Act* who has an obligation under the Act to establish a free growing stand is exempt from the requirement to pay a service fee referred to in subsection (1) in relation to seeds to be used to meet the obligation.

**SCHEDULE 1**

**SEED PRICES**

**Table 1  
 Orchard Seeds**

Column 1 Tree	Column 2 Price per kg	Column 3 Germination index
Alder, red	\$13 000	90%
Birch, paper	\$19 200	85%
Douglas-fir – coastal	\$4 520	90%
Douglas-fir – interior	\$4 320	90%
Hemlock, western	\$7 000	90%
Larch, western	\$3 850	85%
Pine, lodgepole	\$8 500	90%
Pine, ponderosa	\$1 000	85%
Pine, western white	\$2 500	85%

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## Schedule 2

Column 1 Tree	Column 2 Price per kg	Column 3 Germination index
Redcedar, western	\$8 400	85%
Spruce, white, Engelmann or any hybrid	\$4 400	85%
Spruce, Sitka	\$4 000	90%

**Table 2****Wild Seeds**

Column 1 Tree	Column 2 Price per kg	Column 3 Germination index
Alder, red	\$483	65%
Birch, paper	\$447	75%
Cedar, yellow	\$3 704	40%
Douglas-fir – coastal, 1966 crop	\$527	80%
Douglas-fir – coastal, other crops	\$924	90%
Douglas-fir – interior	\$686	90%
Fir, amabilis	\$298	75%
Fir, grand	\$239	80%
Fir, noble	\$209	60%
Fir, subalpine	\$477	60%
Hemlock, mountain	\$2 192	85%
Hemlock, western	\$1 715	90%
Larch, western	\$1 879	85%
Pine, limber	\$3 080	45%
Pine, lodgepole – coastal	\$1 520	90%
Pine, lodgepole – interior	\$1 826	90%
Pine, ponderosa	\$298	90%
Pine, western white	\$1 119	85%
Redcedar, western	\$1 669	80%
Spruce, other than Sitka	\$823	90%
Spruce, Sitka	\$999	90%

**SCHEDULE 2****SERVICE FEES****Definition**

- 1** In this Schedule:

“**actual cost**”, in relation to a service, means the actual cost to the government of providing the service;

“**moisture test**” means a test to determine the moisture content of a seedlot;

“**purity test**” means a test to determine the percentage of a seedlot by weight that consists of seeds as opposed to debris and other foreign material;

“**weight test**” means a test to determine the number of seeds per gram in a seedlot;

“**x-ray test**” means an x-ray test to determine the viability of seeds.

**Table 1**

**Processing Fees**

Column 1 <b>Tree</b>	Column 2 <b>Fee per hL of cones</b>
Alder	\$94
Birch	\$94
Cedar, yellow	\$94
Douglas-fir	\$80
Fir, amabilis, grand or subalpine	\$170
Hemlock, western or mountain	\$102
Larch	\$94
Pine, limber, ponderosa or whitebark	\$86
Pine, lodgepole or western white	\$72
Redcedar, western	\$94
Spruce, black	\$110
Spruce, other than black	\$72

**Table 2**

**Germination Tests**

Column 1 <b>Tree</b>	Column 2 <b>Fee</b>
Alder	\$43
Aspen	\$43
Birch	\$43
Cedar, yellow	\$90
Douglas-fir	\$37
Fir, amabilis, noble or subalpine	\$90
Fir, grand	\$68
Hemlock	\$50

Column 1 <b>Tree</b>	Column 2 <b>Fee</b>
Larch	\$50
Pine, limber, western white or whitebark	\$90
Pine, lodgepole or ponderosa	\$37
Redcedar, western	\$43
Spruce	\$37

**Table 3**  
**Other Tests**

Column 1 <b>Test</b>	Column 2 <b>Fee</b>
Fungal assay	actual cost
Moisture test	\$14
Purity test	\$37
Weight test	\$20
X-ray test	\$14

**Table 4**  
**Stratification**

Column 1 <b>Stratification</b>	Column 2 <b>Fee</b>
Stratification of yellow cedar seeds	\$130
Stratification of other seeds for $\leq 6$ weeks	\$40
Stratification of other seeds for $> 6$ weeks	\$55