

Tree & Forest Conservation By-Law

Overview of the By-Law and the role of the Niagara Peninsula Conservation Authority



The Objective of the By-Law

- ✓ Concerned with conserving and improving woodlands in Niagara.
- ✓ Regulates cutting, burning or destruction of trees located in a woodland.
- ✓ Prohibits the clearing of woodland except under specified circumstances.
- ✓ To ensure that tree cutting is carried out using 'Good Forestry Practices'.
- ✓ Have forestry professionals involved.

What is a Woodland?

A Woodland, as defined in the By-law, is land with:

- 1000 trees of any size, per hectare;
- 750 trees with a diameter $>5\text{cm}$, per hectare;
- 500 trees with a diameter $>12\text{cm}$, per hectare; or
- 250 trees with a diameter $>20\text{cm}$, per hectare.

(diameter is measured at breast height or 1.37m from the ground.)

- Does not include fruit or nut orchards, Christmas tree plantations, or a tree nursery

Woodlands covered by the By-law

The NPCA will apply the By-law to Woodlands that are:

- One hectare (2.47 acres) or greater;
- Less than one hectare in municipalities that have delegated the authority to the Region and subsequently to the NPCA, includes...
 - *Grimsby,*
 - *Niagara on the Lake,*
 - *Niagara Falls, and*
 - *West Lincoln*

Trees covered by the By-law

- ✓ Heritage and Significant Community trees identified and designated by a Council of a local municipality, but only upon delegation of such authority to the Region (*Niagara Falls*).
- ✓ Individual trees, public or private, are not covered by this By-Law.

Restrictions in the By-law on tree cutting

There are two processes under the by-law that permits tree cutting:

- a 'Good Forestry Practices' permit has been issued by the NPCA, **or**
- the cutting meets one of the exemptions listed in the by-law.

The 'Good Forestry Practices' Permit

To obtain a Good Forestry Practices (GFP) permit:

- The land owner submits an application along with a silvicultural prescription or forest management plan prepared by a member of the Ontario Professional Foresters Association, identifying forestry activities to be carried out on the woodland.

The 'Good Forestry Practices' Permit

- All trees must be marked prior to harvest by a Certified Tree Marker.
- The harvest can not reduce the number of trees per hectare below the minimum number to be considered a woodland.

What are Good Forestry Practices?

as defined in the *Forestry Act* :

the proper implementation of harvest, renewal and maintenance activities known to be appropriate for the forest and environmental conditions under which they are being applied and that minimize detriments to forest values including:

- ✓ significant ecosystems,
- ✓ important fish and wildlife habitat,
- ✓ soil and water quality and quantity,
- ✓ forest productivity and health, and
- ✓ aesthetics and recreational opportunities of the landscape.

What are Good Forestry Practices?

Good Forestry Practices also include:

- Removing hazardous, damaged, diseased and insect infested trees to prevent negative impacts to other trees in the woodland or they no longer contribute to the achievement of forest values.

How to achieve Good Forestry Practices on the ground

A good forestry practices permit issued by the NPCA will specify the conditions that must be followed in order to achieve the definition of GFP.

NPCA forestry staff:

- ✓ will inspect the woodlands and tree marking prior to harvest operations commence.
- ✓ may conduct a site visit during operations.
- ✓ will conduct a formal inspection upon completion of operations.

The Pre-harvest Inspection

NPCA forestry staff will inspect the woodlands and tree marking prior to harvest operations commence.

- ✓ Assessment begins in the office with the use of Geographic Information Systems (GIS). Use the GIS to identify areas of concern within or adjacent to a woodland such as wetlands, Greenbelt, rare species, species at risk, streams, etc.
- ✓ Field assessments verify these features and look for unidentified values such as stick nests, small streams, research plots.

The Post-harvest Inspection

NPCA forestry staff will conduct a formal inspection upon completion of operations.

Field inspection will verify that Good Forestry Practices have been conducted.

- ✓ A form is completed which documents compliance for:
 - Damage to large trees (<10cm),
 - Damage to seedlings and saplings,
 - Site damage
 - Tree marking quality,
 - Protection of non-timber values

Exemptions to the By-law (Agriculture)

Requirements for clearing:

- ✓ The clearing of all or part of a Woodland for agricultural use on land that is owned by the Farmer doing the clearing and is part of a farm operation or farm corporation that has existed for at least three (3) years prior to such clearing; and
- ✓ The land being cleared for agricultural use is outside the Urban Areas as defined in the Regional Policy Plan; and

Exemptions to the By-law (Agriculture)

- ✓ The land is designated and zoned for agricultural use in the Official Plan and Zoning By-law of the Area Municipality and, where applicable, in the Niagara Escarpment Plan; and
- ✓ The woodland on the property has not been designated as a 'Sensitive Natural Area'. For example, GreenBelt Natural Heritage System, and Provincially Significant Wetlands.

Exemptions to the By-law (Agriculture)

After it has been determined clearing can occur:

- ✓ The clearing shall be carried out in accordance with Normal Farm Practices as defined in the Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1;
- ✓ The farmer advises the bylaw staff of the commencement of clearing operations; and
- ✓ The land that is cleared is put into agricultural use within three (3) years of the date on which such clearing commences.

Other exemptions to the By-law

- ✓ for an owner's own use subject to meeting several criteria:
 - owned the land for at least 2 years;
 - Good Forestry Practices are used;
 - no commercial sale of trees;
 - a Woodland is maintained.

- ✓ to remove dead trees, diseased trees. If the removal will reduce the number of trees below the minimum number to be considered a woodland, a report prepared by a R.P.F. or a member in good standing with the OPFA is required.

Other exemptions to the By-law

- ✓ the injury or destruction of trees that is required in order to erect any building, structure or thing, including yard areas, in respect of which a Building Permit has been issued.
- ✓ in accordance with a tree saving plan approved as part of a development project.
- ✓ by a municipality for activities or matters undertaken for municipal purposes.
- ✓ by a transmitter or distributor as defined in the Electricity Act.
- ✓ for surveying purposes.

Other exemptions to the By-law

- ✓ on an approved waste disposal site.
- ✓ on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry.
- ✓ for construction of drainage works under the *Drainage Act*.

Informing the public

The NPCA has created a booklet that contains:

1. Answers to common questions,
2. Details on Good Forestry Practices,
3. Information about the Managed Forest Tax Incentive Program
4. Glossary of useful forestry terms,
5. Contact information (Region, NPCA, municipalities)
6. The By-law text.