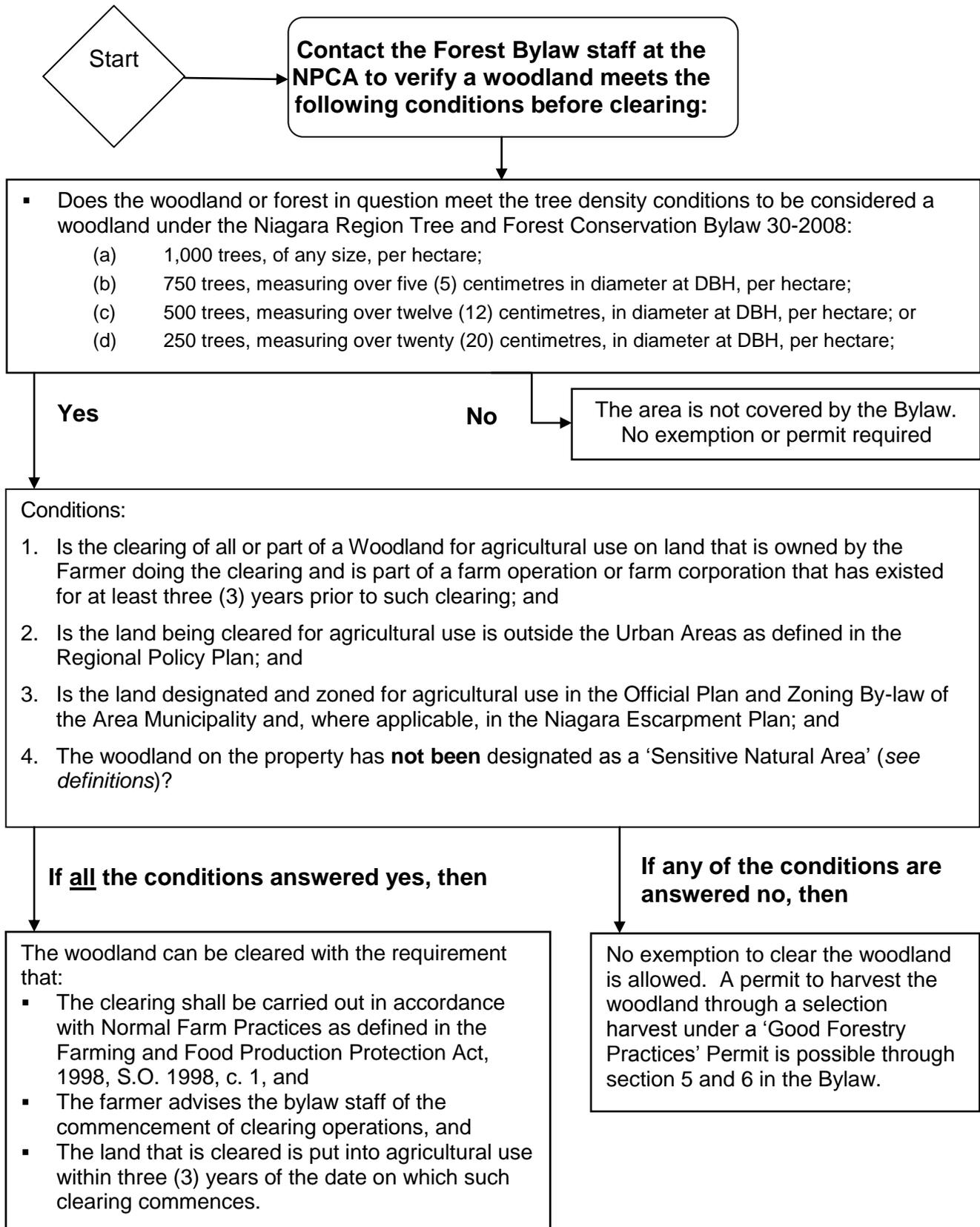


Conditions required for an agricultural exemption to clear a woodland



Definitions related to the Agriculture Exemption:

"Agricultural Use" means the commercial production of crops and/or raising of livestock for human use and includes ploughing, seeding, harvesting, leaving land fallow as part of a conventional rotational cycle, production of tree fruits and grapes, grazing, animal husbandry, and buildings and structures associated with these activities;

"Farmer" means a person who has a current and valid farm registration number under the *Farm Registration and Farm Organizations Funding Act, 1993*, S.O. 1993, c. 21, as amended;

"Good Forestry Practices" means:

- 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; vulnerable, threatened and endangered species as regulated by Provincial or Federal statute and the aesthetic and recreational opportunities of the landscape;
- the cutting and removal of hazardous, severely damaged, diseased and insect-infested trees which must be removed in order to prevent contamination or infestation of other trees or because they no longer contribute to the achievement of forest values;
- in the case of hazardous, damaged, diseased or insect-infested trees, the maintenance of a Woodland after the cutting and removal is completed unless it is determined through a report prepared by a Registered Professional Forester or a member in good standing of the Ontario Professional Foresters Association that trees must be removed and a Woodland would not be maintained but in no case shall clearcutting be allowed; and,
- the forestry management practices as set out in the Ministry of Natural Resources document "A Silvicultural Guide to Managing Southern Ontario Forests";

"Permit" means a permit to injure or destroy trees issued under Sections 5 and 6 of this By-law;

"Sensitive Natural Area" means lands that are in a Woodland and:

- within the Environmental Protection (EP) designation of the Natural Heritage System and adjacent lands, as defined in the Regional Policy Plan; or
- within a Natural Area as designated in the Niagara Escarpment Plan;

"Tree" or **"Trees"** means any living species of woody perennial plant, including its root system, which has reached or can reach a height of at least 4.5 meters at physiological maturity;

"Woodland" or **"Woodlands"** means land on one or more properties with a density of at least:

- 1,000 trees, of any size, per hectare;
- 750 trees, measuring over five (5) centimetres in diameter at DBH, per hectare;
- 500 trees, measuring over twelve (12) centimetres, in diameter at DBH, per hectare; or
- 250 trees, measuring over twenty (20) centimetres, in diameter at DBH, per hectare;

but does not include:

- a cultivated fruit or nut orchard;
- a plantation established for the purpose of producing Christmas trees and which is being actively managed and harvested for the purposes for which it was planted, except that this does not refer to plantations that have ceased being managed or harvested for their intended purpose for a period of 15 years or more; or
- a bona fide tree nursery that is being actively managed and harvested for the purposes for which it was planted.
- Woodlands are not limited by property boundaries.

- Woodlands measuring less than 1 hectare are covered by this bylaw in the municipalities of Niagara Falls, Niagara on the Lake, Grimsby and West Lincoln. Other municipalities may decide to delegate the authority of woodlands less than 1 hectare to the NPCA.

Some common questions about the By-law

What is meant by ‘destruction or injuring’ of trees?

Destruction of trees recognizes the ‘cutting, burning or other means’ of eliminating living trees. Examples of this could include cutting down trees with chainsaws or axes, changing grades around trees, compacting soil over root areas, bulldozing trees, or removal of bark from trees.

Can trees that pose a risk or hazard to human safety or property be removed?

Yes, trees considered a safety hazard can be removed without a permit only on private property. Contact the local municipality if the tree is on public land.

Can a landowner remove trees that appear ‘unhealthy’ or ‘diseased’ in a woodland?

Unhealthy trees may be removed from a woodland without a permit. However, if the number of unhealthy trees removed decreases the number of total trees per hectare to be classified as a woodland then a report prepared by a Registered Profession Forester (R.P.F.) or a person in good standing with the OPFA will be required prior to removing the trees. The trees removed must be used for own use.

Is a permit required to cut trees for own use such as firewood?

A permit is not required by the owner of a woodland if the trees are for their own use. This does not include a sale, exchange or other disposition of the trees harvested. This will require a Good Forestry Practices permit. There are conditions the land owner must follow. They include; advising the NPCA when trees are to be cut, being the owner of the woodland for at least two (2) years prior to cutting the trees, must use good forestry practices, the woodland is not located in a sensitive natural area, and must not reduce the number of trees in the woodland below the minimum level to be classified a woodland. Tree marking is not required.

Is additional approval required if a stream will require a water crossing?

Yes, the approval of a ‘Good Forestry Practices’ permit for harvesting does not cover planning requirements for the installation of water crossing structures. If there is a stream or other watercourse that will need to be crossed, additional approval from the NPCA is required prior to construction. Structures include culverts and bridges.

Can woodland property I own be developed?

Any proposed changes in the land use for your property would be considered under the normal municipal planning process. Changes to your municipality’s Official Plan, zoning by-laws or building permits are all governed by the Planning Act and building permits are issued under the Building Code Act. The Tree and Forest Conservation By-law passed under the Municipal Act restricts a landowner only from clearing trees before receiving approval.