

THE CORPORATION OF THE COUNTY OF MIDDLESEX WOODLANDS CONSERVATION BY-LAW # 5738

A By-law to Prohibit or Regulate the Destruction or injuring of Trees – June 2004

WHEREAS s.135 of the *Municipal Act*, R.S.O. 2001, c.25, as amended, permits the enactment of a By-law by the Council of the County of Middlesex to prohibit or regulate the destruction or injuring of trees in woodlands;

AND WHEREAS Council may require that a Permit be obtained to injure or destroy trees in woodlands specified in the By-law and impose conditions on a permit, including conditions relating to the manner in which destruction occurs and the qualification of persons authorized to injure or destroy trees. [s.135 (7)]

AND WHEREAS Council has determined that it is desirable to enact such a By-law for the purpose(s) of conserving and improving the woodlands of the County;

Now therefore, the Council of the Corporation of the County of Middlesex enacts the Woodlands Conservation By-law as follows:

1. DEFINITIONS

In this By-law:

“AGS” (Accceptable Growing Stock) means trees suitable for retention in the stand for at least 1 cutting cycle. They are trees of commercial species and of such form and quality as to be saleable as sawlog products at some future date.

“Basal area” means the area of the cross section of the stem of a tree taken at a point of measurement 1.37 metres (4.5 ft.) above the point on the tree where the ground meets the stump.

“Building Permit” means a building permit issued under the *Building Code Act*, 1992, R.S.O. 1992, c23, as amended.

“Business Day” means any day falling on or between Monday and Friday of each week but does not include any statutory holidays. (New Year’s Day, Good Friday, Victoria Day, Canada Day, Civic Holiday, Labour Day, Thanksgiving, Christmas Day and Boxing Day.

“Certified Tree Maker” means an individual who has full certification in good standing for marking under the Ontario Ministry of Natural Resources program and has demonstrated experience to mark according to Good Forestry Practice within Middlesex County.

“Circumference” means the measurement of the perimeter or outer boundary of a stem or trunk of a tree with such measurement including the bark of the stem.

“Committee” means the Corporate Services Committee, a Standing Committee of County Council, where all matters dealing with woodlands shall be referred as designated by the Standing Rules and Regulations and /or By-laws of the County of Middlesex for consideration and report to County Council.

“Conifer Plantation” is a Woodlands where coniferous trees have been planted or seeded in a pre-determined pattern.

“Corridor” means a break in the forest cover or forest canopy which includes but is not limited to treed windbreaks, rights-of-way or natural open spaces.

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“Coppice growth” means where more than one tree stem grows from a single tree stump.

”Council” means the Council of the Corporation of the County of Middlesex.

“County Clerk” means the County Clerk of the Corporation of the County of Middlesex.

“Diameter” means the diameter of the stem of a tree measured outside the bark at a specified point of measurement.

“DBH” (Diameter at Breast Height) means the diameter of the stem of a tree taken at a point of measurement 1.37 metres (4.5 ft.) above the ground.

“Drip Line” means an imaginary line running directly beneath the outermost branches of the trees forming the perimeter of the Woodlands.

“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 and the aesthetics and recreational opportunities of the landscape; and

“Good Forestry Practices” permits the destruction or injury of trees that:

- i) have been damaged by disease, insects, wind, ice, fire, lightning or other natural causes to an extent that the health of such trees is likely to deteriorate;
- ii) should be removed to prevent disease or insects from spreading to other trees;
- iii) are cut in accordance with the Provincial Silvicultural Guidelines as referred to in the Forest Operations and Silviculture Manual and its revisions prepared under the authority of the Crown Forest Sustainability Act, S.O. 1994, c. 25.
- iv) are marked and cut as part of a Woodlands Management Plan by way of a “prescription” approved by a Registered Professional Forester or Associate Member in good standing.

“Logger” means an individual or company or similar group who cuts trees for purchase, sale or other profit, on behalf of a landowner.

“Officer” means an individual or individuals appointed by Council of the Corporation of the County of Middlesex for the administration and enforcement of this By-law.

“Owner” means a person having any right, title, interest or equity in land.

“Own Use” means use that does not include a sale, exchange or other disposition of trees destroyed or injured.

“Permit” means the written authorization from the Officer as provided in Schedule “H”.

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“Person” means any individual, corporation, partnership, association, firm, trust, or other entity and includes anyone acting on behalf or under the authority of such entity.

“Plantation” is a Woodlands where trees have been planted or seeded in a pre-determined pattern.

“Point of Measurement” means that point on the tree trunk measured above the point on the tree where the ground meets the stump. For coppice growth the point of measurement shall be at the point on the tree trunk where the tree stems separate provided that such point of separation is less than 1.27 metres from where the ground meets the stump.

“Prescribed Species” means the species of trees as listed in Schedule “A” of this By-law.

“Prescription” means a “pre-harvest silvicultural prescription” which is a document that applies site-specific field data and develops forest management prescriptions for areas in advance of logging. In Ontario Prescription approval is part of Professional Forestry Practice and requires the signature of a Registered Professional Forester or qualified Associate member of the Ontario Professional Foresters Association.

“Registered Professional Forester” as defined in the *Professional Foresters Act*, 2000, S.O. 2000, c.18.

“Sensitive Natural Areas” means

- i) Provincially significant life science Areas of Natural and Scientific Interest (ANSI)
- ii) Wetlands designated as locally, regionally or provincially significant.
- iii) Natural Heritage Features within Middlesex County as designated by the Ontario Ministry of Natural Resources or by the Middlesex Natural Heritage Study.

“Silviculture” means the art and science of producing and tending a forest; the theory and practice of controlling forest establishment, composition, growth, and quality of forests to achieve the objectives of management.

“Tree” means any species of woody perennial plant, including its root system, which has reached or can reach a height of at least 4.5 metres at physiological maturity.

“Tree Marker” is an individual who has the ability to mark trees in a woodland to the circumference limit standards as set out in Section 2 a) ii) of this By-Law.

These individuals are categorized into two categories:

- i. “Independent Tree Marker” is an individual who has no economic ties to any logger or processor of timber products
- ii. “Commercial Tree Marker” is an individual who is employed by a logger or a processor of timber products.

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“UGS” or “Unacceptable Growing Stock” means trees that have a high risk of drying and are expected to decline over the next cutting cycle. This includes trees that are of poor form and/or low quality.

“Woodlands” means land at least one hectare or more in area with at least:

- i) 1000 trees, of any size, at DBH, per hectare ;
- ii) 750 trees , measuring over five (5) centimetres in diameter at DBH, per hectare;
- iii) 500 trees, measuring over twelve (12) centimetres in diameter at DBH, per hectare; or
- iv) 250 trees, measuring over (20) centimetres in diameter at DBH, per hectare; but does not include a cultivated fruit or nut orchard or a plantation established for the purpose of producing Christmas trees.

2. GENERAL PROHIBITION

a) Except as provided in Section 3, no person through their own actions or through any other person, shall conduct his operations so as to injure or destroy any living trees unless,

i) Good Forestry

The person who is destroying or injuring trees does so in accordance with Good Forestry Practice as prescribed by:

- a) A Registered Professional Forester in good standing with the Ontario Professional Foresters Association, or
- b) An associate member in good standing of the Ontario Professional Foresters Association.

ii) Circumference Limit

The person who is destroying or injuring trees, has only destroyed or injured those trees which have attained, at the specified point of measurement, the Circumference measurement which equals or is greater than the minimum Circumference prescribed for the species in Schedule “A” and the person who is destroying or injuring trees has abided by the requirements of Section 5 and has marked with paint, the trees to be injured or destroyed, clearly on at least two (2) opposite sides and the numbers of each species be tallied and indicated on Schedule “B” and

the injuring or destruction of trees has not reduced the basal area in that part of the woodlands, where trees have been destroyed or injured below 14 m²/ha., of trees 25cm. and larger, at DBH, of AGS stock as determined by using the method described in Schedule “G” and

the destruction or injuring of trees will not reduce the number of trees per hectare below the minimum number of trees per hectare required to be considered Woodlands unless it is cut as part of a woodland management plan by “prescription”.

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- b) A person shall not;
 - i) fail to comply with an Order issued under this By-law;
 - ii) Contravene the terms or conditions of a Permit issued under this By-law.
 - iii) contravene the terms or conditions as to the Letter of Intent filed under this By-law;
 - iv) remove or deface any Order issued under this By-law;
 - v) operate a vehicle, equipment or machinery or conduct their operations in such a manner or at such a time that results in excessive damage to the soil, wetlands, natural areas or other portions of the woodlands;
 - vi) operate a vehicle, machinery or equipment or conduct operations in a manner or at a time, that results in the leaving of any part of a tree in a watercourse including any trees that have not been cut, but have been pushed, knocked over or otherwise ended up in a watercourse.
- c)
 - i) except for work on municipal drains, if any tree removal is necessary due to the undertaking of any drainage work, notification of the County Forestry Officer is necessary and every person intending to destroy or injure trees for the purpose of drainage work must comply with Section 5 herein and
 - ii) any tile drainage work through or adjacent to woodlands shall be constructed of closed tile in the part of the drainage work that goes through or adjacent to the woodland

3. EXEMPTIONS

This By-law does not apply to;

- (a) activities or matters undertaken by a municipality or a local board of a municipality; or
- (b) activities or matters undertaken under a license issued under the *Crown Forest Sustainability Act*, 1994; or
- (c) the injuring or destruction of trees by a person licensed under the *Surveyors Act* to engage in the practice of cadastral surveying or his or her agent, while making a survey; or
- (d) the injuring or destruction of trees imposed as a condition to the approval of a site plan, a plan of subdivision or a consent under section 41, 51, or 53, respectively, of the *Planning Act* or as a requirement of a site plan agreement or subdivision agreement entered into under those sections; or
- (e) the injuring or destruction of trees imposed as a condition to a development Permit authorized by regulation made under section 70.2 of the *Planning Act* or as requirement of an agreement entered into under the regulation; or

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- (f) the injuring or destruction of trees by a *transmitter or distributor*, as those terms are defined in Section 2 of the *Electricity Act*, 1998, for the purpose of construction and maintaining a transmission system or a distribution system, as those terms as defined in that Section; or
- (g) the injuring or destruction of trees undertaken on land described in a license for a pit or quarry or a Permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*, or
- (h) the injuring or destruction of trees undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land,
 - i) That has not been designated under the *Aggregate Resources Act* or a predecessor of that Act; and
 - ii) On which a pit or quarry is a Permitted land use under a By-law passed under section 34 of the *Planning Act*. 2001, c.25, s.135(12); or
- (i) the injury or destruction of trees where the owner of the trees has been granted an exemption by Council pursuant to section 4; or
- (j) the injuring or destruction of trees that is required in order to erect any building, structure or thing in respect of which a Building Permit has been issued and has taken into consideration the protection of trees surrounding the structure or work within the building envelope, provided that no tree is destroyed or injured that is located more than 15 metres from the outer edge of the building, structure or thing and the Forestry Officer has been notified; or
- (k) the injuring or destruction of trees that is required in order to install or provide utilities to the construction or use of the building, structure or thing in respect of which a Building Permit has been issued; and
the injuring or destruction of trees that is required in order to install and provide utilities to a single lane driveway for vehicular access to the building, structure or thing in respect of which a Building Permit has been issued; or
- (l) the erection and maintenance of a boundary fence located between two adjacent woodlands.
- (m) the owner of the woodlands that has destroyed or injured trees for his or her own use where the owner has been the registered owner of said property for a minimum of two years prior to the date of the commencement of the destruction or injury; or
- (n) the injury or destruction of trees where the trees are destroyed or injured pursuant to a legally binding contract if:
 - i) The owner of the Woodlands has given notice under section 5; and
 - ii) Proof of the signed contract has been received by the Forestry Officer

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- iii) The trees are injured or destroyed in a manner consistent with By-law No. 4672

4. COUNCIL EXEMPTION

- (a) In order to be considered for an exemption to Section 2 the owner of the Woodlands must apply to the County Clerk for an exemption at least 45 days prior to the anticipated commencement of injury or destruction of trees by submitting ;
 - (i) completed application form as described in Schedule "C"; and
 - (ii) the applicable fee of (\$100.00) as set out by resolution of Council.
- (b) At least 21 days prior to consideration of the application for an exemption the County Clerk shall send by regular mail, written notice to the applicant and all assessed owners of each parcel of land that abuts the applicants Woodlands for which an exemption is being sought.
- (c) The County shall erect and display a public notice regarding the exemption application at the entrance of the adjoining roadway to the land where the exemption is being sought in a position that is clear and visible to all persons and the notice shall be in the form of Schedule "D".
- (d) The notice shall be posted at least 14 days prior to consideration of the application.
- (e) When granting an exemption, the County may include any terms or conditions to its approval provided the terms or conditions are desirable for the appropriate development or use of the land on which the exemption is sought and the general purpose and intent of this By-law is maintained.
- (f) When denying an exemption the Clerk must notify the applicant.
- (g) The applicant may object to the terms and conditions of the exemption.
- (h) Upon the conclusion of the Committee meeting where the application for the exemption is considered, the Committee shall advise the persons in attendance of the date, time and location when Council will make a final determination on such application.

5. NOTICE OF INTENT TO CUT

- (a) Every owner of Woodlands or person acting on behalf of the owner who intends to destroy or injure trees personally or through another person, under Section 2 of this By-law shall complete and submit to the County Clerk no less than 14 days prior to the start of destruction or injury, all the information as prescribed in Schedule "B".

Any person who has submitted a Notice of Intent shall also erect and display a sign at the entrance at the adjoining roadway to the land where the destruction, injury, or harvest of the trees is to occur, in a position that is clear and visible to all persons, and such sign shall be in the format as outlined in Schedule "I".

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6. PERMIT APPLICATIONS FOR EXEMPTIONS

- (a) Applications for Permits will not be processed if;
 - (i) applications have not been completed in full; and
 - (ii) applications are not in keeping with the general purpose and intent of this By-law; and
 - (iii) the prescribed application fee, as set forth in Schedule "D" has not been paid in full,
- (b) A Permit in the form of Schedule "H" may be;
 - (i) Issued to the applicant for a term of 1 (one) year.
 - (ii) Extended by Council for one term of 1 (one) year.

7. APPEALS TO THE MUNICIPAL BOARD

An applicant for a permit under Section 6 may appeal to the Ontario Municipal Board if;

- (a) the municipality refuses to issue a Permit, within 30 days after the decision; or
- (b) the municipality fails to make a decision on the application, within 45 days after the application is received by the County Clerk; or
- (c) the applicant objects to a condition of the Permit, within 30 days after the issuance of the Permit.

8. ORDERS TO DISCONTINUE ACTIVITY

- (a) Where an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order requiring the person who contravened the By-law or who caused or permitted the injuring or destruction of trees in contravention of the By-law to stop the injuring or destruction of trees. The order shall set out the information contained in Schedule "F".
- (b) An order issued under this section may be served personally or served by sending it by mail to the last known address of;
 - (i) the owner of the Woodlands; and
 - (ii) the person identified as injuring, destroying or harvesting a tree or trees.
- (c) Where service of an order is made by mail, service shall be deemed to have been served on the fifth day after the order is mailed.
- (d) Where service cannot be carried out under section 8, subsection (b), it is deemed sufficient if the Officer places a placard containing the terms of the Order in a conspicuous place on the affected lands and the placing of the placard shall be deemed to be sufficient service of the Order on the person to whom the Order is directed.

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- (e) If the person to whom the Order is directed is not satisfied with the terms of the Order, the person may appeal to Council by filing a Notice of Appeal by personal service or certified mail to the County Clerk within 30 days of the date of the Order.
- (f) Where an appeal has been filed, Council shall hear the appeal and have all the powers and functions of the Officer.
- (g) Before conducting a hearing under this section, the County Clerk shall give notice to such persons or direct that notice be given to such persons as the County Clerk considers should receive notice and in the manner directed by the County Clerk.
- (h) After hearing an appeal, Council may confirm or revoke any Order issued under this By-law or may issue a Permit with conditions, provided that in the opinion of the Council, the general intent and purpose of this By-law has been maintained.
- (i) The proceedings at the hearing held by Council shall be in accordance with the provisions of the *Statutory Powers Procedures Act*, R.S.O. 1990, and c.22. The decision of the Council under this section is final.

9. PENALTY

- (a) Any person who contravenes any provision of this By-law, or an order issued under section 8 is guilty of an offence and is liable:
 - (i) on first conviction, to a fine of not more than \$10,000 or \$1,000 per tree, whichever is greater; and
 - (ii) on any subsequent conviction, to a fine of not more than \$25,000 or \$2,500 per tree, whichever is greater.
- (b) If a person is convicted of an offence for contravening this By-law or an Order issued under section 8, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may order the person to rehabilitate the land or to plant or replant trees in such a manner and within such period as the court considers appropriate, including any silvicultural treatment necessary to re-establish the trees.

10. ENFORCEMENT

- (a) This By-law shall be enforced by an Officer appointed by the municipality.
- (b) An Officer may at any reasonable time enter and inspect any land to determine whether this By-law, an Order or a condition of a Permit is being complied with.
- (c) Any person, who obstructs or interferes with an Officer in the discharge of his or her duties under this By-law, shall be considered in violation of this By-law.

11. ADMINISTRATION

- (a) Sections 1 to 11 shall form part of this By-law. Schedules A to I are appendices to this By-law do not form part of this By-law.

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- (b) If any section or sections of this By-law or parts thereof are found by any Court to be illegal or beyond the power of the Council to enact, such Section or Sections or parts thereof shall be deemed to be severable and all other Sections or parts of this By-law shall be deemed to be separate and independent there from and continue in full force and effect unless and until similarly found illegal.
- (c) The short title of this By-law is the “ Woodlands Conservation By-law”.
- (d) By-law No. 4672 is hereby repealed.
- (e) Despite subsection (d) of this section, By-law No. 4672 of the Corporation of the County of Middlesex shall continue to apply to proceedings in respect of offences that occurred before its repeal of any legally binding contracts proof of which has been received by an Officer.
- (f) This By-law shall become effective on the day it is passed in Council, this 8th day of June, 2004.

PASSED IN COUNCIL this 8th day of June, 2004.

ORIGINAL SIGNED

Warden

ORIGINAL SIGNED

Clerk

SCHEDULE "A"
CIRCUMFERENCE LIMITS BY TREE SPECIES

SPECIES "A"

- | | |
|---|---|
| <p>ASH - White (<i>Fraxinus Americana</i>)</p> <p>MAPLE - Sugar (<i>Acer saccharum</i>)
- Black (<i>Acer nigrum</i>)
- Red (<i>Acer rubrum</i>)
- Silver (<i>Acer saccharinum</i>)
- Freeman (<i>Acer freemanii</i>)</p> <p>OAK - Red (<i>Quercus rubra</i>)
- Black (<i>Quercus velutina</i>)
- White (<i>Quercus Alba</i>)
- Swamp White (<i>Quercus bicolor</i>)
- Bur (<i>Quercus macrocarpa</i>)</p> | <p>TULIP - (<i>Liriodendron tulipifera</i>)</p> <p>WALNUT - Black (<i>Juglans nigra</i>)
- White (Butternut) (<i>Juglans cinerea</i>)</p> |
|---|---|

SPECIES 'A' MEASUREMENTS

Point of Measurement	Circumference	Diameter
31 cm (12 in)	175 cm (69 in)	56 cm (22 in)
20 cm (8 in)	191 cm (75 in)	61 cm (24 in)
10 cm (4 in)	224 cm (88 in)	71 cm (28 in)

SPECIES "B"

- | | |
|---|---|
| ASH - Green (Red) (<i>Fraxinus pennsylvanica</i>) | HACKBERRY - (<i>Celtis occidentalis</i>) |
| BASSWOOD - (<i>Tilia Americana</i>) | HEMLOCK - Eastern (<i>Tsuga Canadensis</i>) |
| BEECH - American (<i>Fagus grandifolia</i>) | PINE - White (<i>Pinus strobus</i>) |
| CHERRY - Black (<i>Prunus serotina</i>) | |

SPECIES "B" MEASUREMENTS

Point of Measurement	Circumference	Diameter
31 cm (12 in)	160 cm (63 in)	51 cm (20 in)
20 cm (8 in)	175 cm (69 in)	56 cm (22 in)
10 cm (4 in)	208 cm (82 in)	66 cm (26 in)

Schedule “A” (continued)

SPECIES “C”

- ASH - Black (*fraxinus nigra*)
- BIRCH - Yellow (*Betula alleghaniensis*)
- ELM - White (*Ulmus Americana*)
- Red (*Ulmus thomasii*)
- Rock (*Ulmus ruba*)
- HICKORY - Shagbark (*Carya ovata*)
- Bitternut (*Carya cordiformis*)
- LARCH - (*Larix deciduas*)
- POPLAR - Balsam (*Populas blasamifera*)
- Eastern Cottonwood (*Populus deltoids*)
- SYCAMORE - (*Platanus occidentalis*)

Point of Measurement	Circumference	Diameter
31 cm (12 in)	145 cm (57 in)	46 cm (18 in)
20 cm (8 in)	160 cm (63 in)	51 cm (20 in)
10 cm (4 in)	191 cm (75 in)	61 cm (22 in)

SPECIES “D”

- BIRCH - White (*Betula papyrifera*)
- CEDAR - White (*Thuja occidentalis*)
- POPLAR - Largetooth Aspen (*Populus grandidentata*)
- Trembling Aspen (*Populus tremuloides*)

Point of Measurement	Circumference	Diameter
31 cm (12 in)	79 cm (31 in)	25 cm (10 in)
20 cm (8 in)	97 cm (38 in)	31 cm (12 in)
10 cm (4 in)	127 cm (50 in)	41 cm (16 in)

RARE SPECIES - the following species should be avoided during tree removal operations:

- Blue Ash
- Shumard Oak
- Black Gum
- Chestnut
- Cucumber
- Tamarack
- Shellbark Hickory
- Pawpaw
- Chinquapin Oak
- Pignut Hickory
- Balsam Fir
- Kentucky Coffee Tree
- American Chestnut

*NOTE: Please refer to “Species at Risk Act” at www.sararegistry.gc.ca for more information.

SCHEDULE "B"
COUNTY OF MIDDLESEX NOTICE OF INTENT

PURSUANT TO WOODLANDS CONSERVATION BY-LAW NO. 5738, 2004

Completed Notice of Intent to be submitted to the County Clerk's Office, at 399 Ridout Street North, London, Ontario, N6A 2P1 Tel: 519-434-7321 Fax: 519-434-0638 AT **LEAST 14 DAYS PRIOR TO THE PROPOSED COMMENCEMENT OF THE DESTRUCTION OR INJURY OF TREES.**

Circumference Limit Harvest - refer to schedule "G" Residual Basal Area (BA) - 14 m²/ha - trees greater than 24 cm. Residual BA must meet or exceed 14m²/ha after harvest using the assessment format defined in Schedule "G".

PLEASE PRINT - All sections are to be filled out completely on this Notice. Failure to do so will result in making this Notice of Intent null and void and will be returned to the applicant for correction.

Property Owner: _____

Address: _____

Postal Code: _____ Tel: _____

Fax: _____ E-mail: _____

Contractor (if different from above): _____

Address: _____

Postal Code: _____ Tel: _____

Fax: _____ E-mail: _____

On Site Person in charge of the harvest of trees: _____

Expected Starting Date: _____

Location of Woodland: Lot _____ Con. _____

Former Municipality: _____

911 Address: _____

Reason for Removal: Commercial Timber Harvest _____ Stand Improvement _____

Firewood Removal _____ Other _____

Approximate Size of Woodland: _____

Area of Harvest (indicate on sketch) _____

Trees Marked by: _____

Mailing Address: _____

Tel. _____ E-mail _____

Qualifications: _____

It is the responsibility of the owner or authorized agent to have marked with paint, on 2 sides, all the trees to be harvested with this Notice of Intent.

If the woodland will not be harvested within 12 months of receipt of this Notice of Intent, it will become null and void.

The Notice of Intent or copy must be on site at all times and in the possession of the person in charge of cutting.

Schedule B (cont'd)

TREE HARVEST SUMMARY

(A legible tally sheet can be substituted and attached)

Tree Species	No.	Volumes	Map
Total Trees			

If the landowner is selling standing timber to a contractor for removal, has a contract been signed between landowner and contractor? Yes ____ No ____

I agree that all tree cutting operations will be in accordance with the provisions of Middlesex County Woodlands Conservation By-Law No. (), and that I am familiar with the components and requirements of this and acknowledge having received a copy thereof.

Further, I agree to contact the Forestry Officer (519-434-7321 ext. 258) 24 hours prior to commencing cutting of trees set out in this notice

Dated at _____ this _____ day of _____, 200__.

Signature of Contractor

Signature of Property Owner or Authorized Agent

Click for the updated Schedule B

SCHEDULE "C"

NOTICE OF INTENT GOOD FORESTRY PRACTICE

Please print clearing using black ink

Completed Notice of Intent to be received by the Forestry Officer at **LEAST 14 DAYS PRIOR TO COMMENCING OF THE DESTRUCTION or INJURY OF TREES**. All sections are to be filled out completely. Failure to do so will result in making this intent notice null and void, and this document will be returned to the applicant for correction. **This Notice of Intent is valid for one year after submission.**

Property Owner Surname: _____ Given Name: _____
 Address: _____ Postal Code: _____
 Telephone: _____ Or Telephone: _____
Forest Location Lot _____ Concession _____ Municipality: _____

Reason for Tree Removal

Commercial Timber Harvest Stand Improvement
 Firewood Removal Other (specify)

TREE HARVEST SUMMARY

(A legible tally sheet can be substituted and attached)

Tree Species	No.
Total Trees	

Volume Estimate (m³): _____
Harvest Area (ha): _____

GOOD FORESTRY PRACTICE APPLICATIONS MUST INCLUDE THE FOLLOWING DOCUMENTATION:

- A forest operations silvicultural prescription written and approved by a qualified individual.
- Short (5 yrs) and Long (20+ yrs) term forestry related objectives.
- Present basal area and proposed residual basal area distribution.
- Instructions for tree markers
- Current species composition, age, height, stand quality, regeneration.
- Description of significant features, and integrated resource management considerations.

PRESCRIPTION INFORMATION:

Prescription prepared by: _____
 Mailing Address: _____
 Telephone Number: _____
 Qualifications: _____
 Date Prescription Prepared: _____
 Check if area has been inspected since tree marking

TREE MARKER INFORMATION:

Trees marked by: _____
 Mailing Address: _____
 Telephone Number: _____
 Qualifications: _____
 Paint Colour: _____ Date Marked: _____

All trees to be cut shall be marked with a paint spot on opposite sides of the tree at a height no lower than 1.37 metres above the highest point of ground at the base of the tree. The mark shall be at least 8 centimetres in diameter for hardwood sawlogs/conifer poles or sawlogs and a slash 20 centimetres long for fuelwood/conifer sawlogs pulp. A similar mark shall be placed at the base of the tree below the saw line and extending to the ground. All trees shall be marked facing the same direction, unless the terrain requires a change in direction, in which case the marking will proceed consistently with the terrain.

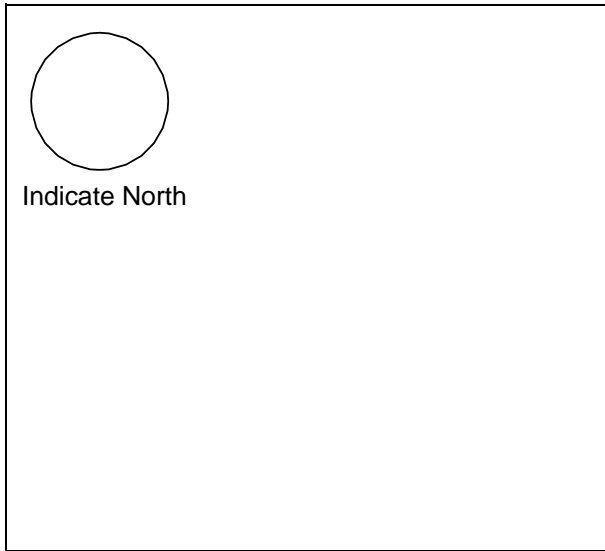
CONTRACTOR INFORMATION:

Name: _____
 Address: _____
 Postal Code: _____ Telephone: _____
 Person in charge of harvesting trees: _____

 Estimated Starting Date: _____

Person in Charge of Harvesting Trees is required to provide 24 hour verbal or faxed confirmation to the Officer prior to start date.

MAP OF AREA



Map must be legible and include:

- Preferred entry points for inspection
- Location/name of surrounding roads
- Location of buildings on property
- Forested areas and harvest areas
- Log landing(s)
- Power lines and Municipal ditches

It is requested that if loggers are working near or adjacent to power lines that they contact the local Hydro Utility Company for assistance to prevent an accident and any damage that may occur to hydro lines and equipment due to a logging accident.

Please indicate if the property enrolled in:

- Conservation Land Tax Incentive Program
- Managed Forest Tax Incentive Program

Basal Area - Distribution of Cut (Complete below or attach a forest operations silvicultural prescription)

Prism Tally: _____ m² / ha Basal Area Factor: _____

Tree Size (cm)	Actual BA (m ² /ha)			BA to Cut (m ² /ha)			Actual Residual BA (m ² /ha)			Ideal BA
	AGS	UGS	Total	AGS	UGS	Total	AGS	UGS	Total	
10 - 24										4
26-40										5
42-48										5
50-60										4
62 +										2
Total										20

If the landowner is selling standing timber to a logger for harvesting has:	Yes	No
a contract been signed between landowner and contractor?		
the contractor provided proof of WSIB coverage for employees /liability insurance coverage?		
the contractor provided proof of cutter/skidder certification for all employees and themselves?		
the main skid trail been delineated?		
Have arrangements been made to harvest the fuelwood from tree tops?		

I agree that operations will be in accordance with the provisions of Forest Conservation By-law No.5738 of the County of Middlesex and that I am familiar with the contents and requirements of this By-law and acknowledge having received a copy thereof. I further agree that any tree harvesting will be in accordance with Good Forestry Practices.

Further, I agree to contact the Officer or the Clerk 14 days prior to commencing harvesting of trees. In the event of a mail disruption, this form may be delivered to any local municipal office.

Signature of Prescription Writer Date Signature of Tree Marker Date

Signature of Landowner Date Signature of Contractor Date

SCHEDULE "D"
APPLICATION FOR COUNCIL EXEMPTION

Name(s) of Owner: _____
Address: _____ Postal Code: _____
Telephone: Residence: _____ Business: _____ Fax: _____
E-Mail: _____

Location of Trees Affected / Ownership

Municipality _____ Assessment Roll Number _____

Lot _____ Concession _____ 911 Address _____

Property owned by applicant? _____ YES

_____ NO (if No, authorizing letter must be attached)

If purchased within the last three years, state name and address of former owner and the date you purchased it. _____

Property / Forest Description _____

This application is requesting a Permit to remove the following (please indicate)

Total Area: _____ Hectares _____ Acres _____

Total Woodland Hectares (Acres) on the Property: _____ Hectares _____ Acres

Tree species to be destroyed on the described land: _____

This Exemption is requested for the following reasons, including description of end use after trees have been destroyed: _____

Is the applicant willing to offset the destruction of trees on the subject property through replanting trees on said property? Yes _____ No _____

Please return this application with a cheque made payable to the Corporation of the County of Middlesex in the amount of \$100.00 to the County Clerk's Office, 399 Ridout Street North, London, Ontario. N6A 2P1

Personal information on this form is collected under the authority of the *Municipal Act*. Pursuant to the *Municipal Freedom of Information and Protection of Privacy Act*, questions about the collection of personal information should be directed to the Clerk.

Council Exemption Requirements / Information

- I. A Council Exemption application must be completed in full in order to be processed. An application for an area greater than 1 (one) hectare (2.5 ac.) must be accompanied by an Environmental Impact Study.
- II. It shall be normal practice that when an owner or his authorized agent makes an inquiry with regard to Woodlands Conservation By-law No. 5738 that the Officer will make an inspection of the property to determine whether or not an application for a Council Exemption is necessary.
Notice of this permit application shall be sent by regular mail to all landowners whose lands abut the land the applicant has outlined. Landowners separated by a public road allowance shall also be considered to be abutting landowners. Further circulation of this application may be made to the appropriate government agencies for review and comments (i.e. Conservation Authorities, Ministry of Natural Resources, Ministry of Agriculture Food and Rural Affairs, and local Municipalities).
- III. Any person who has made an application for a Council Exemption Permit shall erect and display a public notice regarding the Council Exemption application at the entrance from the adjoining roadway to the land where the Council Exemption Permit is being sought in a position that is clear and visible to all persons, and such sign shall be in the format of Schedule "D".
- IV. The hearing for the application shall not be held less than twenty-one (21) working days from receipt of the application.
- V. If the application is approved an on site inspection will be made and the perimeter of the forest cover which will remain will be marked with paint or some other means, to clearly indicate the extent of the approved Council Exemption Permit area. Trees destroyed outside any approved area will be considered a violation under the Woodland Conservation By-law No. ____.

Schedule "D" (continued)

Declaration

I, _____ of the _____ of
_____ in the Municipality of _____
declare that:

All above statements and the statements contained in all the exhibits transmitted herewith are true, and I make this solemn declaration conscientiously believing it to be true and knowing that it is the same force and effect as if made under oath.

Declared before me at the _____ of _____ in the
_____ of _____ this _____ day of _____ 20____.

Signature of Owner or Authorized Agent

A Commissioner etc.

Note 1: If signed by an agent, written authorization of the owner must accompany the application. If the applicant is a corporation, the application shall be signed by an officer of the corporation and the corporations seal shall be affixed.

Note 2: Each application must be accompanied by a sketch, showing the parcel of land that is the subject of the application, showing the boundaries and dimensions of the total holdings, and showing the size and area of the trees to be removed, as well as portions of the woodland to be retained and the location of the property to abutting properties and their land use (e.g., residential, agricultural, cottage, commercial, etc.)

SCHEDULE "E"

PUBLIC NOTICE

Woodlands Conservation By-law

This posted notice does not imply unrestricted access. Interested parties must receive permission to enter these forested lands from the landowner.

AN APPLICATION FOR AN EXEMPTION TO WOODLANDS CONSERVATION BY-LAW NO. ___ HAS BEEN RECEIVED BY COUNCIL AFFECTING THESE FORESTED LANDS:

Lot: _____ Concession: _____ Municipality:

911 Address:

Landowner:

**THE APPLICATION SUBMITTED REQUESTS THE CLEARING OF
_____ HECTARES OF FORESTED LAND.**

Deadline for Written Comments:

COMMENTS CAN BE SUBMITTED TO THE ADDRESS LISTED BELOW :

County of Middlesex 399 Ridout St, N. London, Ont; N6A 2P1

**This Notice is posted under the authority of Middlesex County
Woodlands Conservation By-law No. _____**

This Notice is to remain posted no less than 10 business days prior
to consideration of this application

FURTHER INFORMATION OR WRITTEN NOTICE IS AVAILABLE FROM THE MIDDLESEX
COUNTY FORESTRY OFFICER, TEL: 519-434-7321 EXT: 258

SCHEDULE "F"

STOP WORK ORDER

YOU ARE HEREBY DIRECTED AND ORDERED TO forthwith stop, halt, cease, and desist from any and all works associated with the destruction of trees or removal thereof from those lands comprising;

Municipal Address / Legal Description

LOT: _____ CONCESSION: _____ MUNICIPALITY:

**IDENTIFIED OWNER / INDIVIDUAL RESPONSIBLE FOR DESTRUCTION
OR INJURY OF TREES:**

DESCRIPTION OF INFRACTION:

Date of Inspection: _____

Effective Order Date: _____ To: _____

Signature of Officer: _____

Date: _____

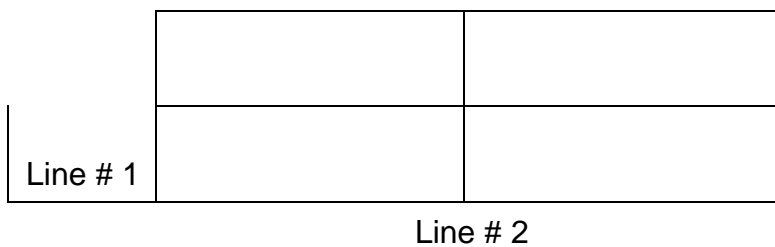
Pursuant to Woodlands Conservation By-law No. () Section 8, subsection (e) Where the person to whom the Order is directed has been served in accordance with this By-law is not satisfied with the terms of the Order, the person may appeal to Council by filing Notice of Appeal by personal service or certified mail to the County Clerk within 30 days after the date of the Order.

SCHEDULE "G"

BASAL AREA CALCULATION AND ASSESSMENT

1. Point Sampling is defined as a method of selecting trees for measurement and for estimating stand basal area using tree size rather than frequency as the main parameter. Trees are tallied at a sample location or point sample, with the selection probability being proportional to the basal area of the trees. In point sampling, a 360-degree sweep is made with an angle gauge about a fixed point, and the stems whose breast height diameter appear larger than the fixed angle subtended by the angle gauge are included in the sample. Point samples will be taken using a factor 2 prism.
2. Basal Area will be assessed every 30 metres along a fixed compass bearing through a forest stand in which harvesting has occurred. The first point sample will be placed 60 metres from the dripline of the woodland. No less than 3 point samples will be taken along a compass bearing through a forest stand. If the average basal area/hectare is found to be below the requirements of the by-law, then a second compass line will be established from the mid-point of the 1st compass line and will run in a direction 90° from the compass bearing from the 1st line.

See sample illustration below:



The following format will be used in calculating average basal area per hectare:

Stations Tallied

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	
Plot #	Small 26-40 cm		Medium 42-48 cm		Large 50-60 cm		X-Large 62+ cm		Total All Sizes		Total **									
	AGS	UGS	AGS	UGS	AGS	UGS	AGS	UGS	AGS	UGS	AGS	UGS								
# of trees																				

**Total Trees (_____) x Basal Area Factor (_____) = (_____) Actual BA/Ha
of Stations (_____)

Basal Area Calculation and Assessment

To assess tree infractions, a minimum of one(1) plot per hectare will be established for areas up to 10 hectares (25 acres), and one (1) plot for every additional five (5) hectares (12 acres). Plots will be placed 80 metres (262 ft) apart and 40 metres (131 ft) from stand edges.

In cases where the maximum DBH encounters is less than 60 cm, the plot distance may be 60 metres (197 ft) and 30 metres (98 ft) from stand edges.

In any case, sampling is to be done by a method customarily used in forestry practice.

SCHEDULE "H"

TREE CLEARING PERMIT

Permission is hereby granted by the Council of the Corporation of the County of Middlesex to destroy trees under the supervision of the Officer as outlined below:

REFERENCE APPLICATION # _____

ISSUED TO: _____

LOT: _____ CON: _____

MUNICIPALITY: _____

DATE OF ISSUE: _____

DATE OF EXPIRY: _____

BY: MIDDLESEX COUNTY COUNCIL

PER: _____

SCHEDULE "I"

NOTICE OF TREE HARVEST

DO NOT ENTER during harvesting for your own safety.

This notice does not imply unrestricted access.

Permission to enter these lands must be granted by landowner.

Contractor:

Phone:

Owner :

Timber Harvest Date:

Timber Marked by:

_Phone Number of Marker :

This Notice is Posted under the authority of Middlesex County Woodlands Conservation By-Law No. 5738.

This Notice is to be posted prior to the commencement of harvest and remain posted no less than 10 days after completion of harvest. Failure to post and removal prior to this period is a chargeable offence.

If you should have any questions or concerns regarding this timber harvest please contact:

Middlesex County Forestry Officer at 519- 434-7321 Ext. 258

Click for the updated Schedule I