



Mark Brown
Woodlands Conservation
Officer / Weed Inspector

Memo

Re: Clearing of woodlands for the installation of municipal / private drains and compliance under the Woodland Conservation By-law No. 5738

Agricultural drainage activities can impact Woodlands and must be undertaken in a manner that is in compliance with the County of Middlesex Woodland Conservation By-law No. 5738. The County understands that drainage is an important component of the agricultural system and it is the general goal of the County to provide for agricultural drainage while minimizing the injury or destruction of trees within Woodlands.

Municipal Drainage Activities

Section 3a) of the Woodland Conservation By-law No. 5738 states *“The By-law does not apply to: activities or matters undertaken by a municipality or a local board of a municipality”*. This includes work completed under the Drainage Act for both the construction of new and the maintenance of existing municipal drains. Municipal drainage officials are encouraged to work with the County of Middlesex to minimize the injury or destruction of trees within Woodlands however it is acknowledged that Municipal Drainage work is undertaken under the Drainage Act and is subject to requirements and processes of that Legislation.

Private Drainage Activities

Drainage activities that are not undertaken under the Drainage Act as municipal drains are Private Drainage Activities.

In this regard, Section 2c) of the Woodland Conservation By-law No. 5738 states:

“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”

Where the construction or maintenance of a private drain through a Woodland is proposed, a Notice of Intent must be filed with the County. The filing of a Notice of Intent is to utilize the Notice of Intent form(s) and is to be accompanied by a plan or drawing, prepared to scale by a drainage contractor or engineer, detailing the location of the tile drainage that is proposed to be constructed or maintained so that it can be determined the extent of trees that may be necessary to injure or destroy during the drainage activities.

The County will review the Notice of Intent for compliance with the Woodland Conservation By-law No. 5738 including that any tile drainage work through or adjacent to woodlands be constructed of closed tile and that the injury or destruction of trees within Woodlands shall not create an opening exceeding the greater of ten metres (10m) canopy to canopy edge or fifteen metres (15m) stem to stem.

If the proposed drainage activities are not in compliance with the Woodland Conservation By-law No. 5738 as noted above, the application will be refused.

If Private Drainage Activities are proposed that are not in compliance with the Woodland Conservation By-law No. 5738, an application for a 'Council Exemption' may be made.

May 2017