

Current 2004 By-law (as amended in 2006)	Draft By-law for Discussion Purposes
<p data-bbox="184 279 1012 321">Introductory Provisions ('whereas' and 'therefore')</p> <p data-bbox="184 357 1138 490">AND WHEREAS Council has determined that it is desirable to enact such a By-law for the purpose(s) of improving the forest, soil, wildlife, fish and water resources of the County by conserving and improving the woodlands in the County</p>	<p data-bbox="1155 350 2003 451">AND WHEREAS Council has determined that it is desirable to enact such a by-law for purposes including, but not limited to, the following:</p> <ul data-bbox="1205 487 2003 850" style="list-style-type: none"> - achieving the goals and objectives of the County Official Plan with respect to sustaining the community's environmental and natural heritage resources; - conserving and improving woodlands through Good Forestry Practices; - protecting, promoting and enhancing the value of woodlands for social, economic and environmental value; and - enhancing biodiversity and forest resilience to assist the community in adapting to climate change, and other environmental threats to forest health

Changes to Definitions

Cord means a pile of fuelwood 3.63 m³ in size

'Good Forestry Practices' means the proper implementation of harvest, renewal and maintenance activities known to be appropriate 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 harvest, destruction or injuring of trees that:

- i. have been damaged by disease, insects, wind, ice, fire, lightening and other natural causes to an extent that the health of such trees is likely to deteriorate and can be assessed as such;
- ii. have been assessed and identified for removal to prevent disease or insects from spreading to other trees;
- iii. are cut in accordance with the Provincial Silvicultural Guidelines as referred in the Forest Operations and Silvicultural 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.

Cord means a pile of fuelwood measuring not more than 1.21 m (3.96 ft) x 1.21 m (3.96 ft) x 2.43 m (7.97 ft).
(NOTE – the calculated size from the dimensions listed result in a pile approximately 3.55 m³ – which is a simple rounding error. If this definition is maintained going forward, the dimensions would be rounded up to ensure that the fuelwood pile size is at least the same overall size as the current By-law)

'Good Forestry Practices' means the proper implementation of harvest, renewal and maintenance activities known to be appropriate 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 also includes. but is not limited to, the forestry management practices set out in the Provincial Silvicultural Guidelines referred to in the Forest Operation and Silviculture Manual, as revised, prepared under the authority of the Crown Forest Sustainability Act, R.S.O. 1994, c.25.

These Provincial Silvicultural Guidelines include, but are not limited to: Silvicultural Guide to Managing Southern Ontario Forests; Silvicultural Guide for the Tolerant Hardwood Forest in Ontario; A Tree Marking Guide for the Tolerant Hardwood Working Group in Ontario; A Silvicultural Guide for the Great Lakes –St. Lawrence Conifer Forest in Ontario; and Ontario Tree Marking Guide.

Changes to Definitions (cont'd)

Pruning – current By-law does not contain a definition for pruning

Silvicultural Prescription – current By-law does not contain a definition for this term

Woodlands means land at least one hectare in area with at least:

- (i) 1000 trees of any size, per hectare; or
- (ii) 750 trees measuring over five (5) centimetres (2 in.) in diameter at DBH, per hectare; or
- (iii) 500 trees measuring over twelve (12) centimetres (5 in.) in diameter at DBH, per hectare; or
- (iv) 250 trees measuring over twenty (20) centimetres (8 in.) 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 or registered tree nursery.

In the case of an area municipality within the County of Oxford, a Woodland means land less than one hectare with at least:

Pruning means the removal of a tree branch or branches from a tree by cutting at the point outside the branch collar, but does not include the removal of more than one third of the tree's leaf-bearing crown.

Silvicultural Prescription means the site specific and operational plan prepared by a Qualified OPFA Member that describes the existing woodlands conditions and woodlands management objectives for an area and which prescribes the methods for harvesting the existing woodlands stand for a series of silvicultural treatments that will be carried out to establish a free-growing stand in a manner that accommodates other resource values identified.

Woodlands means land at least one hectare in area with at least:

- (i) 1000 trees of any size, per hectare; or
- (ii) 750 trees measuring over five (5) centimetres (2 in.) in diameter at DBH, per hectare; or
- (iii) 500 trees measuring over twelve (12) centimetres (5 in.) in diameter at DBH, per hectare; or
- (iv) 250 trees measuring over twenty (20) centimetres (8 in.) in diameter at DBH, per hectare.

Woodlands do not include a cultivated fruit or nut orchard, a Christmas tree plantation or a registered tree nursery.

For the purpose of this definition, all measurements of a tree will generally be taken at 1.37 metres (4.5 feet) from the ground, however, where a tree cannot be measured at 1.37 metres at DBH, the tree will be measured or tallied at the tree's highest point.

Oxford County Woodlands Conservation By-law Review and Update
Comparison Chart – Changes of Note between the Current By-law and the Draft By-law for Discussion

<p>Woodlands Definition (cont'd)</p> <ul style="list-style-type: none">(i) 400 trees, of any size, per 0.4 hectares;(ii) 300 trees, measuring over five (5) centimetres (2 in.) in diameter at DBH, per 0.4 hectares; or(iii) 200 trees, measuring over twelve (12) centimetres (5 in.) in diameter at DBH, per 0.4 hectares; or(iv) 100 trees, measuring over twenty (20) centimetres (8 in.) in diameter at DBH, per 0.4 hectares. <p>But does not include a cultivated fruit or nut orchard or a plantation established for the purpose of producing Christmas trees or registered tree nursery.</p>	<p>Woodlands Definition (cont'd)</p> <p>The boundary of woodlands shall be defined by the ecological limit of the woodlands and not by the property boundary; this includes the drip line of the outermost trees.</p> <p>Where a potential woodland is dissected by a road or path not wider than <u>30 metres</u> (98 feet) or by a natural feature such as a creek, the boundary of the woodland shall be deemed to cross the road, path or natural feature, but the area of the woodland shall be calculated exclusive of the area of the road, path or natural feature.</p> <p>Notwithstanding the foregoing, where a Local Municipality has approved a By-law to prohibit or regulate the harvesting, injuring or destruction of trees in woodlands within the Local Municipality, woodlands shall mean land that is identified as woodlands in accordance with the definitions contained in the local municipal By-law.</p> <p>Alternatively, where a Local Municipality has approved a By-law to delegate authority respecting the prohibition or regulation of the harvesting, injuring or destruction of trees in the County of Oxford, woodlands shall mean land that is identified as woodlands in accordance with the definition(s) contained in the delegation By-law.</p>
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Oxford County Woodlands Conservation By-law Review and Update
 Comparison Chart – Changes of Note between the Current By-law and the Draft By-law for Discussion

<p>Good Forestry Practices and Circumference Harvest Provisions (Section 2 of the current By-law)</p> <p>The current By-law provides for the harvest of trees via either Good Forestry Practices or by Circumference Limit (i.e. Circumference or Diameter Harvest)</p>	<p>The Draft By-law for Discussion has omitted the Circumference Limit provisions with the intent being that the harvest of trees will rely solely on Good Forestry Practices.</p>
<p>Minor Exemptions</p> <p>The current By-law does not make any provision for ‘minor’ exemptions. Any exemption from the By-law must be through the Committee Exemption process.</p>	<p>The Draft By-law for Discussion introduces Minor Exemptions (Section 5) with the intent being that permits for minor harvesting activities could be issued by staff in certain circumstances, including (but not necessarily limited to):</p> <ul style="list-style-type: none"> - Harvesting trees along the immediate perimeter of productive agricultural fields where trees are affecting agricultural operations or drainage; - Harvesting trees to facilitate installation or maintenance of open or closed private drains; - Harvesting trees that are not located within a significant natural feature - Pruning or trimming necessary to provide passage of agricultural equipment.
<p>Committee Exemptions (Section 6 of the Draft By-law for Discussion)</p> <p>The current By-law contains provisions for exemptions to be granted via the Woodlands Conservation By-law Appeal Committee. The provisions contained in the Draft By-law for Discussion have been revised to include more direction to the Committee when considering applications for exemption. This guidance is found in the introductory section of the Draft By-law, and is set out at the beginning of this document.</p>	
<p>The remaining Sections of the current By-law regarding Orders to Discontinue Activity, Penalties, Enforcement and Administration have been updated and reorganized, but have not been subject to significant change with respect to content.</p>	