



Committee of the Whole

Meeting Date: September 10, 2024

Submitted by: Mark Brown, Woodlands Conservation Officer/Weed Inspector
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Subject: Woodlands Conservation By-law Update

BACKGROUND:

History

There are currently approximately 42,000 hectares (104,000 acres) of woodland within Middlesex County (County), making it an important feature of the landscape. Historically, woodland coverage has fluctuated significantly over the decades. In 1851, it was over 80%; by 1951, it was below 10%. In the following 60 years, it has increased modestly and stabilized at around 15%, as noted in the Middlesex Natural Heritage Systems Study (MNHSS, 2014).

During the 19th and early 20th centuries, extensive logging and land clearing for agriculture left vast areas of Ontario devoid of forests. This deforestation led to significant environmental challenges, including increased flooding, soil erosion, and the loss of wildlife habitat. The resulting damage to the landscape and ecosystems highlighted the need for sustainable forest management practices.

In response to the extensive loss of Forest/Woodland cover, Provincial legislation was passed, including the Counties Reforestation Act (1911), Tree Conservation Act (1946), and the Tree Act (1950). Under these acts, most municipalities in Southern Ontario enacted by-laws.

In 1986, By-law 4672 was passed by the County under the Trees Act and approved by the Minister of Natural Resources to “restrict and regulate the destruction of trees.” The purpose of By-law 4672 was to “maintain and improve the forest, game and fish resources of the County by preserving and improving woodlands.”

In 2001, the Trees Act was repealed, and the Municipal Act (Section 135) was amended to include Woodlands Conservation. Under the Municipal Act, the legislation gives municipalities the authority to pass Woodlands Conservation By-laws.

As a result of the Municipal Act legislation, the “Corporation of The County of Middlesex Woodland Conservation By-law” #5738 was passed on June 8, 2004. On average, about

2,000 acres of woodlands are selectively harvested in the County each year. The estimated annual timber volume exceeds 3,000,000 fbm (foot board measure), and the estimated annual value of the harvest exceeds of two million dollars. This activity is recognized as an important component of the local and regional economies.

By enacting woodland conservation by-laws, municipalities aim to protect and restore these vital natural heritage resources. In addition to regulating harvesting, these by-laws help maintain biodiversity, prevent further environmental degradation, and ensure that the benefits of healthy forests—such as air and water purification, carbon sequestration, and recreation—are preserved for future generations. Implementing these regulations is also important for creating resilient communities that can better withstand the impacts of climate change and environmental stresses.

By-law Review Process

With 20 years of experience with the by-law staff have identified the need to update the by-law. The goal of reviewing and updating the by-law would be to modernize it, streamline administrative processes, increase clarity, and improve transparency. Staff are, therefore, examining modifications that respond to industry developments. These changes will not expand the land subject to the by-law or extend its reach.

To achieve these goals, staff have been, and will continuing to, researching best practices, including a legal review of the other by-laws. Staff have identified the following areas for potential improvement:

- 1) Clarification of the circumstances where a Notice of Intent (NOI) is, or is not, required.
- 2) Improved clarity by establishing clear thresholds between Notice of Intent to cut and when an application for Council Exemption is required.
- 3) Consider changing the title of applications from “Council Exemption” to “Woodland Clearing Permit” or similar wording, which would include clearing or altering of the Woodland to improve clarity.
- 4) Update the application forms to facilitate improved mapping and provision of geographic location details. Advances in access to online mapping resources, such as County, mean that this requirement is no longer as significant a hurdle as it was 20 years ago.
- 5) Improving transparency by clarifying the by-law fine amounts,
 - a) per tree: \$1,000
 - b) per tree for subsequent offences: \$2,500
 - c) maximum: as set out in the Municipal Act, as amended, or replaced.

(These fine amounts have not changed since the existing Woodland By-law, but we are making them clearer for transparency purposes.)

PURPOSE:

The purpose of this report is to provide background information on the update to the woodland conservation By-law, including both its potential content and process. At the November 10, 2023, Council meeting, Forestry matters were reviewed, including the update of the Conservation By-law. It was then included in the department work plan for 2024. The first stage involved reviewing the current by-law to identify general areas for improvement or update. Staff have identified these areas, as noted above, and are bringing forward this report to update and inform Council of goals and potential area for improvement. Going forward, staff will undertake to the following actions:



- Staff will update County website to reflect the ongoing review and request feedback.
- Staff will use best efforts to incorporate the feedback and prepare an updated draft by-law, building on the existing well-functioning by-law.
- An action report will be presented to County Council before the end of the year.
- The notice requirements from Section 135 of the Municipal Act will be followed, which requires a “Notice of Intention” to pass a by-law at the next regular council meeting. This notice will be included on the agenda of the preceding regular Council meeting, sent to local municipalities, and posted on the County website.

FINANCIAL IMPLICATIONS:

The department budget has included the cost of this by-law update program in the operating budget for 2024. No additional financial implications.

ALIGNMENT WITH STRATEGIC FOCUS:

This report aligns with the following Strategic Focus, Goals, or Objectives:

Strategic Focus	Goals	Objectives
Strengthening Our Economy 	Encourage a diverse and robust economic base throughout the county	<ul style="list-style-type: none">• Support opportunities to create a stronger and sustainable agricultural sector.• Attract visitors to Middlesex County.
Promoting Service Excellence 	Innovate and transform municipal service delivery	<ul style="list-style-type: none">• Anticipate and align municipal service delivery to emerging needs and expectations.• Engage, educate and inform residents, businesses, and visitors of county services and community activities.

RECOMMENDATION:

THAT the Woodlands Conservation By-law Update be received for information.