



Committee of the Whole

Meeting Date: December 10, 2024

Submitted by: Mark Brown, Woodlands Conservation Officer/Weed Inspector
Tim Williams, Manager of Planning

Subject: Woodlands Conservation By-law Update – Draft By-law

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In 2001, the Trees Act was repealed, and the Municipal Act (Section 135) was amended to include Woodlands Conservation.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 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.

PURPOSE:

The purpose of this report is to provide background on the content changes made to the by-law and provide a recommendation.

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. On September 10, 2024, staff reported out on the workplan for updating the by-law and informed Council of goals and potential areas for improvement.

ANALYSIS:

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 was to modernize it, streamline administrative processes, increase clarity, and improve transparency.

Following the September 10th report, staff undertook the work plan to achieve these goals which included the following:

- Staff updated the County website to reflect the ongoing review and to request feedback. The update went live on September 30, 2024. While no comments were received, the website continues to reference the update and remains open for comments until the County Council meeting on December 10, 2024.
- Staff have completed a best practices review, gathering input from various departments to build upon the existing well-functioning by-law.
- To meet the requirements of Section 135 of the Municipal Act, a “Notice of Intention” to pass a by-law has been placed on the November 26th County Council agenda. On November 18th, this Notice was also sent to local municipalities and posted on the County website.

- This action report was to be presented to County Council before the end of 2024.

Proposed Woodland Conservation by-law

As a result of the work plan, a draft by-law was prepared and is being recommended. The revised by-law has not expanded the land subject to the by-law nor has it extended the reach of the by-law.

The changes to the by-law can be categorized into a few areas: Notice of Intent triggers, clarification of the difference between a Notice of Intent and a Council Exemption, terminology updates (e.g., Council Exemption vs. Woodland Clearing Permit), modernization of application forms, and enhanced transparency for fines. One area that was not previously raised but came up during the workplan discussions involves outdated transition clauses. More specifically, this has resulted in the following changes:



- 1) *Where a Notice of Intent (NOI) is required* – A Notice of Intent is required when the destruction, injury, or harvest of trees is to occur. It is now proposed to include personal use (referred to as "Own Use" in the by-law) among the individuals required to file a Notice of Intent. This will allow staff to confirm field activities and respond more quickly to public inquiries.
- 2) *Improved clarity* – The revised by-law updates several terms that have evolved since the 2004 by-law. These updated terms improve clarity and better understanding of the by-law (e.g., names of committees).
- 3) *Terminology Changes* – The application title is changing from "Council Exemption" to "Woodland Clearing Permit", which would include clearing or altering of the Woodland to improve clarity of what the exemption is for.
- 4) *Updated application forms* – The schedules of the by-law contain applications and permits for woodland conservation activities, which are used by woodland owners and consultants. Improving the user-friendliness of these forms with improved mapping and geographic details will benefit both users and staff in processing applications.
- 5) *Improving transparency by-law fine amounts* – The fines section has been revised to eliminate options and streamline the penalty structure. This provides clarity by establishing a fixed fine per tree, which is the same fine amount since the existing Woodland By-law was passed)
- 6) *Transition clauses* – When the June 2004 by-law was first introduced, there were several areas where it deviated from the previous by-law, and this necessitated transition clauses. However, this revised by-law does not significantly alter the existing by-law's operational framework or intent, with the only new requirement being that individuals cutting trees for personal use are now required to file a Notice of Intent.

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 Report be received for information;

AND THAT staff be directed to provide notice of Council intention to pass a Woodlands Conservation By-law in accordance with the provisions of the Notice By-law;

AND THAT staff be directed to bring forward a Woodlands Conservation By-law for Council consideration.