

EXTENSION NOTES



FOREST CONSERVATION BY-LAWS IN ONTARIO

This extension note provides general information on the purpose and use of Forest Conservation By-laws and their role in private land forest management.

Forest conservation by-laws have traditionally been referred to as tree cutting by-laws and have existed in Ontario for over 50 years. They are intended to prevent the over harvesting of forests. Some by-laws also promote sustainable forestry practices. They also recognize landowners' rights to make decisions regarding the management of their forests. There is also the hope that the existence of a by-law will encourage the landowner to seek the assistance of professionals to guide them in sustainably managing their forest for financial and ecological benefits. This would include the practice of marking the trees prior to cutting by a logger.

SUSTAINABLE FOREST MANAGEMENT: Management regimes applied to forest land which maintain the productive and renewal capacities as well as the genetic, species and ecological diversity of forest ecosystems.

In summary forest conservation by-laws are one tool that municipalities can use to help conserve the natural forest landscape and encourage good forestry practices.

IMPORTANCE OF FORESTS IN THE LANDSCAPE AND TO SOCIETY

Privately owned forests provide benefits to more than just their owners. Besides contributing to the economy through forest products such as lumber, fuelwood and maple syrup, these forests provide various air and water benefits, habitat for a wide range of wildlife and plant species, weather moderation, soil retention, and a backdrop for many recreational activities. Forests within a community contribute to various human health benefits and to our quality of life. They create attractive communities and improve public image, making the community a desirable place to live. The public benefits from these "forest services" and therefore has a stake in the protection and good management of private forests.



Tree marking is a good forest management practice.

HISTORY OF FOREST CONSERVATION BY-LAWS

Over the past 50 years, Ontario's municipalities have had the authority to regulate the cutting of trees and the destruction of forest cover on private lands through various statutes. Municipal councils were empowered to enact forest conservation by-laws to regulate the cutting of trees through the *Trees Conservation Act* (1946), the *Trees Act* (1950), and the *Forestry Act* (1998). In addition, lower tier municipalities with a population greater than 10,000 could regulate the cutting of trees under Section 223.2 of the *Municipal Act*.

The *Municipal Act*, (2001) now allows all levels of municipalities to enact forest conservation by-laws to regulate tree cutting. The decision to have a forest conservation by-law continues to be at the discretion of the municipality. (The *Oak Ridges Moraine Act* allows the province to enact a regulation requiring lower tier municipalities to have a forest conservation by-law).



Local municipal by-law officers enforce forest conservation by-laws.

BY-LAWS PROVIDE OPTIONS FOR MANAGEMENT

Most forest conservation by-laws have provisions for landowners to decide between two methods of harvesting. These are using either the preferred cutting according to good forestry practices, or by cutting the trees that are larger than the size limits set out in the by-law.

GOOD FORESTRY PRACTICES: refers to forest activities that enable the forest to grow healthy plants, maintain ecological processes and wildlife habitats as well as products. Good forestry practices represent what the forestry profession, forest workers including loggers, and society have come to expect from forest management operations. More specifically good forestry practices:

- Minimize environmental damage to the site (such as soil, water and young vegetation),
- Protect forest components including species diversity,
- Minimize damage to or enhance wildlife habitats
- Encourage sustainable forest management (improving forest health and continuous and improved forest products over time),
- Provide for worker safety
- Provide continual and increased economic benefits to landowners
- Should be consistent with long-term forest management planning.

Good Forestry Practices as defined in the *Forestry Act* 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."

DIAMETER LIMIT CUTTING: Diameter limit cutting (also referred to as circumference limit) is the practice of cutting all trees in the forest larger than a specified diameter or circumference. The diameter limit approach was developed in the early 1900's to prevent the widespread practice of clearcutting forests. Since most smaller diameter trees are younger trees, it was thought that a diameter limit would protect the future forest. While this method did protect the forest from complete devastation, it has had numerous long-term negative effects because smaller trees may in fact just be slow growing or genetically inferior trees. This method of regulation continues to be used for its ease of application and enforcement, but is not desirable from a silvicultural perspective and is widely considered to be a poor forestry practice. Some municipalities have added the requirement to maintain a residual forest density which is intended to prevent the harvesting of all mature trees over the size limit. After

repeated use over time, diameter limit cutting often results in detrimental changes to the genetic quality of future generations of trees and the loss of sustainable, long-term economic value. Those who carry out diameter limit cutting usually consider the trees to be removed in terms of their immediate economic value, rather than considering the ecological health of the remaining forest and its ability to produce sustainable future harvests. Diameter limit cuts tend to target the fastest growing trees in a stand. Ultimately these

methods can result in reduced genetic diversity, stand productivity and species composition; and lower timber quality because the best growing and best formed individuals are the ones removed in each harvest, leaving successively poorer growing and poorer quality trees as the next crop and as parent trees for any natural regeneration. Also stands with such a history may have an impaired ability to buffer environmental change (e.g. climatic disturbance, insect or disease outbreak) in the future.

MANAGING YOUR FOREST

In order to make good management decisions forest landowners should be aware of their forest's composition quality and value and what they envision as the future for their property. Know the by-law in your area and understand that as a forest owner you need to take steps above and beyond the by-law to ensure good forestry practices.



KNOW YOUR FOREST:

Good forest management starts with a good understanding of the forest soils, diversity of tree species, density and the distribution of sizes and the amount of regeneration and understorey vegetation. Landowners should also make note of the wildlife species and special habitat features such as dead trees (snags), cavity trees, nests and downed wood. Walk your land and make a record of what's there. Note areas of special concern such as shallow soils, wet areas, uncommon or rare species, etc. What do you like the most? What do you want to enhance?

KNOW WHAT YOU WANT:

Consider your objectives such as wildlife habitat, recreation, investment, income, and others. Also consider how you would rank your objectives for your forest. Many forests are managed for multiple objectives, now and in the future. Contact other forest owners and associations for ideas. Working with a forestry professional to prepare a forest management plan will help you achieve your objectives.

KNOW YOUR LOCAL FOREST CONSERVATION BY-LAW:

Call your municipality to get a copy of the by-law and talk to a by-law officer. Find out whether there is a notice or application that you need to submit before beginning cutting and if there is a waiting period before you can start cutting. Contact a woodlot association or stewardship council about a list of local forestry professionals or any upcoming workshops. Call a few forestry professionals to discuss your plans and find out what advice they might have and what services they provide. Know that forest conservation by-laws are not designed to discourage harvesting activities. Rather they are designed to encourage good forest practices and discourage over harvesting. Having your forest marked by a forestry professional according to good forest management practices rather than the minimum diameter limit (as prescribed as a minimum in most by-laws) is in your best interest.

Read the handbook *A Landowner's Guide to Selling Standing Timber* from The Ontario Woodlot Association at 1-888-791-1103. Also look into the Extension Note *Promoting A Healthy Forest Through Tree Marking*.

HOW BY-LAWS ARE ENACTED

The *Municipal Act* (2001) allows all levels of municipalities in Ontario to pass forest conservation by-laws to regulate tree cutting. An upper tier municipality is able to pass forest conservation by-laws for forests that are one hectare or more in size, while a lower tier municipality is able to pass forest conservation by-laws for trees found in forests of less than one hectare down to individual trees. Either tier of municipal government can delegate its powers to the other tier and by agreement enforce the by-law of the other tier.

Municipalities are strongly encouraged to seek public consultation and promote public discussion about the enactment of a forest conservation by-law. Successful forest conservation by-laws are those supported by the community and seen as a benefit rather than a deterrent.

Forest conservation by-law officers are appointed to enforce the forest conservation by-law and can work with landowners, forestry professionals and the logging and sawmill industry to ensure that forest operations will comply with the forest conservation by-law.

When violations occur, the legislation empowers municipalities to:

- issue stop work orders
- impose fines (a max of \$10,000 or \$1,000 per tree for the first offence)
- impose re-planting orders
- impose higher fines for corporations

OTHER RESOURCES

- *A Forest Services Directory of Forest Owners*
www.ontariowoodlot.com
- Ministry of Natural Resources
ontariosforests.mnr.gov.on.ca/ontariosforests.cfm
1-800-667-1940
- Ontario Stewardship and your local stewardship council
www.ontariostewardship.org
- Ontario Woodlot Association
www.ont-woodlot-assoc.org
1-(888)-791-1103 or (613) 258-0110
- Ontario Forestry Association
www.oforest.on.ca
(416) 493-4565 1-800-387-0790
- Ontario Professional Foresters Association
www.opfa.on.ca
(705) 436-2226
- Landowner Resource Centre
www.lrconline.com
(613) 692-2390
- Your local municipality
- Your local conservation authority
- Local woodlot owner association

For more information contact:

LandOwner Resource Centre
P.O. Box 599, 5524 Dickinson Street
Manotick, Ontario K4M 1A5
Tel 613 692 2390 or 1 800 387 5304
Fax 613 692 2806
E-mail: info@lrconline.com
Internet: <http://www.lrconline.com>

Produced by:

- LandOwner Resource Centre
- With support from:
 - Ontario Ministry of Natural Resources

© 2005, Queen's Printer for Ontario
ISSN 1198-3744
R.P.
(5k P.R., 05 07 19)

Cette publication est également
disponible en français.

