



Normal Farm Practices

Guidelines for the Haldimand County

Forest Conservation By-law

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1. Introduction

The purpose of Haldimand County's Forest Conservation By-law is to regulate the injury or destruction of trees in Woodlands and promote the sustainable use of forest resources. It is Council's objective to enact a Forest Conservation By-law for the purposes of:

- Achieving the objectives of the Haldimand County Official Plan to preserve and improve Woodlands through the application of Good Forestry Practices;
- The production of wood, wood products and sustaining the local forest economy;
- Minimizing the injury and destruction of trees in Woodlands; and
- Contributing to ecosystem health, human health, recreation, enjoyment and improving quality of life through the conservation of Woodlands.

The intention of the by-law is not to interfere with existing Agricultural Operations, however there is a need to ensure consistency when balancing the needs of the agricultural community and ensuring the intent of the by-law.

It is the position of Haldimand County that Agricultural Operations, Woodland protection and Good Forestry Practices can co-exist. While landowners are obliged to ensure that all activities resulting in tree injury or destruction are done in accordance with the by-law, the County's role is to assist landowners and consistently enforce the by-law.

2. Guideline Application

These guidelines are not law and do not constitute an official part of the Forest Conservation By-law. They have been developed to assist Municipal Law Enforcement Officers and landowners concerned about the interpretation of the Normal Farm Practices exemption provided in the by-law.

These guidelines are not intended to be all encompassing or represent an exhaustive list of all the possible scenarios where the Normal Farm Practices exemption may be applicable. These guidelines may be amended from time to time as circumstances warrant.

3. Normal Farm Practices

The Forest Conservation By-law defines Normal Farm Practice and Agricultural Operations as follows:

- "Normal Farm Practice" means a practice that is recognized by the Normal Farm Practices Board which is conducted in a manner consistent with proper and acceptable customs and standards, as established and followed by similar Agricultural Operations under similar circumstances, or makes use of innovative technology in a manner consistent with proper advanced farm management practices.

- “Agricultural Operation” means the commercial production of crops or raising of livestock including ploughing, seeding and harvesting as part of a conventional rotational cycle;

On the basis of the above definitions the following activities which may involve the injury or destruction of tree shall be considered as Normal Farm Practices when conducted as part of an Agricultural Operation.

Cultivation and Maintenance of Established Farm Fields

- The removal of seedlings which have established themselves on the edge of existing agricultural fields may be removed for the cultivation of agricultural crops including activities such as plowing, tilling, seeding, harvesting and the maintenance of fields. This includes seedlings and young trees that fall under the drip line of trees along the Woodland edge.

Maintaining Pasture Lands

- The removal of individual trees or small groups of trees that do not constitute a Woodlands can be removed to maintain pasture lands.

Livestock Grazing in Woodlands

- The injury or destruction of trees by farm animals grazing in Woodlands or along the edges of Woodlands can be considered a Normal Farm Practice provide that reasonable steps are taken to prevent over-grazing that would reduce the number of trees below what is necessary to constitute a Woodlands.

Fence Maintenance

- The injuring or destruction of trees by the landowner along a property boundary to a maximum width of 2.5 meters for the purpose of installing or maintaining a property boundary fence.

4. Practices not Considered Normal Farm Practice Exemptions

The following are some common practices that result in the injury, destruction and clear cutting of the trees and are not considered Normal Farm Practices.

Construction of Farm Buildings

- The construction of farm buildings requires a building permits under the *Building Code Act* and possibly approval under the *Planning Act*. The Forest Conservation By-law does not circumvent the planning process and provides exemptions for tree removal with an approved building permit.

Expansion of Existing Agricultural Fields

- The injury, destruction or clear cutting of trees in Woodlands for the purpose of creating new agricultural fields, including pastures, or for expanding existing agricultural fields into Woodlands is not considered a Normal Farm Practice and is not exempt from the provisions of the Forest Conservation By-law.

Cultivation of Fallow Fields

- In situations where a fallow field has been colonized by pioneer, early successional tree species such that the area colonized and number of trees is regulated pursuant to the Forest Conservation By-law, a Minor Exception Application may be considered to clear cut the trees for Agricultural Operations.

Removal of Hedgerows

- Rows of trees that are attached to Woodlands or isolated rows of trees that meet the size and tree stocking requirements in the definition of a Woodlands are regulated pursuant to the Forest Conservation By-law. Minor Exception Applications may be considered for the clear cutting and removal of these hedgerows for the improvement of Agricultural Operations.

Private Drains

- Work undertaken by Haldimand County's Drainage Department for the installation and maintenance of municipal drains is permitted pursuant to the Forest Conservation By-law. In situations where drainage of private lands cannot be accommodated through the municipal drainage program, a Minor Exception Application may be considered for the clear cutting of trees to provide for the installation or improvement of a private drain.

Access to Agricultural Fields and Operation of Farm Machinery

- Minor Exception Applications may be considered for the injury or destruction of trees to provide farm machinery access to existing agricultural fields surrounded by Woodlands or where no other reasonable access route exists.

5. Clarification of Normal Farm Practices

In situations where there is a dispute in the interpretation of a Normal Farm Practice between a landowner and a Municipal Enforcement Officer, the landowner may choose to submit either a Good Forestry Practices Application or a Minor Exception Application.

In exceptional circumstances the landowner or the County may also initiate a review by the Normal Farm Practices Protection Board for mediation of the matter. The decision of the Normal Farm Practices Protection Board is final and binding.

6. Normal Farm Practices Exemption Process

