

## Gordon Hough

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**From:** Branching Out <branchingout@teksavvy.com>  
**Sent:** May-21-18 10:33 AM  
**To:** Gordon Hough  
**Cc:** Bruce Kropf; john@happyhills.com; gord howe; Bruce Zavitz; dveld@quadro.net; Travis Lockhart; Don McKay  
**Subject:** Re: Oxford County Woodlands Conservation By-law Update

Mr. Hough  
Gord

I have gone over the latest draft By-law for cutting trees in Oxford County.

As an outsider who works in Oxford County, it is good to see that the County is striking a balance between protecting the natural component of the County and respecting local landowners and loggers.

Well done.

There are, however, some unresolved issues in this draft By-law that have caught my attention. These issues may not be seen by landowners, but these issues can still cause problems for them and those preparing a woodland for harvest:

1. Size of painted marks on trees to be harvested

This draft calls for 4-inch diameter paint dots. This is excessive for sight purposes and exposes the tree marker to breathing in considerably more paint spray drift. **Two-inch dots are adequate.**

2. Basal Area

Basal Area is the cross-sectional area of trees at 1.37 meters from the ground. It is used to estimate (i.e. get an indication of) how much of a hectare of woodland is occupied by tree stems.

Basal Area management is used by some forest managers in shade tolerant Sugar Maple woodlots to reach overall average residual basal area targets for a series of size classes. Since the basal area method has no regard for species needs or overhead crowding, it is not always a good choice. One minimum Basal Area number is arbitrary and it can actually be a detriment to growing good quality shade intolerant tree species such as Oaks, Black Cherry, Hickories, Basswoods, Walnuts, Butternuts and Pines.

**A minimum Basal Area requirement should be removed from the By-law.**

3. Sampling Basal Area

Based partly on evidence that there is considerable variation in tree sizes and tree spacing throughout a woods, a charge concerning Basal Area measurement in Norfolk County was dismissed in Court because the Court found that Basal Area measurement was an "inexact process".

And Norfolk's basal area instructions were far more comprehensive than Oxford By-law's bad instructions in Schedule H.

**Basal area should only be used or reported by a qualified person when voluntarily managing under the Basal Area method, and Schedule H should either be deleted or rewritten to be correct for a qualified person to follow.**

#### 4. Total Basal Area

The term Total Basal Area is misleading as forest managers deal with overall average Basal Areas. We do not add and report the sum of several samples, we report the overall average.

**If Basal Area is to be required in the By-law for some reason, consider using Overall Average Basal Area instead of Total Basal Area.**

#### 5. Determining if a woods is a woodland or remains a woodland

Define "the area" to be used in the By-law. Is it the area to be harvested on the permit application or as outlined in a Silvicultural Prescription? Does it include all of the woodland on a property? All woodlands within the ecological boundary?

Is an abutting field or old pasture now a woodland because there are scattered trees on it, but it alone does not have enough trees per hectare to be a woodland by definition?

Since all sampling will have some sampling error associated with it, what Margin of Error is acceptable?

**Regardless of the definition of "the area", it needs to include 'being least one hectare in size' – the minimum size of a woodland. When addressing an issue, the point of contention shall be as close to the centre of that hectare as possible.**

#### 6. Exclusion Section 3.2 (a) of the Professional Foresters Act

It is legal to practice professional forestry "personally by individuals on land which they own" without a forester.

**If a landowner has enough interest to personally manage a woodland, and follows the silvicultural prescription outlined in Schedule C of the By-law, that landowner should be included in Section 3. (a) of the Oxford By-law.**

#### 7. Everyone to comply with the By-law

A consultant for the Oxford County told me twice that he was "above the By-law" and that he "did not have to follow the By-law".

**The By-law needs to affirm that County staff and County representatives shall follow the same rules and procedures that loggers, landowners and other consultants would have to follow.**