



## XXXX: Tree Protection (AP)

Approved: 24 09 10

### BACKGROUND

Per Policy XXX: Tree Protection, Policy NEW: Environmental Stewardship, and in alignment with the Nuu-Chah-Nulth Principle of **Hišuk ma c̓awak**, the Pacific Rim Board of Education (the Board) recognizes that everything in our ecosystem is interconnected and that trees are integral to the environment, add character to our communities, and are valued by its constituents, students and staff.

To this end, the Board is committed to preserving, and enhancing our community's forested character and ecological systems, while minimizing risk to the public and to property. The following procedures and preceding guiding policy regulate the protection, preservation and conservation of trees, including their physical, societal, economic and environmental characteristics in the Pacific Rim School District.

### REFERENCE

Nuu-Chah-Nulth Principles

- **Hišuk ma c̓awak:** Everything is One. A notion of the interconnected, interdependent, and reciprocal relationship between the people, the land and the wider world(s) in a physical, spiritual and social sense.
- **ʔuuʔaʔuk:** Taking Care Of... In this context, this is about taking care of present and future generations as well as taking care of the resources provided by the land and the natural world.
- **ʔiisaak:** Greater Respect. Personal and collective respect for the community and its people, traditional knowledge, the natural world, the metaphysical world and other peoples and communities.

### DEFINITIONS

In this Administrative Procedure:

**“ancillary structures”** means man-made structures, including but not limited to sheds, platforms, decks, stairs, steps, retaining walls, driveways, paths, sidewalks, fences, playgrounds but excludes permanent structures.

**“certified arborist”** means an arborist who is certified by and in good standing with the International Society of Arboriculture.

**“canopy”** means the extent of the outer layers of leaves or needles of an individual or group of trees.



**“certified tree risk assessor”** means a certified arborist or other qualified professional(s) who holds the “Tree Risk Assessment Qualification” (“TRAQ”) under the authority of the International Society of Arboriculture.

**“covenant tree”** means a tree that must be permanently protected pursuant to a covenant registered against title to the property in the Land Title Office.

**“crown means”** the entire system of branches, leaves and reproductive structures of a tree extending away from the trunk or main stem(s).

**“cut”** means to limb, trim, top or prune any parts of a tree, including the root zone, or to remove, by any mechanical means, any branch, foliage, root, stem, or other part of a tree, and “cutting” shall have the corresponding meaning.

**“damage”** means to take any action that may cause a tree to die or decline or cause it to become hazardous, including but not limited to root severance, girdling, ringing, poisoning, burning, excessive crown lifting or reduction, topping, soil compaction, depositing or removing soil, depositing toxins on any part of a tree or into groundwater taken up by a tree, placing concrete or any other hard surface within the root zone of a tree, blasting within 5 metres of the root zone, excessive pruning of the crown, branches, limbs and or roots, and pruning in a manner not in accordance with current arboricultural best practices or the "American National Standards Institute Publication A300" and the companion publication "Best Management Practices – Tree Pruning", as revised, updated or replaced from time to time.

**“DBH”** means diameter of the stem of a tree at breast height, except where the tree has multiple stems at such a point, in which case the DBH of such tree shall be the sum of 100% of the diameter of the largest stem and 60% of the diameter of each additional stem to a maximum of 6 stems, all measured at breast height, and breast height for the purposes of such measurements shall be deemed to be 1.3 metres above the natural grade on the uphill side of the tree.

**“deposit”** means place, move, discharge, spray, spill, leak, seep, pour, emit, store, stockpile, or release directly or indirectly into or onto the land, air, soil and groundwater such that damage to a tree results and depositing has a corresponding meaning.

**“development”** means any of the following:

- a. construction of, addition to or alteration of a building or other structure, including without limitation:
  - i. new building construction;
  - ii. building additions and alterations, including alterations to exterior materials;
  - iii. construction of, addition to or alteration of accessory buildings and structures, including pools, hot, sheds and other structures; or
  - iv. construction of, addition to or alteration of retaining walls; and



- b. alteration of land, including, without limitation:
- i. site clearing or removal of vegetation;
  - ii. landscaping, including planting and clearing;
  - iii. site grading;
  - iv. tree cutting;
  - v. placement of fill, or disturbances of soils, rocks or other native materials;
  - vi. creation of impervious and semi-impervious surfaces (such as patios and driveways);
  - vii. installation, construction or alteration of flood protection or erosion protection works;
  - viii. installation, construction or alteration roads, trails, docks, wharves or bridges; or
  - ix. drainage, hydro, water, sewer or other utilities or utility corridors, including underground sprinkler or irrigation systems.

**“District”** means the Pacific Rim School District or the geographic area within the boundaries of the District, as the context requires.

**“District Tree Contractor”** means a person or company that is on the current list of contractors that meet the requirements to conduct tree work on District property.

**“Forester”** means a Registered Professional Forester who is registered with the Association of BC Forest Professionals.

**“hazardous”** as pertaining to a tree or tree(s) means assessed to be in a condition of “high or extreme risk” to people or property as reported by a certified tree risk assessor in accordance with an industry-recognized standard acceptable to the Board or designated personnel.

**“heritage tree”** means a designated tree that has been determined to be of significant value to the community because of special characteristics such as size, age, uniqueness of species, uniqueness of ecosystem, or heritage or landmark value.

**“in-stream work”** means any work that is capable of altering or controlling the flow of water in a stream, or damaging, weakening or reducing the ability of the bank, bed or channel of a stream to carry storm or flood waters, or interfering with or eliminating vegetation from the riparian area, and includes, without limitation, a wall, crib, weir, dam, rip-rap and other forms of erosion protection.

**“old growth tree”** means any tree(s) or forest ecosystem that is 250 years old or older.

**“permanent structure”** means any long-lasting foundation, building or structure placed or erected on a secure pad or footing that was lawfully constructed, placed or erected.

**“potential streamside vegetation”** is considered to exist if there is a reasonable ability for regeneration or growth of vegetation either with assistance through enhancement or naturally, but



an area covered by a permanent structure or ancillary structure is considered incapable of supporting potential streamside vegetation.

**“protected area”** means an area adjacent to a stream that links aquatic to terrestrial ecosystems and includes both existing streamside vegetation and potential streamside vegetation, and both existing and potential upland vegetation that exerts an influence on the stream.

**“protected tree”** means:

- a. any tree which is located on, or which straddles, land owned or in the possession or control of the Board, including, without limitation, any tree located in a school grounds, facility grounds, playground, or lane allowance;
- b. any tree located within a protected area;
- c. any tree located on a steep slope;
- d. any replacement tree;
- e. any covenant tree;
- f. any heritage tree;
- g. any wildlife tree;
- h. any old growth tree;
- i. any tree located on wetland or waterfront;
- j. any tree of the following species:
  - i. Arbutus (*Arbutus menziesii*);
  - ii. Garry Oak (*Quercus garryana*);
  - iii. Oregon Ash (*Fraxinus* spp);
  - iv. Pacific Yew (*Taxus brevifolia*);
  - v. Western White Pine (*Pinus monticola*); or
  - vi. Yellow-cedar (*Chamaecyparis nootkatensis*).

**“ravine”** means a narrow, steep-sided valley that is commonly eroded by running water and has a slope grade greater than 3:1.

**“remove”** means to entirely sever the main stem(s), fell or uproot a tree or cause damage that, in the opinion of the Director of Operations, will result in severe decline and/or death of a tree or cause a tree to become hazardous. "Removed", "removal" and "removing" shall have corresponding meanings.

**“replacement tree”** means a tree required in accordance with this Administrative Procedure and guiding Policy to be planted, either on the subject site or at another location, to replace a tree that has been cut, removed or damaged or a tree planted as a condition of Board approval.

**“root zone”** means the spatial extent of the entire root system of a tree(s) that has developed to maintain normal health and stability.

**“steep slope”** means land with a slope angle greater than 20 degrees (36%) measured over a vertical distance of 3 metres or more.



**“straddles”** means where the base of the main stem(s) of a tree above the root flare straddles the property line;

**“stream”** includes:

- a. a pond, lake, river creek or brook, whether it usually contains water or not; and
- b. a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph (a).

**“top”** means to entirely sever the stem of a tree such that the upper stem and branches of the tree are completely removed, resulting in an abruptly truncated stem, and topping and topped shall have corresponding meanings.

**“top of bank”** means the first significant break in a slope where the break occurs such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15 metres measured horizontally from the break, and the break does not include a bench within a ravine that could be developed.

**“tree”** means a long-lived woody perennial plant having one or more stems, with the capacity to grow to a considerable height and bearing lateral branches at some distance from the ground with at least one stem having a diameter of 5 centimetres or more measured at DBH or having a height of 2 metres or taller as measured from the natural grade on the uphill side of the tree.

**“tree protection barrier”** means a sturdy temporary or permanent fence or barrier that meets the current Board standards for tree protection as specified by the Director of Operations.

**“vegetation”** means, collectively, native and/or naturalized plant life occupying terrestrial or aquatic habitat.

**“wetland”** means land that is inundated or saturated by surface or groundwater with such frequency and for such duration as is sufficient to support, and under normal conditions does support, obligate hydrophytes or other vegetation typically adapted for life in saturated soil conditions and includes, without limitation, swamps, marshes, bogs and similar sites and all land above and within 30 metres measured horizontally from the boundaries of such sites.

**“wildlife tree”** means any standing dead or live tree having special characteristics that provide valuable habitat for the conservation or enhancement of wildlife.

**“work”** means any activities or site disturbance connected with landscaping, the cutting or removal of a tree, the cutting or removal of vegetation, the removal of soil, the deposit of soil or other material, the construction of permanent structures or ancillary structures, instream work and the installation of drainage works, but does not include the regular maintenance of planted gardens and/or lawns.



## **PROCEDURE**

**1.0** No person shall fail to comply with the expectations and conditions found within this Administrative Procedure or the NEW: Environmental Stewardship Administrative Procedure.

**2.0** A person must not cut, damage or remove, or permit or cause to be cut, damaged or removed, a protected tree or large-diameter tree without prior consultation and approval of the Board, with the exception of hazardous trees as outlined in section 9.0 (a) or (b).

Notwithstanding this section, if a tree is a protected tree only because it is owned by the Board, then if the branches of such tree encroach upon a person's land, that person may prune such tree back to his or her property line without a permit, provided that such pruning does not result in damage to a protected tree.

**3.0** No work is permitted within the tree protection zone prescribed in section 3.0 (a) except work that is specifically authorized through consultation with the Board and only in accordance with the plans and methods approved by the Board.

A person performing work on lands containing one or more retained trees or on lands adjacent to such lands must:

- a. establish a tree protection zone by installing a tree protection barrier around any retained tree or group of retained trees at the outside boundary of the root zone of the tree or outermost tree;
- b. ensure that such tree protection barrier is constructed to meet or exceed current District standards, or is constructed of materials otherwise satisfactory to the Director of Operations;
- c. display signage satisfactory to the Director of Operations indicating that the area within the tree protection barrier is a "Tree Protection Zone";
- d. arrange for inspection of the tree protection barrier by the Director of Operations before any work commences and refrain from commencing work until the Director of Operations has approved the tree protection barrier; and
- e. ensure that the tree protection barrier remains in place and is not altered, damaged or modified until written approval for its removal is received from the Director of Operations.

**4.0** Approval for cutting, topping, or removing a tree in relation to a protected tree or large diameter tree must be obtained from the Board in the form of consultation / presentation to the Board by the Director of Operations or designate together with the following information:

- a. a report from a certified arborist and/or a certified tree risk assessor, if applicable, stating the purpose and rationale for the proposed tree work and such report must include the following:
  - i. a description of the proposed work;
  - ii. a site plan indicating the location of tree or trees to be cut; removed or protected;



- iii. an inventory of all protected trees and large-diameter trees and a description of all topographic and hydrographic features, ancillary structures, permanent structures, roads and other pertinent features on or proposed on the subject property;
- iv. a description of the cutting and/or removal methods to be used and the tree protection measures that will be used to protect any retained trees;
- v. where tree(s) are on steep slope, a report signed by a registered professional engineer, geoscientist or forester that the proposed pruning or removal will not result in an increased risk or danger of flooding, erosion or slope instability;
- vi. a report from a certified tree risk assessor, if the tree or part of the tree is to be declared hazardous;
- vii. a proposed replanting plan specifying the location, species, size and class of tree(s) or vegetation to be planted after the tree work specified in the permit is complete;
- viii. a copy of any applicable municipal, federal or provincial approval, if required;
- ix. any other information required by the Board in relation to issuance of tree work approval; and
  - a. where the stem of the tree straddles one or more property lines, written consent from the owners of each property on which any part of the stem of the tree is located;
  - b. where the tree is a shared tree, consent from the owners of each property on which the tree is located.

**5.0** In connection with the issuance of approval to cut, top, or remove a tree or trees, the Director of Operations or designate is authorized to impose any conditions that the Director of Operations or designate deems appropriate to protect other trees, vegetation, soils, stream, wetland, habitat, or district works which conditions may include, but are not limited to:

- a. that the cutting and/or removal of a tree or trees be carried out under the direct supervision of a certified arborist;
- b. that a specific tree or trees be cut or removed;
- c. that replacement trees and/or other vegetation be planted and specifying the required species, size, location and other characteristics of such replacement trees and/or vegetation and the length of time for which such replacement trees and/or vegetation must be maintained;
- d. that a certified arborist be employed to supervise, monitor or report on any work;
- e. that a report by a qualified professional be provided confirming that the tree work approval is consistent with municipal, provincial or federal laws;
- f. that specific methods of tree protection or construction be used or provided; and
- g. such other conditions as the Director of Operations or designate deems appropriate in the circumstances.



**6.0** A consent holder must comply with all the terms and conditions of the approval.

**7.0** Tree work approval automatically expires one year after consent unless otherwise specified.

**8.0** The Board may refuse tree work approval if:

- a. the tree or trees do not meet any of the criteria set forth in subsections 9.0(a) or (b) of this Administrative Procedure;
- b. the tree is a shared tree;
- c. the subject tree is a protected tree, and the proposed work would adversely affect the health and survival of the tree, materially alter the character or natural form of the tree, affect slope stability or affect the ecology of the area, or is not required to maintain the health or stability of the tree.

**9.0 Hazardous Trees – Permission to Cut or Remove**

Provided that the hazardous tree is located on school district land and is not a protected tree, the Director of Operations may issue permission for the removal or cutting of a hazardous tree where satisfied that the tree is:

- a. hazardous, dead, damaged, diseased or in decline beyond expectation of recovery based on a report by a certified tree risk assessor; or
- b. impairing, interfering or damaging the normal operation of sewers, drains, water lines, septic fields, electrical lines, permanent structures, poles or other similar equipment and appurtenances and that the impairment, interference or risk cannot be reduced or removed in any way other than the whole or partial removal of the tree.

**10.0 Replacement Trees**

Where the Board has issued approval for the removal of a tree or trees, the Board may require the planting and maintenance of replacement trees, and the Director of Operations may specify:

- a. the required number, species, size and other characteristics of such replacement trees;
- b. the deadline by which such replacement trees must be planted;
- c. the required period for which such replacement trees must be maintained; and
- d. other terms and conditions for planting and maintaining the replacement trees.

**11.0A** A person must not interfere with, delay, obstruct or impede the Director of Operations or other person authorized to enforce this Administrative Procedure in the performance of duties under this Administrative Procedure.





## **RESOURCES AND REFERENCES**

Abbotsford School District Administrative Procedure 521: Tree Removal  
NEW: Environmental Stewardship Policy (Pacific Rim School District)  
XXX: Tree Protection (P) (Pacific Rim School District)  
City of North Vancouver Tree Protection Bylaw 7671