

**THE CORPORATION OF THE
TOWNSHIP OF EDWARDSBURGH CARDINAL**

BY-LAW NO. 2017-70

**“A BY-LAW TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH
SOUTH NATION RIVER CONSERVATION AUTHORITY AND
LEEDS GRENVILLE STEWARDSHIP COUNCIL”**

WHEREAS the Municipal Act 2001, SO 2001, Chapter 25, Section 8(1) states that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues; and

WHEREAS the Municipal Act 2001, SO 2001, Chapter 25, Section 8(2) states that in the event of ambiguity, the ambiguity shall be resolved so as to include, rather than exclude, municipal powers that existed before the Municipal Act, 2001 came into force; and

WHEREAS the Municipal Act 2001, SO 2001, Chapter 25, Section 9 gives the municipality the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this Act; and

WHEREAS the Municipal Act 2001, SO 2001, Chapter 25, Section 11(2) provides that Municipal Councils may pass by-laws for the economic, social and environmental well-being of the inhabitants of the municipality;

AND WHEREAS the Council of the Corporation of the Township of Edwardsburgh/Cardinal deems it advisable to enter into a Memorandum of Understanding with South Nation River Conservation Authority (SNC) and Leeds Grenville Stewardship Council (LGSC) for the planting and monitoring of butternut trees at Part Lot 13, Concession 1, Township of Edwardsburgh Cardinal;

NOW THEREFORE the Council of the Corporation of the Township of Edwardsburgh Cardinal enacts as follows:

1. That the CAO/Clerk is hereby authorized to execute the Memorandum of Understanding attached hereto as Schedule “A” on behalf of the Township of Edwardsburgh/Cardinal.
2. That this by-law shall be known as the “Butternut Tree Compensation Project”.
3. That the Township fees and charges for the planting and monitoring of Butternut trees are established as follows:

Planting Fee:	\$500 per butternut seedling
Monitoring Fee:	\$200 per butternut seedling per year

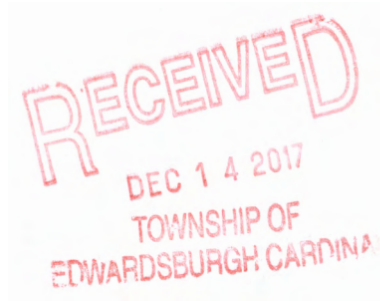
4. That this by-law shall come into force and take effect upon passing.

Read a first and second time in open Council this 11th day of December, 2017.

Read a third and final time, passed, signed and sealed in open Council this 11th day of December, 2017.

Mayor

Deputy Clerk



**Edwardsburgh Cardinal Butternut Compensation Project:
Memorandum of Understanding**

Between

The Corporation of the Township of Edwardsburgh Cardinal ("Township")

And

South Nation River Conservation Authority ("SNC")

And

Leeds Grenville Stewardship Council ("LGSC")

**For the planting of Butternut trees at:
Part LOT 13, CONC 1, Former Township of Edwardsburgh**

WHEREAS:

- (a) The Township has planted 39 Butternut trees and 40 companion trees at the property detailed in Section 4 ("Work"), as part of a compensation project under the Endangered Species Act;
- (b) SNC is to provide materials and project management as detailed in Schedule A;
- (c) LGSC is to provide labour for planting, tending, and monitoring as detailed in Schedule A;
- (d) The person(s) signing this MOU on behalf of the Township, SNC and LGSC have authority to bind their respective organization.

NOW THEREFORE, in consideration of the mutual agreements contained in this Memorandum of Understanding ("MOU") and of other good and valuable consideration (the receipt and sufficiency of which are acknowledged by each Party hereto), the Parties agree with one another as follows:

INTERPRETATION:

- 1. Whenever used in this MOU, unless there is something in the subject matter of context inconsistent therewith, the following words and terms shall have the respective meanings ascribed to them in this Section:
 - (a) "Work" refers to the tree planting work as outlined in Schedule A;
 - (b) "Property" refers to the entire property, as per the Property Description below;
 - (c) "Party" means either the Township or SNC or LGSC, and "Parties" means all of them;

AMENDMENTS:

- 2. This MOU including the schedules hereto may be amended only by an instrument in writing executed by all Parties or their permitted assignees.

TERM:

- 3. The term of this MOU shall be January 1, 2018 to December 31, 2021.

TERMINATION:

- 4. Any Party may terminate this MOU at any time upon 30 days notice to the other Parties.

PROPERTY DESCRIPTION:

5. Part LOT 13, CONC 1 (west side Scott Road), Former Township of Edwardsburgh

ROLL NO. 070170101502201

Property Identification Number: 68149-0307

TERMS AND CONDITIONS:*Damage, operation and maintenance*

6. As sole owners, the Township shall be responsible for all damage, operation and maintenance of The Property, except for damage caused directly by the actions of either SNC or LGSC. SNC shall be responsible for any damage to the trees and equipment prior to the planting date, at which point they become the property of the Township. Replacement cost of lost or damaged, equipment or trees would be additional to Schedule A.

Payment

7. SNC and LGSC shall issue separate, regular invoices for their work. The Township shall pay SNC and LGSC, net 30 days upon receipt of an invoice from SNC or LGSC, as per Schedule A.

Work

8. SNC and LGSC will provide tree planting (refill as required), tending, monitoring, and reporting services as detailed in Schedule A. SNC will act as project manager, overseeing the planting and reviewing the tending and monitoring work. LGSC shall plant, tend, and monitor as per the Ministry of Natural Resources and Forestry (MNR) Planting Plan in Schedule B.

INDEMNIFICATION

9. The Township shall indemnify and save harmless SNC and LGSC from any suits, actions, claims, damages, costs or expenses whatsoever arising from a breach by The Township of any obligation under this agreement or from any negligence or acts or omissions whether willful or otherwise for which the Township is legally responsible.
10. SNC shall indemnify and save harmless the Township and LGSC from any suits, actions, claims, damages, costs or expenses whatsoever arising from a breach by SNC of any obligation under this agreement or from any negligence or acts or

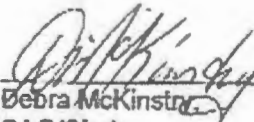
omissions whether willful or otherwise by SNC, its agents, officers, employees or other persons for whom SNC is legally responsible.

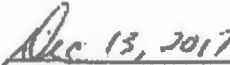
11. LGSC shall indemnify and save harmless SNC and the Township from any suits, actions, claims, damages, costs or expenses whatsoever arising from a breach by LGSC of any obligation under this agreement or from any negligence or acts or omissions whether willful or otherwise by LGSC, its agents, officers, employees or other persons for whom LGSC is legally responsible.
12. Each party shall maintain Commercial General Liability insurance with a minimum coverage of \$2,000,000 and naming the other Parties as an additional insured party. Proof shall be provided to the other Parties prior to The Work.

IN WITNESS WHERE OF the duly authorized representatives of the Township, SNC, and LGSC have duly executed this MOU.

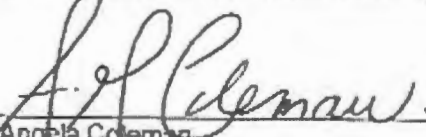
SIGNED BY:


The Corporation of the Township of Edwardsburgh Cardinal


Debra McKinstry
CAO/Clerk



Date

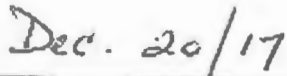
South Nation River Conservation Authority


Angela Coleman
General Manager/Secretary-Treasurer


Date

Leeds Grenville Stewardship Council


Karen Brown,
Chair


Date


omissions whether willful or otherwise by SNC, its agents, officers, employees or other persons for whom SNC is legally responsible.

11. LGSC shall indemnify and save harmless SNC and the Township from any suits, actions, claims, damages, costs or expenses whatsoever arising from a breach by LGSC of any obligation under this agreement or from any negligence or acts or omissions whether willful or otherwise by LGSC, its agents, officers, employees or other persons for whom LGSC is legally responsible.
12. Each party shall maintain Commercial General Liability insurance with a minimum coverage of \$2,000,000 and naming the other Parties as an additional insured party. Proof shall be provided to the other Parties prior to The Work.

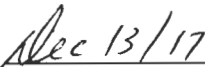
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SIGNED BY:

The Corporation of the Township of Edwardsburgh Cardinal

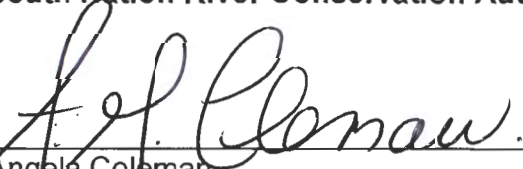


Debra McKinstry,
CAO/Clerk



Date

South Nation River Conservation Authority



Angela Coleman,
General Manager/Secretary-Treasurer



Date

Leeds Grenville Stewardship Council

Karen Brown,
Chair

Date

**Edwardsburgh Cardinal Butternut Compensation Project: Memorandum of Understanding
Schedule A - The Work**

NOTE: Totals below are best estimates, invoicing will be as per actual unit costs and hours worked. Estimates do not include any refill planting (if required).

2018 work

Item	Party	No of Items	Cost per Item	Total	Notes
Tending:					
Mowing	LGSC	25 approx.	\$75	\$1,875	Tending for The Property, as required; \$75/hr for 1hr each mowing
Labour:					
Monitoring (including watering)	LGSC	25 approx.	\$150	\$3,750	Weekly monitoring, as required based on weather conditions: 2hrs/visit @ \$75/hr
Project Management:					
Fall Assessment	SNC	1	\$521	\$521	1 day staff time @ \$521/day to complete fall assessment
Reporting	SNC	0.5	\$521	\$261	1/2 day staff time @ \$521/day to complete reporting to Ministry of Natural Resources and Forestry
Sub-Total				\$6,407	
HST				\$833	
Total				\$7,240	

2019 work

Item	Party	No of Items	Cost per Item	Total	Notes
Tending:					
Mowing	LGSC	25 approx.	\$75	\$1,875	Tending for The Property, as required; \$75/hr for 1hr each mowing
Labour:					
Monitoring (including watering)	LGSC	25 approx.	\$150	\$3,750	Weekly monitoring, as required based on weather conditions: 2hrs/visit @ \$75/hr
Project Management:					
Fall Assessment	SNC	1	\$532	\$532	1 day staff time @ \$532/day to complete fall assessment
Reporting	SNC	0.5	\$532	\$266	1/2 day staff time @ \$532/day to complete reporting to Ministry of Natural Resources and Forestry
Sub-Total				\$6,422	
HST				\$835	
Total				\$7,257	

2020 work

Item	Party	No of Items	Cost per Item	Total	Notes
Tending:					
Mowing	LGSC	25 approx.	\$75	\$1,875	Tending for The Property, as required; \$75/hr for 1hr each mowing
Labour:					
Monitoring (including watering)	LGSC	25 approx.	\$150	\$3,750	Weekly monitoring, as required based on weather conditions: 2hrs/visit @ \$75/hr
Project Management:					
Fall Assessment	SNC	1	\$542	\$542	1 day staff time @ \$542/day to complete fall assessment
Reporting	SNC	0.5	\$542	\$271	1/2 day staff time @ \$542/day to complete reporting to Ministry of Natural Resources and Forestry
Sub-Total				\$6,438	
HST				\$837	
Total				\$7,275	

2021 work

Item	Party	No of Items	Cost per Item	Total	Notes
Tending:					
Mowing	LGSC	25 approx.	\$75	\$1,875	Tending for The Property, as required; \$75/hr for 1hr each mowing
Labour:					
Monitoring (including watering)	LGSC	25 approx.	\$150	\$3,750	Weekly monitoring, as required based on weather conditions: 2hrs/visit @ \$75/hr
Project Management:					
Fall Assessment	SNC	1	\$553	\$553	1 day staff time @ \$553/day to complete fall assessment
Reporting	SNC	0.5	\$553	\$277	1/2 day staff time @ \$553/day to complete reporting to Ministry of Natural Resources and Forestry
Sub-Total				\$6,455	
HST				\$839	
Total				\$7,294	

2018-2021 Total Estimated Cost: \$29,066

Edwardsburgh Cardinal Butternut Compensation Project: Memorandum of Understanding
Schedule B: MNRF Planting Plan

Planting Site																																																							
Planting Site Address		Planting Site Ownership																																																					
Address:	scott road	<input type="checkbox"/> Private	<input checked="" type="checkbox"/> Municipal																																																				
Lot/Concession:	Lot 13 / Con 1	<input type="checkbox"/> Conservation Authority	<input type="checkbox"/> NGO																																																				
Town/Province:	Cardinal, ON	<input type="checkbox"/> Crown																																																					
Access Point	Lat 44-78983°N	Planting site owner permission obtained to allow MNR staff to access the planting site																																																					
Coordinates:	Lon 75-42227°W	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																																																					
Attach a map and aerial photograph which indicate the general location of the planting site and the land use of adjacent lands																																																							
Planting Site Selection		Planting Site Description																																																					
<p>Recommendations for site selection</p> <p><u>Soils:</u> Conditions should be deep (greater than 1m), moist and well-drained, fine to medium textured (silty clay loam to sand loam, not heavy clay), with a recognizable organic portion.</p> <p><u>Spacing:</u> Butternut are shade intolerant. The minimum spacing for planting of the trees should be: - at least 3 metres between each planted Butternut; - at least 2 metres between each planted Butternut and a planted small tree/shrub species; - at least 4 metres between Butternut and another planted potentially large tree species; - at least 5 metres from the canopy drip line of existing larger trees >4 metres tall; - at least 15 metres between planted Butternut and roadways, occupied buildings and known locations of possible future construction disturbances; - at least 50 metres upwind (north or west) and at least 100 metres downwind (south or east) or downslope from the traveled portions of major (e.g., 400-series) highways to any planted Butternut. - at least 25 metres away from a property line.</p> <p><u>Wind:</u> Protection can help seedlings grow well on good sites e.g. windbreaks and fence rows between planting and prevailing winds</p>		<p>Distance from nearest road (m) 40 Road Type gravel</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="4" style="text-align: center;">% of Planting Site area</th> </tr> <tr> <td style="width: 33%;">Rolling Upland</td> <td style="width: 17%;"></td> <td style="width: 33%;">Bottomland</td> <td style="width: 17%;"></td> </tr> <tr> <td>Valley Slope</td> <td></td> <td>Variable - describe below</td> <td></td> </tr> <tr> <td>Tableland</td> <td>100</td> <td>Other - describe below</td> <td></td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="4" style="text-align: center;">Vegetation Community % of Planting Site</th> </tr> <tr> <td style="width: 33%;">Open</td> <td style="width: 17%;">100</td> <td style="width: 33%;">Urban Park</td> <td style="width: 17%;"></td> </tr> <tr> <td>Shrubland</td> <td></td> <td>Variable - describe below</td> <td></td> </tr> <tr> <td>Opening in Forest/Woodlot</td> <td></td> <td>Other - describe below</td> <td></td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="4" style="text-align: center;">Soil Drainage % of Planting Site</th> </tr> <tr> <td style="width: 33%;">Well Drained</td> <td style="width: 17%;">50</td> <td style="width: 33%;">Moderately Drained</td> <td style="width: 17%;">50</td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="4" style="text-align: center;">Soil Texture % of Planting Site</th> </tr> <tr> <td style="width: 33%;">Clay Loam</td> <td style="width: 17%;">20</td> <td style="width: 33%;">Sand Loam</td> <td style="width: 17%;">20</td> </tr> <tr> <td>Loam</td> <td>60</td> <td>Variable - describe below</td> <td></td> </tr> </table> <p style="text-align: center; margin-top: 10px;">Soil Depth of Planting Site greater than 1 metre If 'no' explain below</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="text-align: center; margin-top: 10px;">Spacing recommendations met or exceeded If 'no' explain differences and reasons below</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>		% of Planting Site area				Rolling Upland		Bottomland		Valley Slope		Variable - describe below		Tableland	100	Other - describe below		Vegetation Community % of Planting Site				Open	100	Urban Park		Shrubland		Variable - describe below		Opening in Forest/Woodlot		Other - describe below		Soil Drainage % of Planting Site				Well Drained	50	Moderately Drained	50	Soil Texture % of Planting Site				Clay Loam	20	Sand Loam	20	Loam	60	Variable - describe below	
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Clay Loam	20	Sand Loam	20																																																				
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Additional Information	<p>This property is owned by the municipality of E-C. It is currently being mowed for hay. Open area is approximately 5.1 acres in size and is located with easy access from Blair road.</p> <p>Roll # 070170101502201</p>																																																						
All individual seedlings shall be assigned a tracking number to support the monitoring requirements of the planting plan which are documented and stored by the Applicant e.g. 001, 002, 003...																																																							
Attach a drawing and/or aerial photograph which displays the boundaries of the planting site and the planting pattern including the locations of any species planted other than Butternut. Individual seedlings shall be identified using the assigned tracking number.																																																							

Site Preparation and Planting

Site Preparation

Mowing of sites with tall herbaceous or woody vegetation that may shade seedlings the prior fall will make spring planting easier and help reduce rodent populations.

Vegetation control prior to planting: band or spot spraying with herbicides such as Glyphosate can help reduce competing vegetation and promote good early establishment of the trees. Licensed personnel should be consulted where spraying is considered.

On sites with heavy soils, some type of soil cultivation (a ploughed row) can help to ensure good planting.

Planting

Timing - Plant bareroot seedlings in the spring, as soon as the soil can be dug and before the seedlings leaf out, generally March 1 to May 15, extended to May 25 if watered container stock is used. Fall planting may occur between September 20 and October 30, but is less desired.

Stock Handling - Keep bareroot stock cool and shaded and moist until planted. Only prune the roots where some are damaged or excessively long, using a sharp tool to ensure a clean cut. Dig a hole to accommodate all the roots in as natural a configuration as possible.

Spacing/Density - Plant butternut at least 4 metres from other planted trees of similar or slower growth rates to avoid competition for light and to reduce humidity which can accelerate canker infection. Plant less than 200 butternut/ hectare.

Recommendation: Butternut rarely occurs in a pure stand - mix with other species of similar or slower growth rates to slow canker infection and spread. May increase survival rate of seedlings.

Describe Site Preparation	The site is currently mowed to a height of less than 1 foot and is to be mowed again in the spring. Band spraying and scribe is to take place prior to planting.
List Planting Date(s)	between April 26th - May 15th *weather dependent
Describe Spacing/ Density	3m x 3m
Additional information	The Butternut will be planted with other companion species in alternating rows. Red Oaks will be planted.

Seedling Stock

Applicants are required to plant Butternut seedlings in accordance with this planting plan. It is recommended that applicants confirm the availability of the seedlings prior to submitting this planting plan to ensure they are able to comply with the requirements of the regulation.

Supplier Name: Rideau Valley Conservation Authority

Supplier Phone: 1 800 267 3504

Seed Zone: 36

Seedling Stock (Required size): ☒ Root collar minimum diameter of 1cm ☒ Minimum stem length 30cm

Confirmation obtained that seedlings are not hybrid Butternut (please attach documentation) ☒ Yes ☐ No

Property owner informed that planted seedlings are protected under the ESA, 2007 ☒ Yes ☐ No

If planting will occur on more than one site, or multiple suppliers will be used please submit an additional Planting Site form which provides the address, site description and seedling stock description for each additional location and/or supplier.

TENDING

Tending Schedule

Seedlings should be tended on a monthly basis during the first growing season more frequently (weekly) to allow for watering during drought or low rainfall periods. In subsequent years, visit site monthly during the growing season (May 15 to September 20) until vegetation control and watering are no longer required. Watering should occur during periods of drought between May 1 to August 30 i.e. a 30 day period with less than 25 millimetres of precipitation.

Vegetation Control

Control vegetation that is competing for light, moisture and space within 60cm of the base of the trees, until the trees are above the herbaceous vegetation. Combination of mowing, spraying and mulching or matting may be used.

Protection

Tree guards protect the lower stem from rodents but should be monitored to prevent interference with stem growth. Use spiral guard only during winter months. Tube guards are not recommended because they encourage rodents to build nests inside them.

Staking/Fencing: Mark the corners of the planting site or individual trees. Helps to avoid damage during motorized tending and monitoring activities. Deer fencing may be required in some areas to prevent damage to seedlings.

Describe the tending methods and schedules and the rational for their selection

Tending Schedule	Monitoring on a monthly basis and more frequently (weekly) to allow for watering during low rainfall periods. May - Sept 20.
Vegetation Control	Coconut mats will be placed around the base of each tree. Site will be monitored on a monthly basis and brush cutting / mowing will be performed to help control vegetation
Watering	Treegator Jr. Pros will be placed around the base of each tree to aid and increase deep root watering of the trees
Protection	If necessary white tree guards will be placed around the base of the trees in the winter months to prevent girdling from rodents
Additional Information	Stakes / flags will be placed at each tree to ensure they are well marked which will aid in mowing and tending.

MONITORING

Monitoring reports describing the condition of each planted butternut, tending activities and future plans are to be submitted to MNR annually by October 30.

Each planted butternut shall be monitored at least once a year between May 15 and September 15 for a minimum of 5 years from the date the butternut tree(s) identified in this planting plan were killed, harmed or taken.

The monitoring report shall include the following information:

- The date the tree was planted;
- The date(s) the tree was monitored during the year;
- The dates the tree was tended under this planting plan during that year and a description of the tending activities that were undertaken during that year
- The health status of the tree expressed as good, poor or dead;
- Whether the tree shows evidence of butternut canker and, if so, a description of the extent to which the tree is affected by butternut canker.

A Monitoring Report template is available from the MNR.

Describe Monitoring Period	will take place from may 1st - sept 20th of each given year for the first 5 years.
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Describe Monitoring Methods	monitoring will be done on a minimum monthly basis and be performed visually to determine if mowing or tending needs to be performed. Vegetation should not be competing with the trees. Monitoring will be done by SNC and recommend watering or mowing if required to the municipality.
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Replacement Planting for Dead seedlings

Trees found to be dead during the monitoring period must be replaced. Replacement trees must be planted in accordance with the methods described in the planting plan. Seedling replacement planting information must be submitted to the District Manager as part of the annual reporting requirements. A table is provided in the Butternut Planting Plan Monitoring Report. If the planting location or the supplier of replacement seedlings is different than the original site or supplier please fill out the information below.

☒ One seedling will be planted to replace each seedling found to be dead during the monitoring period (REQUIRED)

Planting Location Address			Seedling Stock	
Address:	Scott Road		Supplier Name:	Rideau Valley Conservation
Town/Province	Cardinal ON		Supplier Phone:	1 800 267 3509
Postal Code:	K0E 1E0		Seed Zone:	36
Access Point Coordinates	07017 0101502201		Seedling Stock:	<input checked="" type="checkbox"/> Root collar minimum diameter of 1cm <input checked="" type="checkbox"/> Minimum stem length 30cm
Property Ownership			Confirmation obtained that seedlings are not hybrid Butternut (please attach documentation)	
<input type="checkbox"/> Private	<input checked="" type="checkbox"/> Municipal	<input type="checkbox"/> Crown	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/> Conservation Authority	<input type="checkbox"/> NGO	<input type="checkbox"/> Other	Property owner informed that planted seedlings are protected under the ESA, 2007	
Property owners permission obtained to allow MNR staff to access planting location			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

Scott and Blair Road, Cardinal 613-658-3055 x 104



Legend

Roads

- == Primary
- == Secondary
- == Tertiary

Villages

Municipalities

- SNC Watershed
- Concession Number
- Lots
- Parcel Assessment

Municipal Drains

- A
- B
- C
- D
- E
- F
- Not Rated

Watercourse

- Floodline St. Lawrence
- Natural Hazard Protection Area
- Floodplain Modeled
- Cassidy Draft Floodplain
- McCooeye Draft Floodplain
- Municipal Flood Risk Areas
- Floodplain Modeled Spill Area
- Water Body

1: 2,500



0.1 0 0.04 0.1 Kilometers
0.1

WGS_1984_Web_Mercator_Auxiliary_Sphere

This map is produced in part with data provided by the Ontario Geographic Data Exchange under Licence with the Ontario Ministry of Natural Resources and the Queen's Printer for Ontario, 2014. For more information, please contact SNC (613-994-2948)

This map and the associated information displayed thereon are to be used for general illustrative purposes only, and is not suitable or intended for navigation, legal, engineering or surveying purposes. Although best efforts have been made to create accuracy, due to the complex and extensive nature of the data, all representations and/or information provided herein are approximate and users should consult the primary data and information sources to confirm the accuracy of the map. The Municipality and the South Nation Conservation Authority, their employees and agents, do not guarantee the accuracy of the map, and will not be liable for any claims for damages or loss arising from its use. The user hereby accepts and assumes all inherent risks associated with the use of this map.