

SEMÁ:TH
TREE PROTECTION LAW,
2025

BACKGROUND

Sacredness of Cedar

Cedar trees are one of the most powerful and sacred plants to the Semá:th people. It is said that the cedar tree originates from a good man who always helped others. “Whenever they needed, he gave; when they wanted, he gave them food and clothing. When the great spirit saw this, he said ‘that man has done his work; when he dies and where he is buried, a cedar tree will grow and be useful to the people’”. Just as the cedar tree has always offered gifts and protection to the Semá:th people, we have always respected and taken care of the cedar tree.

Historically, cedar trees touched every part of the Semá:th people’s lives; “It was in our homes, our clothing. It was there in the spiritual part of our lives...”. The flexible limbs of the western red cedar made it possible to twist the fibers into rope and clothing. The cedar’s lightweight and rot resistant wood made it feasible to carve enormous masks and canoes. The inner bark of cedar could be used for diapers, tissues and menstrual pads. Even the roots could be split and used to make cedar baskets. Practically every part of the tree had some use to our ancestors.

Western red cedar (xpá:yelhp) is still harvested today for its structural, healing, and spiritual properties but less so compared to before. While it is no longer common for cedar to be used for full body sized, protective clothing, cedar strips are still commonly harvested for smaller scale items like baskets, hats, and bracelets. And while seeing a cedar bark strip bandage today is unlikely, people may still heal their spirits and receive strength from a cedar tree by standing with their back against its trunk. Cedar can also be used to clean other’s spirit by sweeping them with the branches. Cedar trees are so powerful that it is said that even after being felled, life and spirit persist in the stump.

In honor of the Semá:th people’s connection to seven generations past and seven generations in the future, and in the hopes that we may continue to sustainably harvest cedar we have developed the *Semá:th Tree Protection Law*.

*Éy kws hákw'elestset te s'í:wes te siyólexwálh,
Xaxastexw te mekw'stam,
Éwe chexw qelqelit te mekw'stam lóy kw'es li hokwex yexw lamexw kwú:t,
S'ólh téméxw te íkw'élò xólhmet te mekw' stám it kwelát*

These Sto:lo teachings cannot be exactly translated into English but they include the following concepts:

*It is good to remember the teachings of our ancestors;
Respect all things;
Don't waste, ruin, destroy everything, only take what you need;
This is our land we have to take care of everything that belongs to us;*

BACKGROUND

- A. Semá:th (Sumas First Nation) has inherent aboriginal rights and title to our traditional territory that has sustained and defined our culture, traditions, spirituality, social, and economic way of life since time immemorial;
- B. The teachings of the Semá:th ancestors speak of the obligation of the people to look after the land all resources as they rightfully use them in a sustainable manner according to Semá:th laws;
- C. Semá:th's pursuit of economic development will be sensitive to the cultural and environmental needs of the people for future generations;
- D. Semá:th has taken control of Reserve lands and resources pursuant to the *Framework Agreement on First Nation Land Management* and has enacted the *Semá:th Land Code* effective the 11th day of November, 2011;
- E. Semá:th Council has authority under the Land Code to pass laws in various areas including the conservation, protection and regulation of Natural Resources on Semá:th Lands, and fees to be paid to Semá:th for Permits; and
- F. Semá:th Council considers it necessary for the protection and preservation of trees, the health of the environment, and the health, well-being and culture of Members living on the Reserve to enact this Law to better regulate and prohibit the cutting, removal and damage of trees.

NOW THEREFORE, THIS SEMÁ:TH TREE PROTECTION LAW, 2025 IS HEREBY ENACTED AS A LAW OF SEMÁ:TH.

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Title

1.1 The title of this Law is the Semá:th Tree Protection Law, 2025.

Where this Law applies

2.1 The provisions of this Law apply to the whole area of the Reserve and Semá:th Lands as defined in the Semá:th Land Code.

Definitions

3.1 For the purposes of this Law, terms have the same definitions as in the *Semá:th Land Code*, except as set out below.

3.2 The following definitions apply in this Law:

"arborist" means an arborist who is certified by the International Society of Arboriculture; and is certified as a tree risk assessor by the Pacific Northwest Chapter of the International Society of Arboriculture;

"arborist report" means a technical report prepared by an arborist which identifies information relevant to the purpose for which the report is to be submitted to Semá:th including, but not limited to, surveyed location, species, size and condition of the subject tree or trees; provides the reasons for any proposed removal of a tree or trees; describes the recommended tree protection and mitigation measures; and includes a tree replacement strategy;

"caliper" means the diameter of a tree at 15 centimeters [6 inches] above the natural grade of the ground, measured from the base of the tree;

"conifer" means a tree that has needle-shaped or scale-like leaves and is cone-bearing.

"cut" means to cut down a tree and shall include to pull up, push or pull over or otherwise fall a tree. "Cutting" shall have the corresponding meaning.

"damage" means any action or inaction which will likely cause a tree to die or to decline, including, but not limited to, ringing, poisoning, burning, topping, excessive pruning, excessive crown lifting, or pruning in a manner not in accordance with "Best Management Practices, Tree Pruning (Revised 2008)" or any updated versions. Topping will not fall within this definition of "damage" if evidence satisfactory to the Lands Manager is provided to the Council to establish that the tree in question has been previously topped. "Damaged" and "damaging" shall have the corresponding meaning.

"D.B.H." or "Diameter at Breast Height" means the diameter of a tree at roughly breast height or 1.4 meters [4.6 feet] above the highest point of the natural grade of the ground measured from the base of a tree. For multi-stemmed trees, the three (3) largest stems shall be measured 1.4 meters [4.6 feet] above the highest point of the natural grade and the D.B.H. of the tree shall equal the cumulative total of the D.B.H. of the three (3) largest stems.

"deciduous" means a tree that naturally loses most or all of its leaves seasonally, most often in or around autumn.

"drip line" means a horizontal line on the ground encircling a tree corresponding to the furthest extension of the branches of a tree.

"enforcement officer" means any person or persons appointed by Council, from time to time, to administer and enforce the provisions of Semá:th Laws enacted by Council, and includes any delegate, the RCMP and any peace officer;

"Environmental Technician" means a person who is a qualified engineer or environmental professional;

"hazardous" in relation to a tree, means a tree that, in the opinion of an arborist with input from the Lands Advisory Committee, is in imminent danger of falling and injuring a person, or persons, or property;

"heritage tree" is a tree that has traditional or cultural uses or values and includes the following tree species:

(i) western red cedar (*Thuja plicata*), or

(ii) yellow cedar (*Cupressus nootkatensis*);

that are at least 3 meters (approximately 10 feet) in height and at least 5 cm (approximately 2 inches) in diameter at D.B.H.; or

(iv) any other tree or species designated by Council by resolution.

"interest-holder" means the person who holds the Certificate of Possession or lease on which a tree is situated, and includes a developer or contractor;

"natural causes" means death or decline of a tree as a result of natural diseases, pests, climactic conditions, inherent structural defects, or senescence.

"person" means any natural person, corporation, and, except where stated otherwise, any person who is a Member of Semá:th;

"professional engineer" means a person registered as a professional engineer with the Association of Professional Engineers and Geoscientists of British Columbia;

"protected tree" means any tree, including multi-stemmed trees, within the whole area of the Reserve and Semá:th Lands, regardless of species, that:

(i) is an important part of an environmentally sensitive ecosystem such as a riparian area,

(ii) is designated by the Lands Advisory Committee or Council, or

(iii) shows evidence of nesting or use by:

(aa) raptors as defined in the Wildlife Act, R.S.B.C. 1996, c. 488,

(bb) osprey, or

(cc) a heron colony.

"replacement tree" means a western red cedar, yellow cedar, or other tree determined by the Lands Advisory Committee/Council that is required to be planted to replace a tree cut, removed or damaged in accordance with this Law.

"remove" means to cut a tree and to remove it from the parcel of land where it exists.

"Removed", "removal" and "removing" shall have the corresponding meaning.

"sound arboricultural practice" means tree planting, pruning and maintenance practices endorsed by the International Society of Arboriculture.

"tree cutting permit" means the written authority granted by the Lands Department in a form prescribed by the Council pursuant to this Law for the cutting or removal of a specified tree or trees;

"tree protection barrier" means a barrier constructed around a tree as authorized or directed by Semá:th or an arborist to protect the tree from damage during site work or construction.

"tree protection zone" means the area within a tree protection barrier. Where a tree protection barrier has not been erected as required by this Law, the tree protection zone shall be the area within which a tree protection barrier should have been erected in accordance with this Law.

"tree survey" means a survey plan prepared by a professional engineer or by a surveyor registered as a British Columbia land surveyor, that illustrates the location of trees in relation to the property lines of a lot, along with the size and species of each tree, plus any other information required by the Lands Manager for the purpose of assessing a tree cutting permit application.

General Application, Exemptions and Prohibitions

4.1 This Law applies to all trees on Reserve or Semá:th Lands, except as otherwise set out in subsection 4.2.

4.2 This Law does not apply to a tree that is:

- (a) voluntarily planted by a Member of Semá:th such as a fruit tree or hedge within their CP land; or
 - (b) a tree within 2.5 meters of a house that is not a heritage tree or protected tree.
- 4.3 No person shall cut, remove or damage any tree or cause, suffer or permit any such tree to be cut, removed or damaged, except where permitted by and in accordance with the terms of this Law.
- 4.4 Subsection 4.3 and the permitting requirements in section 0 do not apply to:
 - (a) any tree that is less than 3 meters (approximately 10 feet) in height or 5 cm (approximately 2 inches) in diameter at D.B.H; or
 - (b) any tree or type of tree that is exempted by Council by regulation.
- 4.5 In the event that a tree is in imminent danger of falling and injuring persons or property due to natural causes, and it is not possible to obtain a tree cutting permit prior to the tree falling, the interest-holder:
 - (a) Shall take photos of the potential danger tree and bring or e-mail them to the Lands Manager prior to any cutting;
 - (b) may cut the tree or have it cut by an arborist or professional, provided it can be done safely, but shall report the cutting of the tree to the Lands Manager within the next business day;
 - (c) shall not remove the tree from the site until a staff member from the Lands Department or a delegate of the Lands Manager has visited the site and confirmed that the tree was in imminent danger of falling and injuring persons or property; and
 - (d) if the staff member or delegate from the Lands Department determines that the tree was not in imminent danger, or was in imminent danger, but due to reasons other than natural causes, the Lands Manager may impose a penalty on the interest-holder or person in accordance with Part 5.
- 4.6 No person shall fail to comply with the terms and conditions of a tree cutting permit issued pursuant to this Law.
- 4.7 Except to the extent permitted by a tree cutting permit, or as provided for in Sections 4.2, 4.3, or 4.4 a person must not damage a tree by carrying out any of the following activities:
 - (a) cutting or damaging the roots of a tree growing within the drip line,
 - (b) operating trucks, backhoes, excavators or other heavy equipment over the roots of a tree growing inside the drip line,

- (c) placing fill, building materials, asphalt or a building or structure on land inside the drip line of a tree,
- (d) denting, gouging or damaging the trunk of a tree,
- (e) removing bark from a tree (except by Members for legitimate cultural purposes and subject to subsection 4.8 directly below),
- (f) depositing concrete washout or other liquid or chemical substances harmful to the health of a tree on land inside the drip line of a tree,
- (g) removing soil from inside the drip line of a tree,
- (h) blasting inside the drip line of a tree,
- (i) cutting back the top portion of a tree's branches so as to significantly alter its normal canopy, except if the tree forms part of a hedge,
- (j) undermining the roots of a tree growing inside the drip line, or
- (k) altering the ground water or surface water level within the drip line of a tree.

4.8 Bark stripping by Members is subject to the following requirements:

- (a) Bark stripping can only be carried out between the months of April and September;
- (b) Bark stripping is limited to the following tree species: western red cedar (*Thuja plicata*), red alder (*Alnus rubra*), and bitter cherry (*Prunus emarginata*)
- (c) Bark stripping shall not kill or cause long-term harm to any tree;
- (d) For western red cedar trees:
 - (i) each tree can only have its bark stripped the lesser of once during the lifetime or once every 100 years;
 - (ii) the strip taken can be no wider than the width of two hands or approximately 17.5 cm; and
 - (iii) the tree must have a minimum D.B.H of 85 cm.

4.9 No person shall provide information in support of a tree cutting permit application, which is false, inaccurate, incomplete or erroneous.

4.10 For the purposes of this Law, an arborist report will only be accepted by the Lands Manager within two (2) years of the date of issuance of the arborist report.

Offences, Penalties and Fines

- 5.1 Every person who contravenes this Law or an order made by a Court pursuant to this Law is guilty of an offence against and liable on summary conviction to a fine of not less than two thousand dollars (\$2000) and not more than ten thousand dollars (\$10,000.00) or to imprisonment for a term of not more than three months, or to both.
- 5.2 Any person who does any of the following commits an offence:
- (a) cuts, removes or damages a tree contrary to this Law or contrary to the terms and conditions of a tree cutting permit;
 - (b) violates any of the provisions of this Law or a tree cutting permit;
 - (c) suffers or permits any act or thing to be done in contravention or violation of any provision of this Law or a tree cutting permit; or
 - (d) omits to do or refrains from doing anything required to be done by any of the provisions of this Law or a tree cutting permit.
- 5.3 For the purposes of this Law, each tree cut, removed or damaged in violation of this Law and each day that a violation of this Law is caused or permitted to exist by any person, shall constitute a separate offence.
- 5.4 A fine payable under Section 5.1 shall be remitted to the Semá:th First Nation by the Court, after reasonable Court costs have been deducted.
- 5.5 Despite Section 5.1, Semá:th may also authorize the Lands Manager, a designated official or an Enforcement Officer to issue a ticket or violation notice to impose a sanction, fine or administrative penalty as set out in section 6.

Administrative Fines and Penalties

- 6.1 In addition to any other applicable fine, penalty or remedy pursuant to Section 5 of this Law, where a person or interest-holder cuts, removes or damages, or suffers or permits any tree to be cut, removed or damaged, in contravention of this Law, or in excess of any permission, or in violation of any terms and conditions of a tree cutting permit issued pursuant to this Law, the interest-holder or person shall pay the penalties imposed under this Section 6 and:

- (a) shall plant on the same parcel of land the number, size and species of replacement trees required by this Law, as determined by the Lands Manager in accordance with this Law but with a default of three (3) heritage tree replacements for each one (1) tree illegally cut, removed or damaged, or, if it is in the opinion of the Lands Manager that replacement trees cannot be planted on the same parcel of land, shall plant on Community Land at a location determined by of the Lands Manger; and, in addition,
 - (b) where the tree cut, removed or damaged is identified as a heritage tree or a protected tree approved by Council as a tree to be retained or protected, then the Lands Manager may require the interest-holder or person to plant the replacement trees at the exact location as the tree that has been cut, removed or damaged and may require that any building or structure shall not be located within the drip line of the replacement trees at full growth.
- 6.2 Taking into account the sacredness of cedar, the importance of heritage trees, and the potential impact to Semá:th culture and the environment on Semá:th Lands, the administrative penalty for cutting, removing or damaging a tree without a tree cutting permit, is:
 - (a) the amount set out in Schedule 1; or
 - (b) the loss of any bonds or securities provided to the Council to ensure protection and preservation of the tree,whichever amount is greater.
- 6.3 The size, number, species and location of replacement trees and amount of securities required to ensure the planting and maintenance of replacement trees, is to be determined by the Lands Manager, based on the size, condition, species and location of the tree cut, removed or damaged in contravention of this Law, but with a default of three (3) heritage tree replacements for each one (1) tree illegally cut, removed or damaged.
- 6.4 The size, number, species and location of replacement trees, and amount of securities required to ensure the planting and maintenance of replacement trees, is to be determined by the Lands Manager based on the size, condition, species and location of the tree cut, removed or damaged in contravention of this Law.
- 6.5 If the interest-holder or person fails or refuses to plant the required number, size and type of replacement trees in the specified locations within four (4) months of receiving written direction from the Lands Manager to do so, the Lands Manager may use the security collected to either have the trees planted onto the interest-holder's or person's parcel of land or use the securities to plant trees on Community Land.

- 6.6 If an interest-holder or person fails or refuses to plant the required number, size and type of replacement trees in the specified locations after receiving written direction from the Lands Manager to do so, the Council, by its employees or other persons, at reasonable times and in a reasonable manner, may enter the interest-holder's person's lot and fulfill the requirement by planting the replacement trees at the expense of the interest-holder or person.
- 6.7 In the event that the interest-holder or person described in subsection 6.7 fails to pay the costs of compliance before the 31st day of December in the year following the year that the compliance was affected by Council, for non-Members, the costs shall be added to and form part of the taxes payable on the parcel of land as taxes in arrears.
- 6.8 Prosecution of a person pursuant to Part 5 of this Law does not exempt the interest-holder or person from the provisions of Part 6 of this Law.

Heritage Trees

- 7.1 The interest-holder of a heritage tree shall maintain or cause to maintain the tree in accordance with sound arboricultural practice.
 - (a) For heritage trees on Community Land, Council is the interest-holder.
- 7.2 Except as specified in Sections 4.2 and 4.3, no person shall prune the branches or roots of a heritage tree without first obtaining a tree cutting permit to do so in accordance with Part 8. There is no fee for such a permit.
- 7.3 The Lands Manager, with the consent of the interest-holder of the heritage tree, or with the consent of the Council for heritage trees on Community Land, may direct that a plaque or marker, that provides information about the heritage tree, be placed near the heritage tree.

Tree Cutting Permits

- 8.1 A person or interest-holder wishing to cut or remove a tree other than a heritage tree or an exempted tree shall apply to the Lands Manager for a tree cutting permit to cut or remove the tree.
- 8.2 An applicant for a tree cutting permit must pay the prescribed fee and complete the prescribed application form. The tree cutting permit may determine the number, size, species and location of replacement trees and required security.
- 8.3 Notice of the tree cutting permit shall be posted on the parcel of land for which a tree cutting permit has been issued in a location visible to the public, at least 24 hours prior to the commencement of any cutting or removal of a protected tree and shall remain posted on the lot until the completion of all work related to the cutting or removal of protected trees on the lot. The notice shall include a copy of the tree cutting permit,

identify by species and location the trees which are to be cut or removed and provide a contact number for the permit holder and the Lands Manager.

- 8.4 A tree cutting permit is not required for the pruning of any tree, other than a heritage tree, in accordance with sound arboricultural practice. The pruning and treatment of diseased trees in accordance with sound arboricultural practice, shall be practiced where possible and practical as an alternative to the cutting or removal of a protected tree. Sound arboricultural practice shall not include the following:
- (a) the removal of branches or limbs on the upper sixty-seven percent (67%) of the total height of the protected tree;
 - (b) the removal of more than twenty-five percent (25%) of the protected tree's total branches or limbs within one (1) twelve (12) month period"; and
 - (c) the topping of a protected tree, except where the interest-holder has shown, to the Lands Manager's satisfaction, that the tree has been previously topped in compliance with this Law.
- 8.5 The fee for the tree cutting permit shall be determined as set out in regulation and shall be paid upon application for the permit. No fee is required for a tree cutting permit for the pruning of a heritage tree issued pursuant to Section 8.7.
- 8.6 A tree cutting permit to cut or remove a protected tree may be issued by the Lands Manager only in the following circumstances:
- (a) where an arborist provides an arborist report to the satisfaction of the Lands Manager that a tree is an unreasonable hazard to the safety of persons or property, or where the applicant has otherwise demonstrated to the satisfaction of the Lands Manager that the tree is hazardous, dead, damaged, diseased or in decline beyond expectation of recovery;
 - (b) where the Lands Manager, or his or her duly authorized representative, or a professional engineer or an arborist certifies that in his or her opinion a tree is impairing, interfering with, or presents a risk or hazard to the operation of sewers, drains, water lines, septic fields, electrical lines, 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 removal of the tree;
 - (c) where the tree prevents the interest-holder of the parcel of land on which the tree is located from developing or using a parcel of land in a manner permitted under the Semá:th Subdivision, Development and Servicing Law, and the development or use cannot be modified to accommodate the tree without causing the interest-holder undue hardship as determined by the Lands Manager; or

- (d) where the interest-holder submits an arborist report which documents that the protected tree, by virtue of its size and species, is inappropriate for its location and the reasons that it is deemed to be inappropriate for its location, all to the satisfaction of the Lands Manager. The Lands Manager shall determine the number, size, species and location of replacement trees and required securities.
- 8.7 A tree cutting permit will be issued for the pruning of a heritage tree where the interest-holder submits an arborist report which certifies that the pruning is necessary and where this report is approved by the Lands Manager, or an arborist or other expert chosen by the Council, in which case the Lands Manager may require, as a condition of the tree cutting permit, that all pruning activity be carried out under the on-site supervision of an arborist.
- 8.8 The Lands Manager may, as a condition of any tree cutting permit:
- (a) require that a tree survey, arborist report in accordance with the terms of the tree cutting permit application, or both, accompany the tree cutting permit application;
 - (b) require that preliminary lot grading and servicing plans accompany the tree cutting permit application;
 - (c) require that the cutting and removal of trees or specific trees be carried out under the supervision of an arborist;
 - (d) recommend the treatment of diseased trees in accordance with sound arboricultural practice as an alternative to the removal of a protected tree; and
 - (e) determine the location, number, species and size of replacement trees required.
- 8.9 The Lands Manager may revoke a tree cutting permit if the terms and conditions of the permit have been breached or the information supplied by the applicant in support of the permit is found by the Lands Manager to have been inaccurate, incomplete or erroneous.
- 8.10 The Lands Manager may retain the services of an independent arborist to review an arborist report submitted to the Council under the provisions of this Law, in support of an application for a tree cutting permit, in instances where the completeness or accuracy of the report are brought into question through a field inspection by the Lands Manager, the Environmental Technician or another expert designated by Council. Where the original arborist report submitted to the Council is shown to be incomplete or inaccurate, the cost of the independent arborist report shall be paid by the interest-holder and collected by the Council prior to the issuance of the related tree cutting permit.

Securities

- 9.1 Where replacement trees or retention of existing trees are required as a condition of a tree cutting permit or as part of a penalty for cutting, removing or damaging protected trees without a tree cutting permit or cutting, removing or damaging trees in excess of the number allowed by the tree cutting permit, the interest-holder or person responsible for the cutting, removal or damage shall provide to Council or the Lands Department a security deposit in cash, letter of credit or bond in the amount specified on the tree cutting permit or a penalty notice, for the period and on the terms specified in Part 9 of this Law. No interest shall be paid by Sumas on security deposits.
- 9.2 Any letter of credit, bond or other security required to be provided under this Law shall be in a form acceptable to Council. If, for any reason, the irrevocable letter of credit or bond ceases to be effective security or becomes unenforceable so as to remove or reduce its purpose as full security for the due and proper performance of the requirements of this Law, the interest-holder or person responsible for the cutting, removal or damage shall replace it with a further letter of credit or bond acceptable to Council within twenty-one (21) days prior to the expiry of the letter of credit or bond then held by Council. If the interest-holder or person responsible for the cutting, removal or damage fails to do so, Council of the Lands Department will draw down on the current letter of credit or bond without notice or restriction and hold the monies in lieu thereof.
- 9.3 If at any time an interest-holder or person responsible for the cutting, removal or damage fails to comply with the provisions of this Law relating to requirements for retention of existing trees or replacement trees and their maintenance, Council may by its employees or others under its direction enter upon the lands that are the subject of the requirements to plant replacement trees or maintain protected trees and for such purposes may draw upon the securities provided and expend the funds to cover all costs and expenses of so doing. Alternatively, Council or the Lands Manager may use the securities to plant trees elsewhere on any Reserve or Semá:th Lands.
- 9.4 The amount of the security for the provision, installation and maintenance of replacement trees will be prescribed by regulation.
- 9.5 The amount of security for the trees proposed to be retained as a requirement of the Semá:th *Subdivision, Development and Servicing Law*, other Semá:th laws, or the Semá:th Land Code will be prescribed by regulation.
- 9.6 The security provided to Semá:th as a requirement of the Semá:th *Subdivision, Development and Servicing Law*, other Semá:th law or Semá:th Land Code will be held by Semá:th until two (2) years after building final approval has been issued. If an Environmental Technician or other designated individual determines that the retained trees have not been damaged during construction, then the Lands Manager may, at their sole discretion, release the security after building final approval has been issued.

- 9.7 The amount of security held by Semá:th for the provision, installation and maintenance of replacement trees shall be released in stages as provided in subsection 9.8. It will be a condition of the release of any security provided under this Law, that the Lands Manager be satisfied that the interest-holder or person responsible for the cutting, removal or damage has complied with the tree replacement and maintenance requirements of this Law and the tree cutting permit.
- 9.8 Subject to subsection 9.7 a security deposit collected to cover the cost and maintenance of a replacement tree, shall be reduced as follows:
- (a) by fifty (50%) percent of the original amount after the planting of replacement trees has been approved by Council or the Lands Manager in accordance with the inspection requirements as set out in section 12; and
 - (b) by the balance of the deposit after one year from the date of the first reduction provided that the condition of the replacement trees has been approved by Council or the Lands Manager in accordance with the inspection requirements as set out in section 12.

Replacement Trees

- 10.1 Replacement trees shall be required in accordance with this Law for each parcel of land from which any tree is cut, removed or damaged and must be a western red cedar, yellow cedar, or other species as determined by the Lands Manager in consultation with the Lands Advisory Committee or as specified in the tree cutting permit, and of a size as determined by the Lands Manager or as specified in the tree cutting permit. Replacement trees required pursuant to section 6 must be a western red cedar, yellow cedar or other species as determined by the Lands Advisory Committee, and of a size and location as determined by the Lands Manager.
- 10.2 Unless otherwise stated in this Law or an order or permit, the required ratio is three (3) replacement trees per each one (1) tree cut, damage or killed in violation of this Law.
- 10.3 Replacement Trees must meet the plant condition and structure requirements set out in the latest edition of the BCSLA/BCLNA "B.C. Landscape Standard" and the CNTA "Canadian Standards for Nursery Stock" to be considered acceptable by the Lands Manager.
- 10.4 Replacement Trees must be planted and maintained in accordance with the requirements set out in the latest edition of the BCSLA/BCLNA "B.C. Landscape Standard".
- 10.5 Replacement Trees shall be planted, where possible, on the same parcel of land as the trees that are cut or removed from the parcel of land, to the extent that the parcel of land will accommodate such replacement trees in accordance with sound arboricultural

practice. At the discretion of the Lands Manager, replacement trees may be planted on Community Land.

- 10.6 Replacement trees shall not be planted:
- (a) in the case of trees having a mature height of eight (8) meters or less, within two (2) meters of a building foundation wall; or
 - (b) in the case of trees having a mature height of greater than eight (8) meters, within three (3) meters of a building foundation wall; and
 - (c) within one (1) meter of any property line of a parcel of land.
- 10.7 Where no construction or site disturbance is proposed that would affect the planting of replacement trees, the replacement trees must be planted within ninety (90) days of the date of issuance of the tree cutting permit.
- 10.8 Where a replacement tree is to be planted pursuant to Part 6 of this Law, it must be planted within ninety (90) days of written notice being delivered by Council or its employees to the interest-holder or person.
- 10.9 Where the planting of replacement trees would hinder proposed construction or where proposed construction would jeopardize the survival of replacement trees, the replacement trees must be planted within ninety (90) days of the final occupancy approval for the last building being constructed that would jeopardize the survival of the tree, but in any case, within three (3) years of the date of the issuance of the tree cutting permit when the date of construction completion is not known, except where an extension of time is granted in writing by the Lands Manager.
- 10.10 The number of replacement trees required under subsection 10.1 shall be three (3) replacement trees for each one (1) heritage tree or protected tree that is cut, removed or damaged, and for all other trees, generally three (3) replacement trees shall be required for each tree that is cut, removed or damaged, unless otherwise determined by the Lands Manager. If, in the assessment of the Lands Manager, the parcel of land cannot accommodate the number of replacement trees for each tree that is cut, removed or damaged without compromising sound arboricultural practices, due to the size or other characteristics of the parcel of land, the applicant for the tree cutting permit or person who cuts, removes or damages the tree shall be required to plant the replacement trees on Community Land, at the direction of the Lands Manager.

Tree Protection

- 11.1 Where the trunk of any heritage tree or protected tree is within ten (10) meters of any excavation, demolition, construction, or engineering works, or as otherwise required by the Lands Manager, a tree protection barrier must be installed around the protected tree as prescribed by regulation.

- 11.2 No permit under the *Semá:th Subdivision, Development and Servicing Law* or tree cutting permit shall be issued before the tree protection barrier has been installed and approved by either the Environmental Technician or the Lands Manager or their duly authorized representative, unless otherwise directed by the Lands Manager.
- 11.3 A tree protection barrier must remain in place and in accordance with the prescribed regulation until the removal of the tree protection barrier is approved by the Lands Manager.
- 11.4 Site disturbance within the tree protection zone is prohibited including, but not limited to, site grading, deposition or storage of soil or any other any material, disposal of any toxic material, access by any vehicular traffic or heavy equipment, or use of the area as an amenity space during construction.
- 11.5 Any work within a tree protection zone must be approved by the Lands Manager, prior to its commencement and the Lands Manager may refuse to allow the work or may specify conditions under which the work is to be undertaken.

Inspection and Assessment

- 12.1 The Environmental Technician, Lands Manager, an arborist or similarly qualified expert retained by the Lands Manager to provide technical advice to the Lands Manager, or any Enforcement Officer is authorized to enter at all reasonable times without the consent of the interest-holder on any parcel of land that is subject to the Law to ascertain whether the regulations, prohibitions and requirements of this Law or any tree cutting permit are being met or to assess or inspect any tree or tree remains on the lot.
- 12.2 Where a protected tree has been cut or damaged on a parcel of land in violation of this Law, without a tree cutting permit, or in excess of any permission or in violation of any terms and conditions of a tree cutting permit, the trunks, limbs, roots, and remains of the cut or damaged tree shall not be removed from the lot until an investigation and assessment by the Lands Manager is completed and the removal is expressly authorized by the Lands Manager.
- 12.3 In accordance with section 10, once all replacement trees required under a tree cutting permit have been planted, the interest-holder or person may request that the Environmental Technician conduct a field review to confirm that the replacement trees have been provided and installed in accordance with this Law, and if a reduction or release of securities is in order.

General Provisions

- 13.1 All Schedules referred to herein are attached to and form part of this Law.
- 13.2 The provisions of this Law are several and the invalidity of any part of this Law shall not affect the validity of the remainder of this Law.

13.3 This Law shall come into force on the date of final adoption hereof.

Regulations

14.1 Council may make regulations or pass Council Resolutions as follows:

- (a) prescribing the form and content of tree cutting permits to be issued under this Law;
- (b) prescribing fees and penalties;
- (c) designating inspectors or enforcement officers;
- (d) prescribing a tree protection barrier; or
- (e) setting in place any other matter required to implement this Law

General

15.1 If any section, subsection, paragraph, or part of this Law is held to be invalid by a court of competent jurisdiction, the invalid portion may be severed and the remainder will be deemed to have been enacted without the valid portion.

Effective Date

16.1 The amendments to this Law shall come into force and effect on the date it is passed by Council Resolution after complying with the requirements under Part 2 of the *Semá:th Land Code*.


BE IT KNOWN that this Law entitled *Semá:th Tree Protection Law, 2025* is hereby enacted by a quorum of Council at a duly convened Council of the Sumas First Nation held on _____, 2025.



Chief Dalton Silver



Councillor Troy Ganzeveld



Councillor Christopher
Silver



Councillor Clint Tuttle

**A quorum consists of 3
Council Members**

SCHEDULE 1

Administrative Fines

Tree characteristics	Fine (per tree)
A tree that is 10 - 20 ft (or approx. 3 to 6 meters) tall	\$2,000
A tree that is greater than 20 ft tall	\$5,000
Protected Tree - environmentally sensitive	\$5,000
Protected Tree - as designated by LAC or Council	\$10,000
Heritage Tree	\$10,000

SCHEDULE 2

Enforcement Policy

Semá:th intends that;

1. This Law be strictly and consistently enforced.
2. Despite paragraph 1, a Member will not be charged or fined for a first single non-Heritage tree or non-protected tree that they cut down providing it is cut down by an individual who was demonstrably unaware of the requirements of this Law.