Joe Schonberger

[redacted]

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Niagara Region
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Re: Comments on the Niagara Region Review of Woodland Bylaw

Dear Project Team,

I am an independent commentator. All the words and ideas herein contained are my own and are not meant to be reflective of any organization or committee that I may now or ever have served on.

Our family farms. We have a woodland that we value highly.

Since the beginning of Bylaws regulating woodlands Niagara Region has worked with an Advisory Committee who helped in the creation of the original circumference limit Bylaw, then a Bylaw under the Municipal Act, and an amended Bylaw to be delegated to the NPCA while at the Region. The Committee continued at the NPCA.

At the Region the Committee was in a position of trust and responsibility. The Region provided all the information they needed to do their jobs and be helpful. The Committee was promised that if they came to work with NPCA that there would be an important role for them to play. They soon found that they were not in "Kansas anymore" as routine information including what was public was not available. The Committee rarely met and fell into disuse.

The Bylaw process at the Region was very transparent. It was more secret at the NPCA. The NPCA did hire good Staff. He was well received in the rural and agricultural community and was easy to work with and was tough on those who contravened Bylaw Requests to revive the Committee were not successful and there was real concern that pushing the issue might get a good Bylaw Officer fired. They did that a lot at the Conservation Authority.

There is nothing irregular or unusual about an Advisory Committee in a Niagara Region Woodlands Bylaw. The contributions of a diverse group of Stakeholders have been a valuable part of the Bylaw since the beginning, could have been at the NPCA, and can be again at the Region. Why is there so much disdain and hate from Staff on this issue?

Summary of Recommendations

- Reinstate the Advisory Committee and use language that insure the Committee will meet regularly and play an important role.
- It is good that enforcement is returning to the Region. The Regional Forester must be a full time employee of the Region. To avoid conflict of interest the Regional Forester should be prohibited from developing Forestry Management Plans for anyone within Niagara Region. This should be stated within the Bylaw.
- It is good that existing exemptions are being maintained.
- The addition of an exemption to remediate contamination is good. Is a requirement to reforest being considered?
- Section 5.1.a should remain as is. This was done because there was a lack of Foresters available to write Forestry Management Plans. There is no reason to believe this has changed.
- Can the performance and conduct of Foresters be regulated in a Woodlands Bylaw?
- The exemption for hedgerows less that 20 meters wide is good. Would this apply if it was a wetland or if it is contiguous to a woodland?

- The name change to Woodlands Bylaw is good.
- Tree Savings Plans should remain within the Bylaw.
- The Prohibition on tree cutting during Bird and Bat breeding season is opposed. Breeding Birds and Bats will not be in every woodland. Trees need to be cut when conditions are good to avoid damage to the woodland. Further the Region already has the ability to place conditions on any Permit.
- The Region should not go below .5 hectares for woodlands delegated by a Lower Tier Municipality.
- The Municipal Act states very clearly that the Upper Tier Municipality regulates woodlands over 1 hectare in size, Lower tier Municipalities are attempting to regulate trees in woodlands as defined using their Property Standards Bylaw And are issuing Orders under the Building Code to cut trees with no regard for the time of year or conditions in the woodland and placing time deadlines on the work that cannot be reasonably met. This can result in unnecessary damage to the woodland or the PSW that woodlands usually are. What can the Region do to prevent this inside or outside the Bylaw? Could there be something put into the Bylaw?

Thank you for your consideration of the above. It is hoped that you found it helpful.

Yours truly,

Joe Schonberger.