

From: Niagara Chapter Trout Unlimited Canada; SORE; Peninsula Field Naturalists, Niagara Falls Nature Club; Niagara Beekeepers' Association of Niagara; Ontariogreen Conservation Association; Bert Miller Nature Club; Niagara Birding Conservation and Tourism Collaborative; Hamilton Naturalists; Friends of One Mile Creek; Extinction Rebellion Niagara; Miriam Richards, Professor Biological Sciences, Brock University; and members of the Biodiversity and Climate Action Niagara

To: Members of the Planning and Economic Development Committee

Nov. 3 2020

Re: Woodland Tree Bylaw and Its Impact on Natural Heritage and Water Resource System Planning

Dear Members of the Planning and Economic Development Committee:

The information that came forward to the Planning and Economic Development Committee about the Woodland Bylaw makes the issue of adopting the most robust Natural Heritage and Water Resource Systems more important than ever.

As was made clear in answer to Councillor Butters' specific question about what the bylaw would do to preserve or enhance the existing 17% forest cover in Niagara, staff replied that there was nothing in this bylaw that would add to the existing tree cover in the Region. In fact, there is little in this bylaw that will actually protect our *existing* tree cover. Staff explained they were limited in making improvements to the Region's Forestry Bylaw by the Municipal Act and Forestry Act.

For instance, forests that have suffered tree loss due to emerald ash borer, and no longer meet the density requirements under the Forestry Act, including woodlands currently mapped as Significant Woodland or Environmental Conservation Area under the Official Plan, can be reclassified as not significant and can lose their protection. Nothing in the new bylaw changes this.

The new bylaw will not prevent the practice of some woodland owners from clearing the understory, which ensures that the woodland will lose its significance over time as no new trees will grow to replace the old.

The new bylaw only applies to specific lands and therefore does not cover much of the remaining wooded areas in Niagara. For the same reason, the bylaw cannot set tree replacement rules/ratios. Replacement orders are only put into effect, at the discretion of the Region's enforcement officer, if he determines a violation has occurred on woodlands covered by the bylaw. Tree removals that occur through applications under the Planning Act cannot be covered by the Region's bylaw. To protect any other wooded area, group of trees or specific trees, or removal of trees due to applications covered by the Planning Act, each municipality would have to enact their own Private Tree Bylaws.

There is no ongoing monitoring of woodlands covered by the bylaw. Offences are pursued on a complaint basis and the time limit is tight. The Region hoped to increase the time limit for pursuing charges from 6 months to two years but found out they couldn't because of the Provincial Offences Act.

Any fines levied due to an offense against the new Woodland Bylaw will not go to restoration efforts, tree planting grants or to land acquisition. Fines under this bylaw “are divided up on a pro rata share with the lower tier municipalities based on legislated requirements” — as contained in an answer by staff to public comments on the bylaw.

The old bylaw contained numerous exemptions to the bylaw, including many added in 2008 for agricultural use, and the new bylaw includes one more plus it no longer protects hedgerows less than 20 m wide. These will inevitably lead to further woodland losses.

Finally, there is nothing in the new bylaw that addresses two of the greatest threats we face — climate change and biodiversity loss.

While questions were asked about possible tree planting/restoration programs, it's important to note that these are significantly limited by three factors:

1. a severe lack of funding for those efforts,
2. lack of readily available land for naturalization, and
3. the reliance on volunteers and community groups to carry out work that should be paid employment by professionals.

Furthermore, unless restoration plantings outstrip the continuous losses due to development and other land uses — and there is zero evidence that they do — then Niagara's irreplaceable natural ecosystem will continue to diminish over time.

In summary, the Region's new Woodland Bylaw does not address the concerns articulated so well by Chair Bradley and Councillors Butters, Fertich, Easton and Greenwood about improving the Region's limited tree cover. Staff suggested that Council look to the Natural Heritage System and Water Resource System planning to address concerns about protection of our unique, but diminished and fragmented, local ecology.

That makes it more important than ever that you approve only the most robust Natural Heritage and Water Resource Systems.

Natural Heritage System (NHS) and Water Resource System (WRS) plans map significant environment and water resource features, delineate sufficient buffers to protect them and link them together to form an ecological system that is sufficient to provide:

1. the green infrastructure benefits we require,
2. enough nature to support local flora and fauna and
3. a resilient ecosystem that will continue to exist over time.

Given the development pressure Niagara Region is under, this is the last chance we have to save Niagara's unique natural environment for future generations.

Taking all types of ecosystems into account including forests, wetlands, meadowlands etc. a 2011 study by the NPCA estimated that the watershed's remaining natural areas contribute only 56 per cent towards what the system needs to remain viable, and therefore persists as a highly environmentally degraded and fragmented landscape. <https://npca.ca/our-voice/post/restoring-and-improving-niagara-peninsula-watershed>

What Planning staff identified to you as their preliminary preferred options at the July 15 PEDC meeting, 3B for the NHS and 2A for the WRS, come nowhere close to protecting our remaining natural areas. Option 3C for the NHS and 2B for the WRS is the best of the options presented, however, we think they could be improved upon and we will present some ideas to you in future correspondence/presentations. Please see the chart that shows the differences between the current options.

Natural Heritage System	
Staff's preliminary recommendation	Best option to protect environment and meet Region's stated goals
NHS Option 3B	NHS Option 3C
- Identifies additional features in and outside settlement areas	- Identifies additional features in and outside settlement areas
- Identifies supporting features outside of settlement areas such as potential enhancement areas	- Identifies supporting features inside and outside of settlement areas including potential enhancement areas
- Includes large and medium linkages outside of settlement areas	- Includes large, medium, and small linkages outside of settlement areas
	- Includes small linkages inside of settlement areas where the potential area is in a natural state
- Suggests policy minimum for buffers outside of provincial NHSs and both inside and outside of settlement areas	- Prescribes mandatory buffer minimums outside of settlement areas with suggested policy minimums inside of settlement areas
Water Resource System	
Staff's preliminary recommendation	Best option to protect water resources and meet Region's stated goals
WRS Option 2A	WRS Option 2B
- Would identify additional features only outside of settlement areas	- Would identify additional features and areas Region-wide, including within settlement areas

Please be aware that developing these options is just the first step to the creation of a Regional NHS and WRS. This phase only develops a concept of what features, buffers and linkages should be considered inside and outside of settlement areas. The next layer will be the mapping, then the consultation with municipal planning staff

and likely with other stakeholders including developers. There will be many opportunities to include or exclude areas from the final plan.

As well, there are municipal boundary expansions coming forward from Niagara Falls and Welland, and significant development applications in Fort Erie and elsewhere, that will affect what is left to protect.

The decision on the NHS/WRS may be the most important decision you make during this term of Council, that will have the greatest impact on future generations.

During the recent public consultations on both the Woodland Bylaw Review and the NHS/WRS, the public made it clear that they want the strongest possible protection for our remaining natural areas. We trust that you will give the public's concerns serious consideration.

Sincerely,

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