

Joe Schonberger

November 5, 2020.

Planning and Economic Development Committee
c/o Regional Clerk, 1815 Sir Issac Brock Way
P.O. Box 1042, Thorold, Ontario L2V 4T7
clerk@niagararegion.ca

Re: Woodlands Conservation Bylaw Advisory Committee Considerations

Dear Valued Members of the Planning and Economic Development Committee,

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.

As long as there have been Woodlands Bylaws in Niagara Region there has been an Advisory Committee. Within the context of Niagara Region there is nothing irregular about having one. The Advisory Committee worked closely with Staff to develop versions of circumference limit Bylaws as well as the Good Forestry Practices Bylaw of 2006. Much of that Bylaw has survived revisions in 2008 and 2020. The Advisory Committee was the “Project Team” of the day.

It is my understanding that the Planning and Economic Development Committee will be discussing the issue of whether to reinstate an Advisory Committee and that Staff has recommended that this function should be assigned to APAC.

A Woodlands Conservation Bylaw is more than just an opportunity for Staff to lay charges, collect fines, and order replanting. A successful Bylaw facilitates the proper harvesting of trees that are in woodlands using Good Forestry Practices and makes sure that the rules are followed when woodlands are lost for urban development. It is very important to understand what a Woodlands Conservation Bylaw can and cannot do.

I was a long time member of the Advisory Committee both at the Region and the NPCA. It should be understood that the Advisory Committee was a diverse group of Stakeholders which included farmers, loggers, Planners and other Municipal Staff , conservationists, and a person with a Forestry Management company. This was an experienced, engaged and knowledgeable group with a good mix of veterans and new arrivals. We were in a position of trust and responsibility at the Region and the Advisory Committee worked very well. At the NPCA it did not work well because of a poorly written section on the Advisory Committee, NPCA culture, and because there was no motivation for Staff to work with it. The Advisory Committee was purposely left to rot.

Now that the Bylaw is returning to the Region there is opportunity to reinstate a meaningful Bylaw Advisory Committee if Council so chooses.

I have reviewed PDS 25-2020. I am puzzled as to why Staff is so uninformed about the history of the Bylaw. There has, in fact, always been an Advisory Committee. There has also been an Agricultural Exemption to clear lands for Agricultural Purposes from at least the last Circumference Limit Bylaw to the present. What was added in 2006 was a requirement for a Farm Business Registration Number to qualify for an Agricultural Exemption to clear lands for Agricultural Purposes. What was also added to the 2006 Bylaw was an Exemption for personal use. Neither the agricultural exemption or the personal use exemption applied if the woodland was a Sensitive Natural Area as defined which includes Provincially Significant Wetlands. A Good Forestry Practices Permit has been required to harvest and sell timber since 2006.

The Advisory Committee was NOT formed in 2008 for the benefit and appeasement of the agricultural community. Regional Staff had proposed its elimination because no other Municipality had one. The NPCA asked for it to be retained and the existing Advisory Committee from the Region with

all of its diverse stakeholders moved to the NPCA with the Bylaw. When we saw the final version and the wording of the Advisory Committee section we knew that we had been had. We went anyway and did the best we could. We tried a lot harder than they did.

In the Fall of 2007 our Federation did meet with the NPCA General Manager, the Director of Water Management, and the Director of Land Management to discuss a variety of issues only one of which was the delegation of the Bylaw to the NPCA.

“Come work with us.” They said.

“It will be great.” They said.

“The Advisory Committee will play an important role at the NPCA.” They said.

One of life’s lessons is that sometimes people do not mean what they say. Another is that when Staff makes promises their successors feel no obligation to keep them.

In my experience on the Advisory Committee most Woodland problems involved urban development and golf courses

The Planning and Development Committee must carefully consider whether APAC which is an agricultural committee is the correct place to engage a diverse group of stakeholders in woodlands conservation matters and if there is interest in APAC to do it. Does APAC have the time and experience to do this function? I would see this as a better than nothing solution designed to create the appearance of public engagement. Is that enough?

There is merit in an Advisory Committee if its duties are properly prescriptive, if it meets on a regular basis, if it is properly informed, and if Staff is properly motivated to work with the Advisory Committee.

Thank you for your consideration of this. It is hoped that it was helpful.

Yours truly,

Joe Schonberger.