

**Subject:** Woodland Conservation By-Law Annual Report 2021

**Report to:** Planning and Economic Development Committee

**Report Date:** April 6, 2022

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## **Recommendation**

1. That this Report **BE RECEIVED** for information; and
2. That this Report **BE CIRCULATED** to the Agricultural Policy and Action Committee.

## **Key Facts**

- This report presents a summary of activities undertaken by Regional staff in relation to administration of Niagara Region's Woodland Conservation By-Law (2020-79) in 2021.
- Niagara Region's Woodland Conservation By-Law was enacted on January 31, 2021. This by-law replaced the previous Tree and Forest Conservation By-Law, which had been administered by the Niagara Peninsula Conservation Authority since 2008.
- In February 2021, Niagara Region hired one full time staff member, a Registered Professional Forester, to administer the by-law. Both the Regional Forester and the Manager of Environmental Planning were appointed as by-law officers by Regional Council in February of 2021.
- Woodland by-law staff responded to 201 inquiries related to the Woodland Conservation By-Law in 2021.
- Woodland by-law staff issued two Good Forestry Practices Permits in 2021.
- There were no by-law violations that required charges to be laid in 2021.

## **Financial Considerations**

The costs associated with completing the Woodland By-Law Yearly Report are accommodated within the Council approved Planning and Development Services budget.

## Analysis

The Niagara Region Woodland Conservation By-Law 2020-79 exists to protect woodlands and promote sustainable management using Good Forestry Practices in Niagara Region. The by-law prohibits the clearing of woodlands except under specific circumstances, such as through a tree preservation plan as a condition of development approvals, and requires landowners to follow Good Forestry Practices when harvesting trees. To achieve this, landowners are required to submit a forest management plan or a silvicultural prescription prepared by a Registered Professional Forester (or other qualified member of the Ontario Professional Foresters Association) to obtain a permit when planning commercial timber harvests in woodlands.

In October 2020, Niagara Region passed Woodland Conservation By-Law 2020-79. This by-law replaced the previous Tree and Forest Conservation By-Law (2008-30), which had delegated administration of the by-law to the Niagara Peninsula Conservation Authority (NPCA).

In accordance with the provisions of the *Municipal Act*, the By-law only applies to woodlands of one hectare or more. In order to protect smaller woodlands (less than one hectare), a local area municipality would need to pass its own by-law or delegate such authority to the Region. Niagara Falls, St. Catharines, Niagara-on-the-Lake, West Lincoln and Grimsby have delegated their authority to the Region for smaller woodlands. In addition, Niagara Falls has also delegated authority to the Region for the protection of two heritage trees as provided for in the By-law.

As of January 31, 2021, Niagara Region has reassumed direct responsibility for reviewing applications and issuing permits for timber harvesting within the Region. Regional staff also follow up on public inquiries and investigate violations, which could lead to charges. For this reason, select Niagara Region staff have been designated By-Law Enforcement Officers for the purposes of enforcing By-Law No. 2020-79. In 2021, Niagara Region hired one full time staff member, a Registered Professional Forester, to administer the by-law.

2021 is the first year that the Woodland Conservation By-Law has been directly managed by Niagara Region since 2008. This report summarizes the activities undertaken throughout the year to promote Good Forestry Practices, educate the public and enforce the provisions of the by-law.

## Permits

Good Forestry Practices (GFP) permits are issued after an application is received which satisfies criteria outlined in the by-law. In 2021, two new GFP permits were issued by the Niagara Region. All permits were completed by the end of 2021.

All permits are subject to conditions that are specified and tailored to the characteristics of the individual site. For example, harvesting in woodlands with sensitive soil (e.g. wetlands) requires a permit condition limiting work to frozen or dry conditions to minimize soil disturbance. Failure to follow the conditions of a permit is considered a violation of the by-law. There were no incidents in 2021 where permit conditions were violated. Forest by-law staff maintained regular communication with logging contractors to ensure operations were suspended when ground conditions were not favourable.

## Silvicultural Prescriptions and Tree Marking

In Niagara Region, Good Forestry Practices permit applications must be supported by a forest management plan or silvicultural prescription prepared and reviewed by a qualified forest professional with expert knowledge in silvicultural practices. In Niagara Region, woodlands are managed using Selection or Shelterwood silvicultural systems, which require the practice of tree marking. Tree marking involves the selection of individual trees to be harvested, while leaving trees to grow for future harvests and to provide wildlife habitat.

Further information on silviculture prescriptions and tree marking practices is provided in Appendix 2.

## Forest Harvest Summary

The following table breaks down the distribution and harvest area of the 2021 GFP permits by municipality.

Municipality	Number of permits	Harvest Area: Hectares	Harvest Area: Acres	Harvest Volume: FBM	Harvest Volume: Cubic Meters
Fort Erie	1	2.7	6.7	n/a	n/a
West Lincoln	1	5.3	13.1	21,646	51.1
Total	2	8	19.8	21,646	51.1

The table excludes permit renewals. Permit renewal statistics will always be included in the year in which the original permit was issued.

## **Inspections**

Generally, each permit site is inspected at least twice, and many sites are visited multiple times. The first inspection occurs upon receiving the application. Woodland Conservation by-law staff visit the site and inspect the tree marking to ensure it follows good forestry practices. Any concerns with the tree marking and prescription will be noted and followed up with the landowner and/or certified tree marker. The permit may not be approved until concerns are addressed. At this time, Regional staff also assess the site conditions (soil) and any environmental values present which may be impacted by the harvest operation such as stick nests and streams. This will affect conditions that may be stipulated on the permit.

The operation may be inspected again while the work is underway, and the crew is onsite. This gives Regional by-law staff the opportunity to observe the precautions being taken and ensure that the permit conditions are being met.

Lastly the site is inspected again when the work has been completed. Through this final inspection, Regional staff can verify that only trees that were marked have been removed and that all permit conditions are satisfied.

The result is that Regional staff made approximately four site inspections on permits during 2021.

## **Education**

In 2021, Niagara Region began its work educating the public, including citizens groups and public agencies, regarding the by-law. This work has included updating the Region's website with information about the by-law and the maintenance of an online portal through which members of the public may submit woodland by-law related inquiries.

Most educational activity occurs when members of the public phone or email regional staff to ask questions. Regional staff also conduct site visits when requested by the landowner to provide forestry knowledge and make them aware of by-law requirements. Staff are always available to answer questions and often spend considerable time going over the details of the by-law and discussing Woodland management strategies.

In collaboration with Environmental Planning staff, work has also begun on an educational document that will update the minimum standards for Tree Protection Plans (TPPs) in Niagara Region. TPPs outline steps that must be taken to protect woodland

trees during construction of approved development projects within woodlands. Where required, developers must adhere to the conditions outlined in an approved TPP to ensure compliance with the Woodland Conservation By-Law.

Going forward, Regional staff will continue to further develop and update educational material to be shared with the public.

### **By-Law Inquiries**

By-law inquiries occur when by-law staff respond to an issue either presented by a member of the public or outside agency, or an issue initiated based on observations of by-law staff. Most inquiries are made by telephone and email. Regional staff track inquiries for reporting purposes.

In 2021, by-law staff responded to 201 by-law inquiries. See Chart 1 in Appendix 1 for a full breakdown of the number of inquiries by program area. Most of the inquiries were related to enforcement concerns, followed by planning and by-law exemptions. A high proportion of all inquiries related to the removal of dead or hazardous ash trees. Most inquiries came from woodlot owners, followed by local citizens and contractors/developers. See Chart 2 in Appendix 1 for a break down of by-law inquiries by interest group.

### **Enforcement and Charges**

Should it become necessary to initiate charges resulting from by-law violations, it is done under Part III of the Provincial Offences Act. This is referred to as commencement by information.

There were no by-law violations that required charges to be laid in 2021. Outcomes of future prosecutions will be presented in future annual reports after resolution in court.

### **Conclusion**

2021 is the first year in which the Woodland By-Law has been administered directly by Regional Staff since 2008. The transition has been smooth with the NPCA providing the current Forester support as needed.

Strategies to deal with Emerald Ash Borer will continue to be a main concern in 2021 especially in the southern part of the region. Current strategies will be used in woodlots

that have a significant component of ash. In the future, amendments to the by-law to address invasive species and their impact on woodlands may be considered.

## **Alternatives**

There were no alternatives reviewed as part of this report. The purpose of the report is to provide a summary of the administration of Niagara Region's Woodland Conservation By-Law in 2021.

## **Relationship to Council Strategic Priorities**

The Woodland Conservation By-Law aligns with objective 3.2 Environmental Sustainable Stewardship: "A holistic and flexible approach to environmental stewardship and consideration of the natural environment, such as in infrastructure, planning and development, aligned with a renewed Official Plan."

## **Other Pertinent Reports**

- PEDC 2-2021 A by-law to appoint by-law enforcement officers for the purpose of enforcing the Woodland Conservation By-Law No. 2020-79
- PDS 13-2019 Initiation of the Woodland By-Law Review
- PDS 16-2020 Woodland Conservation By-Law Review

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## **Appendices**

Appendix 1 2021 Woodland By-Law Inquiries

Appendix 2 Silviculture Prescriptions and Tree Marking Practices