

**Subject:** Woodland Conservation By-law Annual Report 2022

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

**Report date:** Wednesday, July 12, 2023

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## **Recommendations**

1. That Report No. PDS 21-2023 RE: Woodland Conservation By-law Annual Report 2022 **BE RECEIVED** for information.
2. That Report No. PDS 21-2023 be **CIRCULATED** to the Agricultural Policy and Action Committee.

## **Key Facts**

- The purpose of this report is to present a summary of activities undertaken by Regional staff in relation to administration of Niagara Region's Woodland Conservation By-law (2020-79) in 2022.
- Niagara Region employs one full time staff member, a Registered Professional Forester, to administer the By-law. Both the Regional Forester and the Manager of Environmental Planning are appointed as By-law Officers for the purposes of enforcing the Woodland Conservation By-law.
- Woodland By-law staff responded to 198 inquires related to the Woodland Conservation By-law in 2022.
- Five (5) restoration Orders were issued under Section 9 of the by-law.
- One (1) charge was laid under Part III of the Provincial Offenses Act.
- Thirteen (13) Good Forestry Practices (GFP) Permits were issued in 2022.

## **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 79-2020 exists to protect woodlands and promote sustainable stewardship of forests by landowners in Niagara Region. The By-law prohibits the clearing of woodlands except under specific circumstances and requires landowners to follow good forestry practices when harvesting trees in private woodlots.

Select Regional staff have been designated as by-law Enforcement Officers for the purposes of enforcing By-law No. 79-2020. These staff members investigate potential Woodland By-law violations reported by the public and pursue enforcement action when necessary. Niagara Region employs one full time staff member, a Registered Professional Forester, to administer the Woodland By-law.

This year, 2022, is the second year that the Woodland Conservation By-law has been directly managed by Niagara Region since taking over direct administration of the by-law from Niagara Peninsula Conservation Authority (NPCA) in 2021. 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.

### **Woodland By-law Enquiries**

In 2022, by-law staff responded to 198 enquiries. See Appendix 1 for a full breakdown of the number of enquiries by program area. Most of the enquiries were related to enforcement concerns, followed by planning and by-law exemptions. A high proportion of all enquiries were related to the removal of dead or hazardous ash trees. The greatest proportion of enquiries came from property owners, followed by local citizens and municipal staff.

### **Enforcement: Restoration and Charges**

The by-law authorizes by-law staff to issue Orders requiring restoration of Woodland features in response to observed violations. In 2022, four (4) orders requiring tree planting were issued to landowners by Regional Staff.

When necessary, charges resulting from by-law violations are initiated under Part III of the Provincial Offences Act. There was one by-law violation that required charges to be laid in 2022. The outcomes of this and of future prosecutions will be presented in future annual reports after resolution in court.

## **Good Forestry Practices Permits**

Good Forestry Practices (GFP) permits are issued to ensure that all proposed timber harvesting activities involving a commercial sale of wood products in Niagara Region are carried out in accordance with good forestry practices. The GFP Permits are issued after an application is received which satisfies criteria outlined in the Woodland by-law. All permits are subject to particular permit conditions that are specified and tailored to the characteristics of the individual site.

Failure to follow the conditions of a permit is considered a violation of the by-law. Staff maintain regular communication with logging contractors to ensure permit conditions are complied with. There were no incidents in 2022 where permit conditions were violated.

GFP Permit applications may only be granted following submission of silvicultural prescriptions and marking of trees by qualified professionals, and all approved harvests are inspected by Regional staff.

## **Inspections**

Generally, each permit site is inspected at least twice by Regional staff, and many sites are visited multiple times. The first inspection occurs upon receiving the GFP Permit application. By-law staff visit the site and inspect the tree marking to ensure it adheres to 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 any concerns are addressed. Regional staff also assess the site conditions (soil), and any environmental values present which may be impacted by the harvest operation.

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.

## **Landowner Education**

Regional staff work to educate the public, including citizens groups and public agencies, regarding sustainable forest stewardship and the Woodland Conservation By-law. Regional staff are always available to answer questions and often spend considerable time going over the details of the by-law and discussing tree and woodlot management strategies with concerned landowners. Niagara Region maintains an online portal through which members of the public may submit Woodland Conservation By-law related inquiries. Additionally, the Regional Forester sits in an advisory capacity on the board of the Niagara Chapter of the Ontario Woodlot Association, a not-for-profit organization that promotes sustainable stewardship of forest resources by woodlot owners.

A leading cause of concern for many woodlot owners are the many challenges brought by invasive species. Emerald ash borer continues to devastate ash trees throughout Niagara Region, while invasive shrubs like European buckthorn present serious challenges to forest regeneration for many woodlot owners. Regional staff connect landowners with local and provincial programs that can assist landowners dealing with these challenges. Regional staff also attend training sessions to stay informed of best management practices for reporting and managing emerging and immanent threats to trees and forests in Niagara Region, including Hemlock Woolly Adelgid, Oak Wilt Disease, and Spotted Lanternfly.

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

## **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 2022.

## **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

- PDS 13-2019 Initiation of the Woodland By-law Review
- PDS 16-2020 Woodland Conservation By-law Review
- 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

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### Recommended by:

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Commissioner  
Planning and Development Services

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### Submitted by:

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Chief Administrative Officer

This report was prepared in consultation with Cara Lampman, Manager Environmental Planning, and reviewed by Diana Morreale, Director Development Approvals.

## Appendices

Appendix 1 2022 Woodland By-law Enquiries

Appendix 2 2022 Good Forestry Practices Permits

## Appendix 1: Woodland By-law Charts

### By-law Enquiries

In 2022, By-law staff responded to 198 by-law enquiries. Chart 1 and Chart 2 provide a breakdown of inquiries by Program Area and Interest Group, respectively.

Chart 1: Woodland Conservation By-Law Enquiries by Program Area

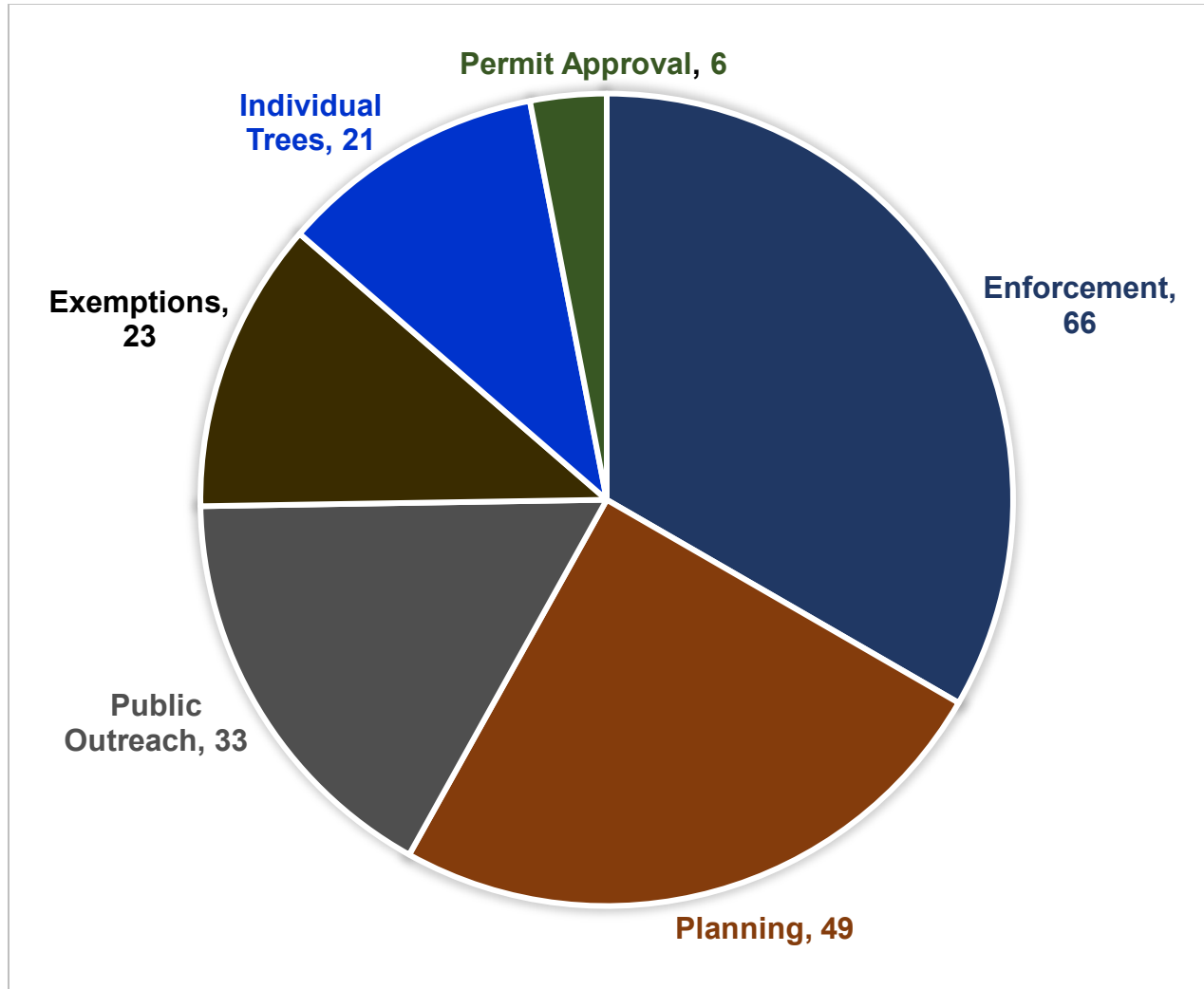


Chart 1 displays the number of enquiries by Program Area. Most of the enquiries were related to enforcement concerns, followed by questions related to the planning process. A high proportion of all enquiries were related to the removal of dead or hazardous ash trees.

**Chart 2: Woodland Conservation By-law Enquiries by Interest Group**

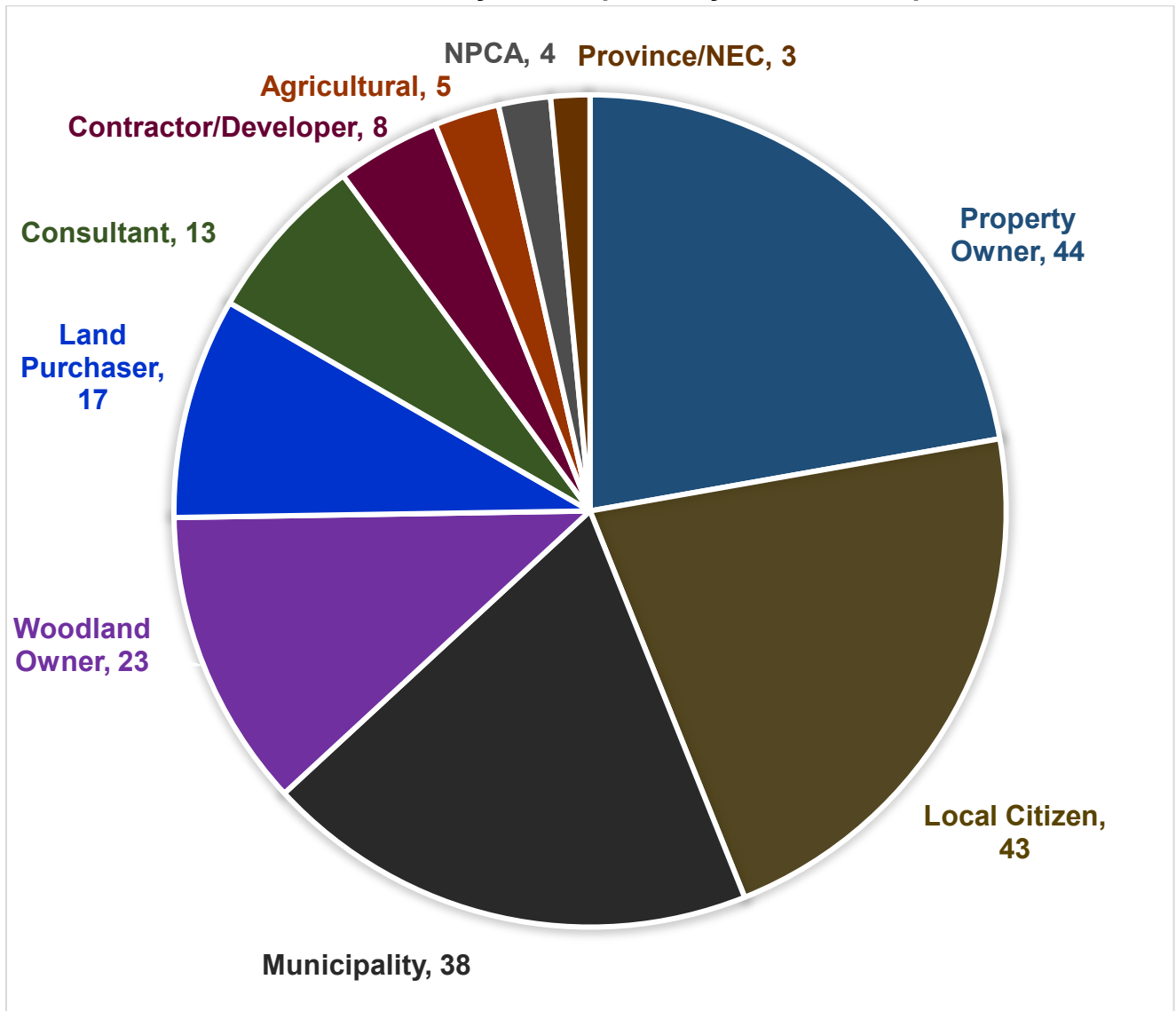


Chart 2 displays the number of enquiries by Interest Group. Most of the enquiries are from Property Owners, followed by Local Citizens and Municipalities.

## Appendix 2: Good Forestry Practices Permit Summary 2022

Table 1: Table display of the distribution and harvest area of the 2022 GFP permits by municipality. NB: the table excludes permit renewals. Permit renewal statistics will always be included in the year in which the original permit was issued.

Municipality	Number of permits	Harvest Area: Hectares	Harvest Area: Acres	Harvest Volume: FBM	Harvest Volume: Cubic Meters
Fort Erie					
Grimsby					
Lincoln	6	18.6	46	47,831	112.8
Niagara Falls	3	50.6	125	211,971	500.2
Niagara on the Lake					
Pelham	2	34.8	86	94,283	222.5
Port Colborne					
St Catharines					
Thorold					
Wainfleet	1	6.1	15	17,000	40
Welland					
West Lincoln	1	4.5	11	15,947	37.6
<b>Total</b>	<b>13</b>	<b>114.5</b>	<b>283</b>	<b>387,014</b>	<b>913.2</b>