



Niagara Region Woodland Conservation By-law

Sent via email

Re: Niagara Region Woodland Conservation By-law

The Niagara Federation of Agriculture (NFA) is your agricultural organization representing over 1,400 farm family members. Niagara offers the most diversified area of food production in all of Canada and agriculture has proven to be the economic mainstay within the Region. Agricultural producers have \$838.1 million in gross farm receipts with an employment impact of 19,892 jobs within the Region. The Niagara Federation of Agriculture (NFA) is the local extension of the Ontario Federation of Agriculture (OFA) which represents over 38,000 farm family members across our province.

The Directors of the Niagara Federation of Agriculture would like to take this opportunity to thank the Region of Niagara for this opportunity to review and comment on the proposed changes to the Woodlands Bylaw.

The current bylaw defines Sensitive Natural Areas and Woodlands, prohibits tree cutting and other injuries to trees in those areas, and allows permits and exemptions that allow farmers to carry out normal farm practices related to trees associated with those features. The proposed by-law changes the definition Sensitive Natural Area to include lands:

- 1.26.a Designated or zoned for environmental protection in the Official Plan and/or Zoning By-law of an Area Municipality or Region of Niagara, including zoning overlay layers intended to protect environmental features
- 1.26.b Within Provincially recognized natural heritage features, including Provincially Significant Wetlands and Areas of Natural Scientific Interest
- 1.26.c within a Natural Area as designated in the Niagara Escarpment Plan.

The proposed by-law also changes where and when agricultural activities can be exempted under Normal Farming Practices. In the proposed by-law, farmers are exempt from the tree cutting prohibition only if:

- 4.15.a the proposed clearing is a Normal Farm Practice as defined in the Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1, as amended, and the clearing is carried out in accordance with Normal Farm Practices;

4.15.b the land that is cleared is put into Agricultural Use within three (3) years of the date on which such clearing commences;

4.15.c prior to the clearing, the Farmer advises the Officer of the proposed clearing. For the purposes of this section the marking of Trees, a Forest Management Plan or a Silvicultural Prescription, a fee and a Permit are not required; and

4.15.d the land being cleared for Agricultural Use is outside the Urban Areas as defined in the Regional Official Plan, and is designated and zoned for Agricultural Use in the Official Plan and Zoning By-law of the Area Municipality and, where applicable, in the Niagara Escarpment Plan; and

4.15.e **the woodland is not a Sensitive Natural Area** (emphasis added)

This change to the current bylaw will have a negative impact on agriculture and prompt many appeals.

The directors have discussed their concerns with the Region in the past about the definition of Natural Heritage features, provincially significant wetlands, and zoning overlays. By extending the definition of the Sensitive Natural Areas to include these features, the agriculture exemptions are no longer effective. A high percentage of woodlots in the Niagara Region are classified as having natural heritage features.

The directors are also confused by the addition of the following paragraph:

Wherever one or more of the above conditions are not met, the Officer will issue a written notice to the Farmer indicating reasons for the decision within 15 days of Farmer advisement. In such cases, a Farmer may apply for a Good Forestry Practices Permit pursuant to the provisions listed in Sections 5 and 6 of this By-law, or appeal the decision subject to the provisions listed in Section 7 of this by-law. No fee shall be required in such cases.

If one or more of the above conditions are not met, does a farmer have to submit a permit to the Region with the expectation the Officer will respond within 15 days if the permit is accepted? If the farmer's permit is denied, the farmer then must apply for a Good Forestry Practices Permit or appeal the decision. Does the permit have an expiration date as some farmers' priorities may change by the time a decision is provided?

Farmers are stewards of the land, and in respect of that stewardship role, the Normal Farm Practices Protection Board has long upheld that the clear-cutting of protected woodland features is not a "normal farm practice." For clarity, the anticipated appeals would not be for extensive brush cutting or field boundary expansion, merely for field maintenance and activities in proximity to protected woodlands.

Over the years, economic challenges have prompted the need for diversification and changed the definition of an agriculture operation. Farmers use their woodlots as heat sources and supplemental income, and we caution sensitivity around changing how farmers may use their lands.

This is an important by-law, and the changes need to be reviewed carefully. We feel that there is a need for further consultation to discuss the recommendations of the proposed Woodlot By-Law.

Please reach out if you have any questions in this regard.

Thank You,

A handwritten signature in black ink, appearing to read "Chris Mullet Koop". The signature is stylized with a large initial "C" and a long horizontal stroke.

Chris Mullet Koop
President
Niagara Federation of Agriculture