

## THE NEW REGIONAL FOREST CONSERVATION BY- LAW FINAL REVIEW

### DETAILED COMMENTS

| <i>COMMENT</i>                                                                              | <i>RESPONSE</i>                                                                                                                                                                               | <i>SOURCE</i>                                                                      |
|---------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| Why is York Region changing the Tree By-law?                                                | <ul style="list-style-type: none"> <li>Required to update to the new Municipal Act.</li> <li>Council requested a review and revisions.</li> </ul>                                             | <ul style="list-style-type: none"> <li>Agriculture, loggers, public</li> </ul>     |
| Oppose regulation of tree cutting in hedge/fence rows                                       | <ul style="list-style-type: none"> <li>Most hedge/fence rows do not meet the definition of a woodland, and as such are not regulated by this By-law</li> </ul>                                | <ul style="list-style-type: none"> <li>Agriculture</li> </ul>                      |
| 5 cords of wood for a personal exemption is not enough                                      | <ul style="list-style-type: none"> <li><b>Change – S. 3.1 (m)</b>– increased to 6 bush cords</li> </ul>                                                                                       | <ul style="list-style-type: none"> <li>Agriculture, public</li> </ul>              |
| Personal use exemption should be linked to number of residences on site, or size of woodlot | <ul style="list-style-type: none"> <li>Legal conflict with definition of residence and consistency.</li> <li>'Major' harvest presents a higher risk – audit through permits</li> </ul>        | <ul style="list-style-type: none"> <li>Agriculture</li> </ul>                      |
| Farmers need cedar posts for fence work                                                     | <ul style="list-style-type: none"> <li><b>Change – S. 3.1 (n)</b>– new exemption for up to 3 bush cords of cedar for fencing, harvested in accordance with good forestry practices</li> </ul> | <ul style="list-style-type: none"> <li>Agriculture</li> </ul>                      |
| Tree nurseries should be exempt                                                             | <ul style="list-style-type: none"> <li><b>Change – S. 3.1 (i)</b> –new exemption for tree nurseries</li> <li>Note: orchards and Christmas tree plantations are also exempt</li> </ul>         | <ul style="list-style-type: none"> <li>Agriculture</li> </ul>                      |
| Oppose need to obtain permits                                                               | <ul style="list-style-type: none"> <li>Under the Municipal Act permits present the most legally defensible and practical tool for forest conservation</li> </ul>                              | <ul style="list-style-type: none"> <li>Agriculture, public</li> </ul>              |
| Permit fees too high – general comment                                                      | <ul style="list-style-type: none"> <li>Fee structure attempts to promote good forestry practices, and offset staff costs.</li> </ul>                                                          | <ul style="list-style-type: none"> <li>Public</li> </ul>                           |
| Permit fees too high for farmers                                                            | <ul style="list-style-type: none"> <li><b>Change - Schedule “C” -</b> Agricultural – bona fide farmer - applications subject to a reduced fee of \$25.00</li> </ul>                           | <ul style="list-style-type: none"> <li>Agriculture</li> </ul>                      |
| Fines too high/ or too low                                                                  | <ul style="list-style-type: none"> <li>Penalties including fines are prescribed under the Municipal Act.</li> </ul>                                                                           | <ul style="list-style-type: none"> <li>Agriculture, environment, public</li> </ul> |
| Regional focus is too much on legislation and fines                                         | <ul style="list-style-type: none"> <li>York Region has other tools in place including incentives, education and stewardship programs e.g. Greening Strategy</li> </ul>                        | <ul style="list-style-type: none"> <li>Agriculture</li> </ul>                      |
| Concern with apparent need for hiring outside experts e.g. Registered Professional Forester | <ul style="list-style-type: none"> <li>Harvest permit and Special Permit do not require the services of an 'expert'</li> </ul>                                                                | <ul style="list-style-type: none"> <li>Agriculture</li> </ul>                      |

| <b>COMMENT</b>                                                                                                                 | <b>RESPONSE</b>                                                                                                                                                                                                                                                                                          | <b>SOURCE</b>                                                                           |
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| Oppose regulation of individual or single tree cutting                                                                         | <ul style="list-style-type: none"> <li>Exemptions allow for single tree cutting</li> <li>Local municipalities may have this jurisdiction</li> </ul>                                                                                                                                                      | <ul style="list-style-type: none"> <li>Agriculture, public</li> </ul>                   |
| The By-law needs to reflect a special consideration of agriculture needs                                                       | <ul style="list-style-type: none"> <li><b>Change – Special Permit S 5.5 and 5.6</b> – provides special consideration of (existing) agricultural policies</li> <li><b>Change – Schedule C</b> – reduced permit fee \$25</li> <li><b>Change(s) – also note Exemptions S3.1 (j), (m) and (n)</b></li> </ul> | <ul style="list-style-type: none"> <li>Agriculture</li> </ul>                           |
| Landowners in the Managed Forest Tax Incentive Program (MFTIP) should have special consideration                               | <ul style="list-style-type: none"> <li><b>Change – Good Forestry Practices Permit S5.3(b)</b> – provides special consideration and streamlining for MFTIP participants, including reduced permit fee \$25</li> </ul>                                                                                     | <ul style="list-style-type: none"> <li>Public, woodlot owners</li> </ul>                |
| Concerns with the definition of 'Good Forestry Practices'                                                                      | <ul style="list-style-type: none"> <li>Definition is from the Forestry Act, and is consistent with the Silvicultural Guide to Managing Woodlots in Southern Ontario (Ministry of Natural Resources)</li> </ul>                                                                                           | <ul style="list-style-type: none"> <li>Environmental, public</li> </ul>                 |
| Issue with exemptions e.g. <ul style="list-style-type: none"> <li><i>Surveyors Act</i></li> <li><i>Planning Act</i></li> </ul> | <ul style="list-style-type: none"> <li>These are legislated exemptions prescribed under the <i>Municipal Act</i></li> </ul>                                                                                                                                                                              | <ul style="list-style-type: none"> <li>Environmental, public</li> </ul>                 |
| Confusion around <i>Building Code Act</i> - building permit harmonization                                                      | <ul style="list-style-type: none"> <li><b>Change – Exemptions S3.1 (j), (k) and (l)</b> – wording clarified</li> <li>Intent is to exempt tree clearing directly associated with an approve Building Permit</li> </ul>                                                                                    | <ul style="list-style-type: none"> <li>Environmental, Georgina</li> </ul>               |
| Concern with exemptions for harvest of diseased trees                                                                          | <ul style="list-style-type: none"> <li><b>Change – Exemption S3.1(m)</b> – new (o) delete reference to diseased trees.</li> <li>Intent will be captured within hazard tree exemption.</li> </ul>                                                                                                         | <ul style="list-style-type: none"> <li>MNR, environmental, public</li> </ul>            |
| The public should be informed about, and involved with, decisions                                                              | <ul style="list-style-type: none"> <li>This was a requirement under the Forestry Act – hearings. The Municipal Act does not provide for this.</li> <li>Special Permits with major tree cutting will be subject to a report and considered at Committee</li> </ul>                                        | <ul style="list-style-type: none"> <li>Environmental, public</li> </ul>                 |
| Local municipalities should be informed about, and involved with, decisions                                                    | <ul style="list-style-type: none"> <li>Copies of Permits will be sent to local municipalities.</li> <li>Municipalities will be consulted on Special Permit applications involving major tree clearing.</li> </ul>                                                                                        | <ul style="list-style-type: none"> <li>Georgina, King, Aurora, Richmond Hill</li> </ul> |

| <b>COMMENT</b>                                                                                      | <b>RESPONSE</b>                                                                                                                                                                                                                                                                                                                                                 | <b>SOURCE</b>                                                                               |
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| Wildlife habitat protection provisions should be specified in the by-law                            | <ul style="list-style-type: none"> <li>• Consideration of wildlife and habitat is integral to 'good forestry practices'.</li> <li>• Conditions of permits will include the provision of e.g. buffers and timing guidelines.</li> </ul>                                                                                                                          | <ul style="list-style-type: none"> <li>• LSRCA, TRCA, Aurora EAC, Environmental</li> </ul>  |
| Will there be a consistent and harmonized approach to by-law delivery with the local municipalities | <ul style="list-style-type: none"> <li>• All municipalities are pursuing delegation for the by-law to apply to all woodlands greater than 0.2 ha in size – with the exception of the Town of Newmarket.</li> <li>• In Newmarket the by-law will apply to all woodlands greater than 1 ha in size. They will review the status after a 1 year period.</li> </ul> | <ul style="list-style-type: none"> <li>• LSRCA, TRCA, MNR, public, environmental</li> </ul> |
| Ensure streamlining of the review of Conservation Authority harvest applications                    | <ul style="list-style-type: none"> <li>• Discussions are ongoing to ensure that this process is streamlined. Note - most activities are under the direction of an R.P.F..</li> </ul>                                                                                                                                                                            | <ul style="list-style-type: none"> <li>• LSRCA, TRCA</li> </ul>                             |