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ASIAN LONG-HORNED BEETLE FEDERAL TREE COMPENSATION REGULATIONS

The Transportation and Works Committee recommends the adoption of the recommendations contained in the following report, May 27, 2004, from the Commissioner of Transportation and Works:

1. RECOMMENDATIONS

It is recommended that:

1. Staff provide a report on the progress and implementation of the Federal tree compensation program, including a financial summary, in the fall of 2004.
2. Staff be directed to seek compensation from the Canadian Food Inspection Agency (CFIA) for trees removed from Regional property.

2. PURPOSE

This report provides an update to Committee and Regional Council on a recent announcement by the Honourable Bob Spellar, Minister of Agriculture and Agri-Food Canada (May 12, 2004). The Minister introduced regulations under the Plant Protection Act to aid in the tree replacement efforts following the tree removal associated with the eradication of the Asian Long-horned Beetle (ALHB), which took place in the City of Vaughan and Toronto this past winter.

3. BACKGROUND

In September 2003, the Canadian Food Inspection Agency (CFIA) made a positive identification of the ALHB in Woodbridge, Ontario. This was the first confirmed find of ALHB attacking trees in Canada. The ALHB is an invasive quarantine insect, native to Asia, and is known to kill healthy trees. Broadleaf trees at risk from this insect include all species of maple along with elm, ash, poplars, alder and willow.

While the insect presents no threat to public health, the beetle poses a significant risk to Canada's trees and forests. The ALHB has no natural controls in North America that would prevent its spread.

In February 2004, a regulated area was established in parts of Toronto and Vaughan in order to prevent the spread of the ALHB. On February 26, 2004, the *Asian Long-horned Beetle Infested Place Order* was issued under the authority of the *Plant Protection Act* (the Act). The Order imposes prohibitions or restrictions of movement on nursery stock,

trees, leaves, logs, lumber, wood, wood chips and bark chips from certain deciduous trees identified as hosts of the ALHB and firewood of all species.

The CFIA has implemented an aggressive campaign to control and eradicate this unwanted pest with the full co-operation of The Regional Municipality of York, City of Vaughan, the City of Toronto and other Federal and Provincial partners. During the fall of 2003 and through the winter of 2004, efforts were focussed on ongoing survey work and the removal of infested or potentially infested trees. By March 31, 2004, over 15,000 trees had been removed from within the regulated area in Vaughan and Toronto, under the direction of the CFIA. Compensation for the trees ordered destroyed has been a contentious issue.

The CFIA is now offering compensation for trees ordered destroyed to prevent the spread of three invasive pests across Canada. These are the Brown Spruce Long-horned Beetle in Halifax, Nova Scotia, the Emerald Ash Borer (EAB) in Essex County and Chatham-Kent, Ontario, and the ALHB in Vaughan and Toronto, Ontario. Funds are available to compensate tree losses related to each of these outbreaks. The CFIA estimates the replanting effort across Canada will cost \$6,500,000.

4. ANALYSIS AND OPTIONS

The purpose of the Act is to protect plant life (environment) and the agricultural and forestry sectors of the Canadian economy by preventing the importation, exportation and spread of plant pests (e.g. insects and diseases), and where the Minister determines that, in the circumstances, it is necessary and cost-justifiable to control or eradicate plant pests.

4.1 Federal Compensation Regulations

Under section 39 of the Act, the Minister of Agriculture and Agri-Food may order compensation to be paid in support of eradication actions. In the case of pest infestation covered by these Regulations, the compensation considered is designed to provide for the re-planting of trees in the affected areas.

Three categories of land have been established as the basis for providing compensation: privately-owned, public or municipal lands and woodlots.

Compensation is to be provided over the coming months on the basis of the direct cost of replacing a tree up to a set maximum amount. The maximum amounts are:

- Privately-owned land - \$300 per host tree disposed of, if the location of the host tree disposed of is in an area zoned municipally for residential, commercial or industrial use, or for use for an educational institution or hospital.
- Public land - \$150 per host tree disposed of, if the location of the host tree disposed of is on public land, including public land that is used as a park, sports field, recreation

trail or similar recreational area.

- Woodlots - \$40 per host tree disposed of, if the location of the host tree disposed of is in a woodlot in an area zoned municipally for commercial or industrial use, or agricultural use.

The maximum amount will apply to both the purchase of a tree and to reasonable costs for planting. The regulations exclude certain lands from compensation, such as railway and utility right of ways, drainage ditches and unmanaged or wild areas.

This compensation is seen as a positive contribution to restoring the urban forest. This regulation provides a tree for tree compensation at a reasonable rate. In many cases, large trees which were lost will be replaced by smaller trees. The urban forest will take decades to recover. It is important that staff track the restoration initiative to ensure that tree cover and urban forest function is sustainable over the long term.

4.2 Administration

The CFIA is establishing an administrative process over the next months to reimburse those affected. The program is intended to compensate those who have lost trees due to the CFIA control and eradication measures.

To be eligible for compensation, applicants must have received a "Notice to Dispose" issued by the CFIA to remove trees. Each person that wishes to apply for compensation must purchase and plant a non host tree before applying and provide the CFIA with receipts.

Applications and information packages will be mailed to all those who were issued "Notices to Dispose" by the CFIA within the coming weeks. Forms will also be available on the CFIA website at www.inspection.gc.ca or by calling 416-665-5055 in Toronto to request a package.

Forms and receipts can be submitted to the following Regional CFIA office:

Toronto Regional Office
Canadian Food Inspection Agency
Room 2, 1124 Finch Avenue West
Downsview, Ontario
M3J 2E2

The Region received a "Notice" on December 10, 2003. A number of trees (estimated 50) were removed by the CFIA from Regionally owned property. The CFIA maintains a GIS database of host trees and those trees which were removed. Staff will work closely with the CFIA and pursue compensation for all trees on Regional property affected by this program.

4.3 Urban Forest Re-planting Strategy

Tree Canada Foundation donated \$8,000 to planting trees in the affected area (February 2004). The Ontario Ministry of Natural Resources (OMNR) committed \$500,000 towards re-vegetation for the ALHB program. In March 2004, York Region announced a seed funding contribution of \$50,000 to support re-vegetation efforts.

As indicated above, the Federal compensation will not extend to certain landscapes. The regulation states (Sect 2(5)):

- No compensation may be paid in respect of any host tree disposed of on any of the following:
 - a) Natural or wild areas, other than land used for woodlots, parks, sportsfields, recreation trails or similar recreational areas, golf courses, educational institutions or hospitals.
 - b) Drainage ditches.
 - c) Utility or railway right of ways.

The Toronto and Region Conservation Authority chairs a re-vegetation committee with representation from all members of the ALHB partnership (York, Vaughan, OMNR, CFIA, and Toronto). As the Federal program is implemented, there may be gaps in terms of restoring the landscape which will require further attention. It is anticipated that the additional funding will be necessary to complete the restoration of the urban forest. The re-vegetation committee will track the progress and implementation, and help ensure that the urban forest is fully restored. Regional staff will report back on the status of the re-vegetation program and present a financial summary.

4.4 Relationship to Vision 2026

Vision 2026 includes the following goal statements:

"In 2026, York Region residents will continue to value and embrace the Region's unique natural heritage (land, air, water) and cultural heritage (sites and buildings important to our history, faiths and cultures)."

York Region has demonstrated a leadership role in the development and implementation of environmental strategies and conservation activities, which protect and restore our sustainable natural environment. Taking a partnership role in terms of dealing with the outbreak of the ALHB infestation, strengthens the Region's commitment to focus on Vision 2026 action areas including:

- Protecting sensitive features such as forests, watersheds, the Oak Ridges Moraine and Lake Simcoe.

- Promoting a permanent linked Greenland's system.

5. FINANCIAL IMPLICATIONS

The commitment of \$6,500,000 by the Federal government for compensation for tree replacement across Canada, is seen as a positive step to dealing with the ALHB outbreak in Vaughan and Toronto. It is estimated that of the overall \$6,500,000, approximately \$3,000,000 could be spent in restoring the urban forest in Toronto and Vaughan.

Given that some landscapes will not be covered by the compensation, and that uptake in the program may not be 100%, staff will review the progress of the re-planting effort and determine where the Region's previously committed \$50,000 re-vegetation seed funding allocation is best deployed to ensure full recovery of the urban forest. Staff will report back to Council on the status of this program.

6. LOCAL MUNICIPAL IMPACT

The Federal announcement and funding support will be well received by the City of Vaughan and its residents who have seen their neighbourhoods stripped of trees over the past few months. In addition to compensation to residents, the municipality will receive compensation for the removal of public trees.

7. CONCLUSION

The Federal announcement and regulation for a tree replacement compensation package supported with \$6,500,000 funding, is a positive step towards combating the ALHB and its devastating impact on the urban forest.

Staff will track the progress and report back to Committee and Regional Council on the status of the restoration effort.

The Senior Management Group has reviewed this report.