
HALDIMAND COUNTY

Report FPC-01-2022 Forest Conservation By-law Minor Exception – 665
Highway 6, Seneca



For Consideration by Council in Committee on May 31, 2022

OBJECTIVE:

To consider an application for Minor Exception under the Forest Conservation By-law 2204/20, submitted by the property owners, Real & Elfriede Tremblay and their agent Greenhorizons Sod Farms for the clear-cutting of Significant Woodlands located at 665 Highway 6, Seneca.

RECOMMENDATIONS:

1. THAT Report FPC-01-2022 Forest Conservation By-law Minor Exception – 665 Highway 6, Seneca be received;
2. AND THAT the application for Minor Exception to By-law 2204/20 at 665 Highway 6, Seneca, be denied.

Prepared by: Adam Chamberlin, Project Manager, Forestry

Reviewed by: Jeremy Misner, Manager, Facilities, Parks, Cemeteries and Forestry Operations

Respectfully submitted: Philip Mete, P. Eng., General Manager of Public Works Operations

Approved: Craig Manley, MCIP, RPP, Chief Administrative Officer

EXECUTIVE SUMMARY:

The Forest Conservation By-law 2204/20 outlines a process to be followed in circumstances where a property owner or their agent wishes to seek a minor exception to the regulations or restrictions to the injury or destruction of trees in a Woodland or Significant Woodlands. The by-law provides the authority to Council to approve or deny an application for a minor exception to clear-cut an area of Woodlands or Significant Woodlands greater than one (1) hectare in size and to include any conditions desirable to Council on a minor exception permit.

Staff recommend that Council does not authorize a minor exception permit for this application to maintain the integrity of the environmental policies in the County's Official Plan and that the intent of the Forest Conservation By-law is upheld; the large size of the proposed area to be clear-cut will negatively impact the County's limited forest cover and ability to preserve the environmental benefits provided by the Significant Woodlands identified in the application.

BACKGROUND:

On January 18, 2022, staff received a completed application for a minor exception under the Forest Conservation By-law 2204/20 for the property described as 665 Highway 6, Seneca (SEN RANGE 1 WPR E HALF PT LOT 6) from the property owners, Real & Elfriede Tremblay and their agent Greenhorizons Sod Farms.

The application states that the intent is to clear-cut approximately 11 hectares (27 acres) of a White Pine/White Spruce plantation that was planted in the 1980s and use the timber for the manufacture of pallets to support future agricultural operations on the property. No trees are proposed to be removed within fifty (50) meters of any wetland/lowland area or the intermittent watercourses on and adjacent to the property. The fencerows around the perimeter of the property will be maintained and are not proposed to be cut as part of this application. Following the clear-cutting of the plantation, the applicant intends to farm the cut area with common field crops.

ANALYSIS:

The Forest Conservation By-law requires that applications for clearing an area of Woodlands greater than 1 hectare (2.5 acres) include an Environmental Impact Study (EIS) demonstrating how the proposal will avoid negative impacts on the Woodlands; an evaluation to determine if the Woodlands meet the definition of Significant Woodlands identified in the County's Official Plan; and how to mitigate any impacts on ecologically sensitive features and functions (Attachment 2). The applicant engaged Stovel and Associates Inc. (SAI) and Lincoln Environmental Consultants (LEC) to prepare the Environmental Impact Study. Stovel and Associates concluded that "no significant natural heritage features were identified on the subject land, in proximity to the proposed area to be harvested. The habitat characteristics of the coniferous plantation were such that wildlife habitat was limited and ground cover was sparse to entirely devoid in certain portions of the plantation. This finding is typical of plantations that were completed as part of the Woodlot Improvement Agreement (WIA) program from the 1980s and not managed by the landowner for ecological purposes. With the use of detailed mapping from the recent ecological field surveys, it was concluded that the onsite woodland is not a significant woodland."

Staff inspected the subject lands which are approximately 20 hectares (49 acres) in size and include a White Pine/White Spruce plantation and naturally occurring fencerows that are part of a larger Woodlands complex of approximately 26 hectares (64 acres) in size (Attachment 1). The larger Woodlands complex extends across the adjacent properties to the north, south and west and is comprised of mature Oak, Maple, Hickory, Beech, Bluebeech, Ironwood and Hawthorn tree species. The plantation is included as a part of the larger Woodlands complex due to the number and density of the trees which meet the definition of a Woodlands, its proximity and connection to the adjacent Woodlands through fencerows that also meet the definition of a Woodlands. This plantation is ecologically important as it provides wildlife habitat; it sequesters carbon which helps to reduce the effects of climate change and helps to purify the air, it absorbs run-off from the adjacent agricultural lands, it recharges and purifies groundwater and the plantation can provide a sustainable source of timber and economic benefits to the property owner through the implementation of Good Forestry Practices.

Staff confirmed that the plantation, fencerows and the treed areas on the properties to the north, west and south meet the definition of Woodlands as defined in the County's Forest Conservation By-law, Section 1.28 and Section 3.2.

Section 1.28 "Woodlands" means land one (1) hectare or more in an area with at least

- i. 1,000 Trees of any size, per hectare; or
- ii. 750 Trees, measuring over five (5) centimetres at DBH (diameter at breast height), per hectare; or
- iii. 500 Trees, measuring over twelve (12) centimetres at DBH, per hectare; or
- iv. 250 Trees, measuring over twenty (20) centimetres at DBH, per hectare

but does not include a Cultivated Fruit or Nut Orchard or a Plantation established for the purpose of producing Christmas trees.

Section 3.2 of the by-law states that “For the purpose of this by-law, the boundary of a Woodlands shall be defined by the ecological limit of the Woodlands and not by Property boundaries. The Woodlands boundary shall include the area up to the Drip Line and the boundary of the Woodland shall be deemed to cross any corridors, natural features, roads, trails, or paths up to and including twenty (20) meters in width.” It is important to include the entire Woodlands complex beyond the property boundaries in the definition of a Woodlands because ecological processes and wildlife are dynamic, interconnected and travel throughout the entire Woodlands without stopping at human-defined property lines. The removal of a part of the Woodlands will have impacts throughout the entire ecological boundaries of the Woodlands.

A Plantation is defined in the by-law as “the intentional planting of Trees that are maintained or established for the purpose of producing Christmas trees as part of an Agricultural Operation, this does not refer to Plantations that have ceased being managed or harvested for their intended purpose for a period of fifteen (15) years or more. The owners of the property informed staff that they originally intended to sell some of the trees as Christmas trees, but they had not harvested any Christmas trees. The testimony from the owners was confirmed by staff as there is no evidence that Christmas trees were harvested within the last fifteen (15) years and there are no Christmas tree-sized trees located within the plantation. Based on this evidence, staff determined that the plantations are not excluded from the Woodlands definition (Attachment 3).

Staff determined that the Woodlands on the subject property meet two of the criteria required to be considered as Significant Woodlands defined in the County’s Official Plan Schedule H.

1. Size Criteria: 10 hectares is the minimum catchment size for significance in the former townships of Seneca, North and South Cayuga and Woodhouse.

The ecological boundary of the Woodlands extends onto the adjacent properties and makes a total Woodlands area of 26 hectares (64 acres). The EIS only evaluated the size of the plantation 9 hectares (22 acres) located within the boundaries of 665 Highway 6 and did not include the area of the fencerows or the continuous Woodlands on adjacent properties in the size calculation.

2. Proximity to Water Criteria: Woodlands located within 30 metres of any hydrological feature, including all creeks, streams, rivers, wetlands and lakes.

An intermittent watercourse runs through the eastern side of the Woodlands, there is a seasonal pond located within 30 metres of the southeast corner of the Woodlands and a seasonal pond located within the north corner of the Woodlands (Attachment 1). The EIS identified that there are seeps associated within all areas of the subject lands (Attachment 2) and the vernal pools/seasonal ponds were noted in the Arborland Forestry Report (Attachment 6).

Section 6.2 of the by-law and the County’s Guidelines for Minor Exception, Section 4 both state that no applications will be approved that would have the effect of amending or circumventing any part of the Haldimand County Official Plan such as the clear-cutting of trees in Natural Environment Areas, Significant Woodlands, Provincially Significant Wetlands, Life Science Areas or Areas of Natural And Scientific Interest.

The County’s Official Plan policies for Natural Environment Areas (NEAs) do not permit the clear-cutting of Woodlands or Significant Woodlands to create new agricultural land or agricultural operations which is the intent of this application. The policy for Natural Environment Areas states that:

“Permitted uses for Natural Environment Areas that are not Provincially Significant Wetlands or Habitat

of Endangered and Threatened Species and on those lands adjacent to these Natural Environment Areas, shall be limited to the following:

- a) established agricultural operations on existing cleared areas.”

The Official Plan policy for Woodlands states that “The County supports good forestry practices and the sustainable harvesting of timber within all woodlands. Further, the County recognizes the environmental importance of retaining woodlands.”

It is the opinion of staff that this application contravenes the natural environment policies of the County’s Official Plan for Woodlands and Significant Woodlands. The EIS did not accurately evaluate the significance of the Woodlands; adequately assess the negative environmental impacts of removing 11 hectares (28 acres) of Significant Woodlands in a municipality that already has a low amount of forest cover, or provide any suggestions to mitigate or compensate for the environmental services that would be lost by clear-cutting the Significant Woodlands.

This application does not conform to the purpose of the by-law or the intent of a minor exception. The purpose of the by-law is to:

- achieve the objectives of the Haldimand County Official Plan to preserve and improve woodlands through the application of good forestry practices;
- the production of wood, wood products and sustaining the local forest economy;
- minimize the injury or destruction of trees in woodlands; and
- contribute to ecosystem health, human health, recreation, enjoyment and improving quality of life through the conservation of woodlands.

Minor exception applications that have been supported by staff and approved by Council in the last five years have been for the maintenance of existing agricultural field edges and average less than one (1) hectare (2.5 acres) in size.

Environment Canada’s “How Much Habitat is Enough?” describes maintaining a minimum of 30% forest cover as a high-risk approach to maintaining species richness and healthy aquatic systems within a watershed, and 50% forest cover or more at the watershed scale equates to a low-risk approach. There is approximately 13% forest cover in Haldimand County and an abundance of existing farmland that does not require clear-cutting of Significant Woodlands or Woodlands to be put into operation.

The EIS identified that there is potential for hawks such as the Red-tailed hawk, Coopers Hawk and American Kestrel to find habitat at this site. There is also the potential for Wild Turkey to winter in the west-central area near the adjacent hardwood woodlot which is likely to have springs and has the kind of preferred mixed habitat with White Pine. Staff observed tracks and wing patterns in the snow indicating that Wild Turkey are actively using the site. The EIS also identified the presence of Special Woodland Feeding Habitat where Hickory and Oak mast trees were located (Attachment 2).

Staff recommend that Council does not authorize the issue of a minor exception permit for this application. Staff encourage the property owner and their agent to consider submitting a Good Forestry Practices application for the sustainable harvesting of individual trees within the plantations. A Good Forestry Practices harvest will supply Greenhorizons Sod Farm with a sustainable supply of timber for manufacturing pallets, be in compliance with the County’s Official Plan policies and retain the ecological functions of the Significant Woodlands.

FINANCIAL/LEGAL IMPLICATIONS:

There are no financial impacts if the minor exception permit is not authorized.

STAKEHOLDER IMPACTS:

The required notification process for the application outlined in the by-law was completed with a sign posted at the subject property and a written letter mailed to the immediately adjacent landowners abutting the subject property, the Grand River Conservation Authority, Six Nations of the Grand River and Mississaugas of the Credit Council.

Staff received a letter of support for the approval of this application from the property owners, Real & Elfriede Tremblay (Attachment 4) and a letter objecting to the approval of this application from the Grand River Conservation Authority (Attachment 5).

REPORT IMPACTS:

Agreement: No

By-law: No

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. 665 Highway 6 Site Map
2. Environmental Impact Study
3. Pictures
4. Real & Elfriede Tremblay Support Letter
5. Grand River Conservation Authority Objection Letter
6. Arborland Forestry Consulting Report