

Municipality Of Chatham-Kent

Community Development

To: Mayor and Members of Council

From: Bruce McAllister, MCIP RPP
General Manager, Community Development

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Manager, Growth & Sustainability, Planning Services

Date: August 5, 2021

Subject: Woodlot Preservation Motion

Recommendations:

It is recommended that:

1. Administration prepare a Terms of Reference for the creation of a Natural Heritage Advisory Committee of Council (NHAC) to be considered at the September 27, 2021 Council Meeting.
2. The Subsection 7.3 of Temporary Clear Cutting By-law 72-2021 be deleted and amended to read that the By-law shall automatically expire on December 14, 2021 at 11:59 pm (attached as Appendix A to this Report).

Background

On April 26, 2021, Council approved the following motion:

“That:

1. The temporary by-law presented to Council on February 11, 2013 be passed, effective immediately, and expiring 120 days from the date of passing, or when repealed by a further vote of Council. Furthermore, administration be authorized to adjust any dates, signing names and other minor administrative matters within the by-law.
2. Administration be directed to:
 - a) Consider an incentive program, with the goal of preserving woodlots in the community and providing land owners with tangible and flexible options for being included in the program.
 - b) Launch a full public consultation process with interested parties, including virtual meetings and opportunities for comment on the Let's Talk Chatham-Kent portal.

- c) Conduct an analysis of best practices for incentive programs and woodlot preservation across Ontario.
- d) Revise and update, for Council's consideration, the current natural heritage policy.
- e) Revise and update, for Council's consideration, the by-law from February 11, 2013.
- f) Present to Council all summaries, findings, analysis, comments, feedback, updated policies and bylaws in a report with recommendations, within 90 days of this motion being approved."

Comments

Public Consultation

A [June 14, 2021 Report](#) outlined the community engagement process to support Council's Motion. In light of COVID-19 restrictions, a dedicated page on www.letstalkchatham-kent.ca was created to serve as the main public-facing project portal. In addition, a customized community engagement platform was designed through the use of the Ethelo platform. Given the importance of the subject to Council and the community, Administration also ran a diverse communications campaign that employed a variety of media (i.e. press release, local radio ads and interviews, local newspaper ads and articles, social media, direct mail) to bring awareness to the engagement process.

The use of Ethelo to manage engagement activities provided a number of advantages that go beyond the traditional poll or survey, including:

- a) A customized and professionally designed platform configuration process and layout that employs input instruments specifically tailored to the nature and goals of this community engagement.
- b) A dynamic user feedback function that allows members of the public to identify their priorities and receive feedback on the implications of individual decisions on their larger priorities as they are going through the process and providing input.
- c) A temporary increase in available expertise and technical capacity.

The Ethelo platform was launched on June 14th 2021 and remained live until 5:00pm on July 9th 2021. Throughout this time approximately 1500 residents partially or fully participated in the engagement and over 3500 individual comments were provided through the platform. While the survey was open, over 100 telephone inquiries and over 50 email inquiries were received from the public seeking details on the engagement. After the survey was closed, a proprietary authentication process was completed by Ethelo to screen multiple submissions and submissions from non-residents.

The survey questions were designed to seek input on the following:

1. The community's general values towards the concept of woodlot preservation
2. The community's opinions on a spectrum of potential options or instruments for woodlot preservation, including:
 - a. Taking no action
 - b. Education and awareness programs
 - c. Incentive programs
 - d. Regulations (Bylaw)
3. The community's opinions on various details that would need to be considered if education programs, incentive programs, and/or a bylaw were to be implemented by Council in the future.

A summary of the responses for the first two areas listed above are summarized below, and a more detailed summary of the entire online engagement exercise is attached as Appendix B to this Report.

Question: I Support the Preservation of Woodlots in Chatham-Kent (1268 Total Votes)

**"I support the preservation of woodlots
in Chatham-Kent"**

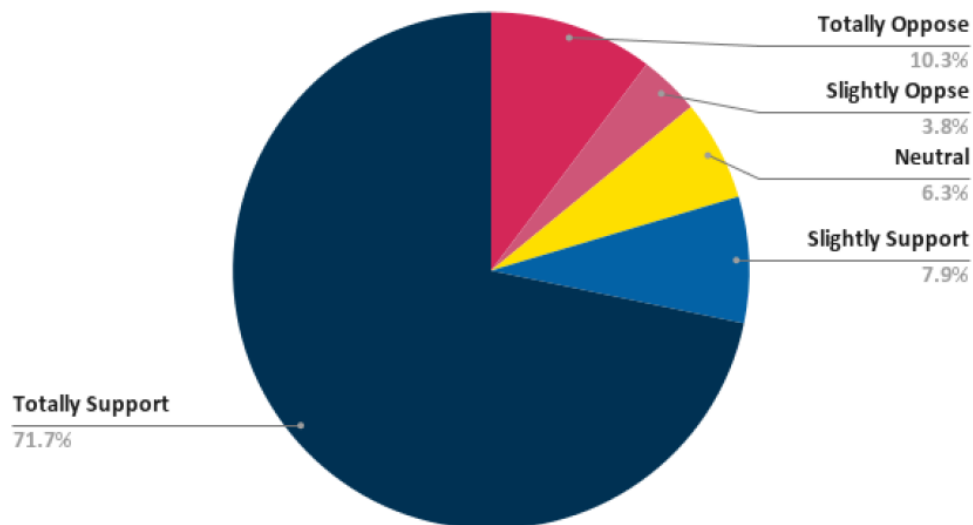


Figure 1: Survey Results for the Question: I Support the Preservation of Woodlots in Chatham-Kent

Question: I Support the Introduction of Restriction on Property Rights to Preserve Woodlots (1175 Total Votes)

"I support the introduction of restrictions on property rights to preserve woodlots in Chatham-Kent"

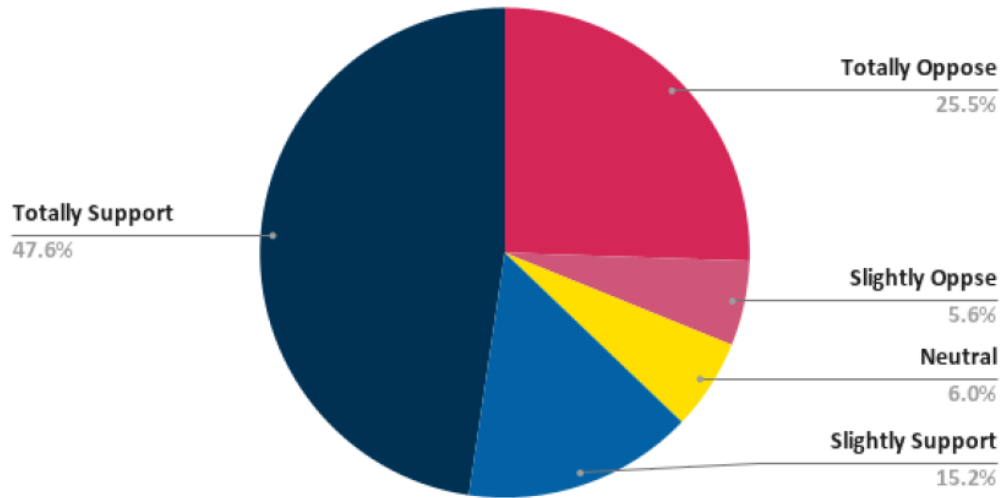


Figure 2: Survey Results for the Question: I Support the Introduction of Restrictions on Property Rights to Preserve Woodlots in Chatham-Kent

Question: I am Prepared to Pay More in Taxes to Preserve Woodlots in Chatham-Kent (1175 Total Votes)

"I am prepared to pay more in taxes to preserve woodlots in Chatham-Kent"

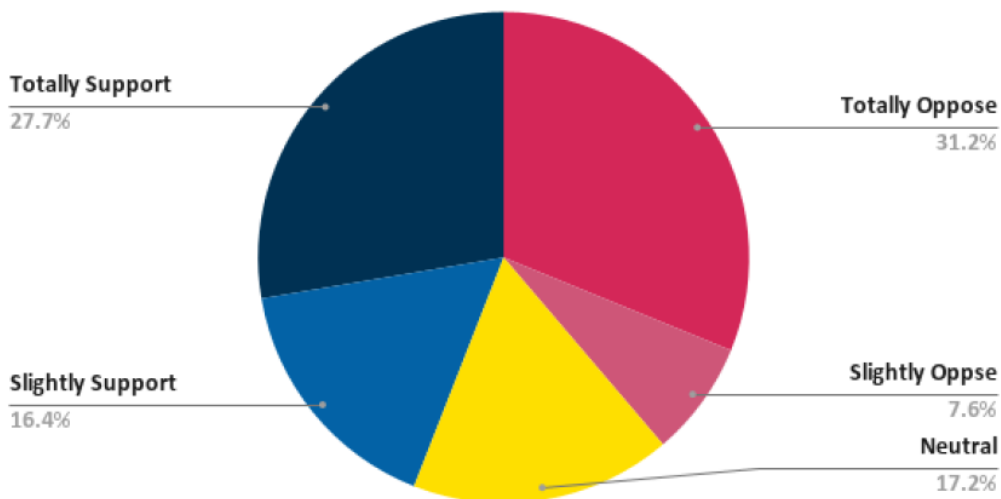


Figure 3: Survey Results for the Question: I am Prepared to Pay More in Taxes to Preserve Woodlots in Chatham-Kent

Question: What Should the Municipality do to Preserve Woodlots? (1257 Total Votes)

What should the municipality do to preserve woodlots?

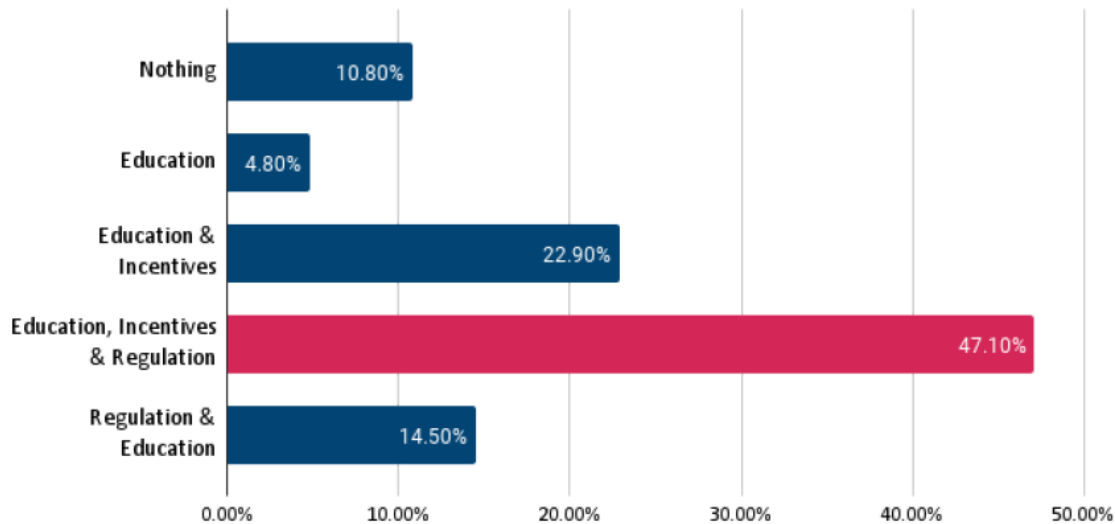


Figure 4: Survey Results for the Question: What Should the Municipality do to Preserve Woodlots

Virtual Town Hall

In addition, on Tuesday, June 29, 2021, a Virtual Town Hall style Zoom meeting was also held. Due to space limitations, people were asked to pre-register for the event. Approximately 65 individuals attended the session. The purpose of the Town Hall was not to be an “information out” style meeting, but rather an opportunity for people to break-out into smaller groups to have a conversation:

Specifically, there were 3 rounds where smaller groups were asked the following questions:

Round 1: *When I consider private woodlot management, what is most important to me about this issue? What are my hopes for this engagement process?*

Round 2: *What are my biggest concerns with the municipality potentially becoming involved in managing private woodlots?*

Round 3: *What is the one thing that I most want the municipality to consider or to understand in their decision making process about managing private woodlots?*

A recording of the event and a chat log is available here: <https://ck-woodlot-preservation-bylaw.ethelo.net/page/live-dialogue>

Letters and Written Submissions

A number of formal letters and emails were received throughout the engagement process. These include numerous submissions from residents and landowners, the South West Woodlot Association, the Ontario Woodlot Association, the Regenerative Agricultural Land Use Management (REALM) Farm Group Chatham-Kent, the Chippewas of the Thames First Nation and the Kent Federation of Agriculture.

The written submissions received between April 26, 2021 and 9:00 am August 6, 2021 are attached as Appendix C to this Report and Council has been forwarded a consolidated version of all of these submission and any submission received after August 6, 2021 will be forwarded to Council as well

Comment Analysis

The following section provides a non-exhaustive summary of frequently received comments from the public during the engagement process.

Attempts to Spam Fraudulently Influence the Results of the Engagement

Throughout the engagement process and afterwards, a number of claims were made about potential coordinated efforts to influence the results of the survey through multiple survey submissions and/or submissions by non-residents. Given the seriousness of these claims, Administration requested that Ethelo produce a supplementary security analysis report (attached as Appendix D) to investigate any fraudulent and/or coordinated attempts to spam or alter the survey's results. Key findings are summarized below:

User Authentication

Ethelo has developed and employs a proprietary "passive authentication" process for the engagements they are hired to facilitate across Canada and the world. This process includes, but is not limited to, device IDs, IP addresses as well as attempts to obscure that information and patterns of activity on the platform. Ethelo uses various techniques to determine the location of participants, as well as attempts by individuals to submit more than one entry. They also conducted analysis on user-generated data to identify patterns associated with fraudulent activity.

This analysis, which included software tools as well as human analysis, flagged about 250 user accounts out of 1,763 as being suspicious. Entries that were flagged as suspicious were excluded from the engagement results.

It should be noted that the online platform that was initially identified in Council's motion to serve as the primary platform for this engagement does not offer as rigorous of a user authentication process as that offered by Ethelo.

Fraudulent Entries and the Participation of Non-Residents

The security analysis included a number of tests to assess the validity of the data. These tests included:

- Applying a filter that only included submissions that could be traced to a physical location in Chatham-Kent
- Applying a filter that excluded anonymous and entries from distant locations
- Analyzing the input received by suspicious accounts

These tests revealed a variety of suspicious attempts to undermine the survey results throughout the engagement period, and that the overwhelming majority of these attempts tried to skew the results against regulation. Refer to Appendix D for additional details.

Survey Bias

A small but notable number of comments were received during the engagement process alleging that the survey was biased both for and against the introduction of a woodlot preservation Bylaw. On this, it should be noted that:

1. The survey was professionally reviewed by the engagement experts at Ethelo against inherent bias.
2. Suggestions of bias were roughly equally distributed amongst those in favor of introducing regulation and those against, which suggests that the survey generally struck a fair balance.

The participation of non-woodlot owners

Another small but noteworthy recurring element in the comments was the suggestion that non-woodlot owners should not be eligible to participate in the survey since the introduction of a bylaw would not impact them directly. On this point, it should be noted that:

1. Council's motion included the direction to launch a full public engagement process, which is understood to include all residents of Chatham-Kent.
2. The survey included questions on issues unrelated to the introduction of a Bylaw, such as the community's willingness to pay for woodlot preservation incentives, which if introduced, could affect every resident in Chatham-Kent.
3. The detailed survey results can be broken down to separate the views of woodlot owners from non-woodlot owners.

Urban Trees and Municipal Action on Trees and Forest Preservation

A number of comments were made by participants questioning why privately-owned urban trees were not part of the scope of this engagement process. Related to this, a number of other comments were made suggesting that the Municipality should take a more proactive approach on protecting, enhancing and maintaining trees and forested areas on municipal lands rather than solely focusing on privately owned woodlots. On these points, it should be noted that:

1. The scope of the Council's motion included a direction that called for this public engagement process to focus on private woodlots. Additional consultations on privately-owned urban trees are possible, at Council's direction.

2. The Motion also included a separate direction calling for an update to the Municipality's Natural Heritage Implementation Strategy, which, when the project is initiated, will explore holistic approaches to protecting, enhancing and maintaining trees, forest cover and other natural areas (i.e. wetlands, tall grass prairies etc.) throughout Chatham-Kent along with resource implications.
3. Council approved a budget of \$75,000 per year over two years (\$150,000 total) as part of the 2021 Municipal budget to fund a tree replacement program for trees that are cut down to due Municipal activities.
4. The Municipality's development standards, approved in 2020, require that a new street tree be planted and funded by the developer for every residential unit approved for construction.

The need for Additional Engagement

A number of comments were made by respondents from across the political spectrum throughout the engagement process suggesting that additional consultations are warranted and should be pursued before a final decision is made. On this, it should be noted that Administration is proposing the establishment of a Natural Heritage Advisory Committee of Council (NHAC) whose responsibilities would include undertaking a detailed review of the comments and input received as part of this engagement process, considering the need for additional information gathering and engagement, developing future recommendations for private woodlots to be considered by Council, and advising on the development of an updated Natural Heritage Implementation Strategy.

Incentives

As previously reported by Administration in the [Rural and Urban Tree Cover in Chatham-Kent Report](#) on September 21 2020, a number of incentive programs currently exist for property owners of woodlots. The following is a brief summary of each.

Farm Forestry Exemption – The Municipal Property Assessment Corporation (MPAC) administers this program in conjunction with a property owner's land assessment under Section 3(19) of the Assessment Act.

In this program, one acre used for forestry purposes for every ten acres of farmland in any one municipality under a single ownership, but not more than 20 acres in all, is exempt from assessment, and subsequently property taxes.

Key Points – This is an exemption from assessment. There is no property tax charged on the woodlot as long as it is a qualifying farm property and the total woodlot under a single ownership does not exceed 20 acres in a given municipality. To be eligible, the land must not be subject to the Managed Forest Tax Incentive Program or the Conservation Land Tax Incentive Program. MPAC automatically applies the exemption if the farm property qualifies.

Additional information on the MPAC Farm Forestry Exemption Program can be accessed at:

<https://www.mpac.ca/en/MakingChangesUpdates/QualifyingFarmTaxIncentivePrograms>

Managed Forest Tax Incentive Program – The Ministry of Natural Resources and Forestry administers the program per Section 19 (5.2) and (5.2.1) of the Assessment Act.

In this program, landowners who own 9.88 acres or more of forested land on a single property may apply to have their property classified as “Managed Forest” and pay 25% of the municipal tax rate set for residential properties (in Chatham-Kent, this would be 3% more than a farm property since the farm ratio is currently 22%). Willing participants must prepare and follow a 10 year managed forest plan that details how the owner will manage the forest responsibly. The plan is to be approved by a Managed Forest Plan Approver, certified by the MNRF. Owners need to submit a five year progress report and update the forestry management plan every 10 years to remain in the program. Currently, approximately 1100 acres of woodlots spread over 35 properties are currently enrolled in the MFTIP program throughout Chatham-Kent.

Key Points – This is a reduction in the tax rate applied to assessment of the forested land. To be eligible, the land must be 9.88 acres or more in size and be forested land on a single property on one roll number. Property owners are required to make a separate application to the MNRF to be enrolled in this program and qualify for the reduction. Submission of a progress report is required in year 5 and an updated management plan is required every 10 years to remain in the program.

Additional information on the Managed Forest Tax Incentive Program can be accessed at: <https://www.ontario.ca/page/managed-forest-tax-incentive-program>

Conservation Land Tax Incentive Program – The Ministry of Natural Resources and Forestry (MNRF) administers this program.

In this program, portions of a property that have eligible natural heritage features may qualify for a 100% property tax exemption. To qualify, MNRF must identify the land to be one of the eligible land types:

- a) Provincially significant areas of natural and scientific interest
- b) Niagara Escarpment Natural Areas within the designation “Escarpment Natural Area”
- c) Habitats of endangered species
- d) Provincially significant wetlands approved by MNRF
- e) Community Conservation Lands (restricted to non-profit charitable conservation organizations and conservation authorities)

In addition to the above, the land needs to be a half acre or larger. Floodplains are not eligible land types. Currently, approximately 850 acres of natural features spread over 8 properties are enrolled in the CLTIP program throughout Chatham-Kent.

Key Points – This is a 100% exemption from tax. Property owners must complete and return an application form every year to continue qualifying for the program.

Additionally, owners need to permit MNR to inspect the portion of the land if requested that has qualified for the program. Owners must commit to protecting the designated portion of their property.

Additional information on the Conservation Land Tax Incentive Program can be accessed at: <https://www.ontario.ca/page/conservation-land-tax-incentive-program>

Alternative Land Use Services (ALUS) Program

One of the implementation strategies identified in the 2014 Natural Heritage Strategy was to investigate the Alternative Land Use Services (ALUS) Program for Chatham-Kent.

The Alternative Land Use Program, also known as the ALUS program, is a voluntary, community-developed and farmer-delivered environmental stewardship program that helps farmers to produce valuable ecosystem services¹ on marginal Canadian farmland. The Chatham-Kent ALUS program was established in 2018 and through a partnership between the Lower Thames Conservation Authority (LTVCA) and ALUS Canada – the not-for profit organization that provides support and funding to ALUS communities across Canada. The Chatham-Kent ALUS program is administered by LTVCA staff and is overseen by the Chatham-Kent Partnership Advisory Committee (PAC), whose membership of 11 members includes 8 local producers to ensure that local agricultural priorities and conditions are reflected in the decision-making process. The PAC also includes a representative from ALUS Canada, two municipal staff, and representation from the LTVCA who all serve in a non-voting technical advisory capacity.

Common ALUS projects include reforestation, wetland restoration and native prairie habitat. Participants are initially provided with some funding to cover a portion of the costs to establish the project. Additionally, they are also provided with an annual payment for the acres included in the stewardship project to recognize and maintain the ecosystem services generated by the project and to encourage long term retention. Funding for the project is obtained through a variety of sources including ALUS Canada, Provincial and Federal governments, non-profit organizations, and private donations.

In 2019, 17 local farmers implemented 57 acres of stewardship projects on their lands including 12.75 acres of wetlands, 15 acres of trees, 20.5 acres of tall grass prairie, and nine acres of delayed hay.

In 2020, despite many challenges posed by COVID, another 17 local farmers implemented 42.7 acres of additional stewardship projects including 4.5 acres of wetlands, 8.5 acres of trees, 18 acres of tallgrass prairie, and 11.7 acres of buffer strips.

¹ Ecosystem services are the many and varied benefits to humans provided by the natural environment such as clean air, clean water, productive soils, wildlife habitat, crop pollination, decomposition of wastes, human mental and physical well-being, etc.

A PowerPoint showing various types of projects and additional information on the ALUS program is included as Appendix E to this Report.

Additional information on the Chatham-Kent Alternative Land Use Services Program can be accessed at: <https://www.lowerthames-conservation.on.ca/conservation-services/grants-for-landowners/>

In addition, there were many comments received through the online engagement regarding incentives that need to be reviewed and considered further, including what the overall financial impacts would be for any new potential programs. One such opportunity that warrants further review and research is the potential to employ the concept of carbon offsets to generate some or all of the funding required to capitalize a municipal woodlot preservation incentive program, should one be implemented in the future.

Planning Context & Legislative Framework on Natural Heritage in Ontario

Ontario Municipal Act – Municipal Tree Cutting Bylaws

The Ontario Municipal Act, 2001 provides tree-cutting bylaw powers to all municipalities in Ontario. Sections 135 to 140 of the Ontario Municipal Act, 2001, specifically deal with Municipal tree-cutting bylaws and are summarized below.

Under the legislation, an upper-tier municipality is able to pass bylaws for woodlots that are one hectare or more in size, while a lower tier or single tier municipality (such as Chatham-Kent) is authorized to pass bylaws for trees in woodlots of less than one hectare.

Under the Municipal Act, Municipalities have the authority to:

1. Regulate and/or 'prohibit' the destruction or injuring of trees
2. Specify how trees in a woodlot are harvested
3. Determine the qualifications of persons involved in woodland management
4. Implement a permitting process prior to the commencement of tree-cutting activities
5. Empower By-law officers to order cutting to stop
6. Determine appropriate exemptions

Tree-cutting bylaws cannot regulate:

- Removal of trees undertaken during the execution of Normal Farm Practices as defined under Ontario's Farming and Food Production Protection Act, 1998²
- Removal of trees required for construction or maintenance of electrical transmission or distribution systems

² 6 (1) No municipal by-law applies to restrict a normal farm practice carried on as part of an agricultural operation. 1998, c. 1, s. 6 (1).

- Removal of trees required for municipal activities or surveying
- Removal of trees on Crown land or for licensed pits & quarries
- Removal of trees approved through a Planning Act application as a condition of site plan, subdivision or consent, or a development permit

The government of Ontario has granted municipalities the authority to regulate tree cutting on private lands since the 1940s. The authority was initially granted to control clear-cutting or near clear cutting activities.

Additional information on the Ontario Municipal Act can be accessed at:

<https://www.ontario.ca/laws/statute/01m25>

Ontario Municipal Act – Municipal Policy to Protect and Enhance Tree Cover and Natural Vegetation

The Ontario Municipal Act, 2001 requires that municipalities adopt and maintain a number of policies on a variety of matters, including trees and natural vegetation. Specifically, section 270(1)7 of the Act requires the adoption of a policy specifying “the manner in which the Municipality will protect and enhance the tree canopy and natural vegetation in the Municipality”. In Chatham-Kent, the existing Natural Heritage Implementation Strategy has been noted as currently satisfying this requirement.

Ontario Planning Act – Matters of Provincial Interest

The Ontario Planning Act is the provincial legislation that governs land use planning in Ontario. In simple terms, the Planning Act outlines that Ontario’s land use planning system is to be led by provincial policy but implemented at the municipal level. As a result, Municipalities are required to ensure that local planning decisions align with a variety of provincial policies and matters of provincial interest when executing their respective planning responsibilities. Section 2 of the Planning Act sets out a number of these requirements, which include:

- (a) The protection of ecological systems, including natural areas, features and functions.
- (s) The mitigation of greenhouse gas emissions and adaptation to climate change.

With regards to the former, the existing Natural Heritage Implementation Strategy and the existing Official Plan currently serve to satisfy this requirement. It should be noted that both documents are scheduled to be updated in the near future, and one of the factors that will be explored as part of these updates is enhanced alignment with this provincial direction.

With regards to the latter, the development of Chatham-Kent’s Climate Change Action Plan will include an investigation of potential locally appropriate measures to mitigate and adapt to climate change that would then inform the update to Chatham-Kent’s Official Plan.

Additional Information on Chatham-Kent's Official Plan can be accessed at:
<https://www.chatham-kent.ca/business/planning/Pages/Chatham-Kent-Official-Plan.aspx>

Additional information on the Ontario Planning Act can be accessed at:
<https://www.ontario.ca/laws/statute/90p13>

Ontario Planning Act – Provincial Policy Statement (PPS)

The Ontario Provincial Policy Statement (PPS) is issued under Section 3 of the Ontario Planning Act. In simple terms, the PPS is a list of policy items that Municipal Governments are required to integrate or consider into their Official Plans and planning decisions.

The latest version of the PPS was issued by the Province of Ontario in early 2020 and contains a number of policies related to the environment and Natural Heritage Planning.

These policies support low carbon development, addressing the impacts of climate change, minimizing the impacts of development on the environment, and conserving biodiversity. The PPS also specifically calls for the identification of natural heritage features and systems along with their protection from incompatible forms of development. In order to satisfy these requirements, Administration is developing the climate change action plan and collaborating with the Lower Thames Valley Conservation Authority on a Natural Heritage Mapping exercise (previously referred to as the Natural Cover Change Assessment) which would support the proposed NHAC and inform the update to the Natural Heritage Implementation Strategy and the update to Chatham-Kent's Official Plan.

Additional information on the Ontario PPS can be accessed at
<https://www.ontario.ca/page/provincial-policy-statement-2020>

Endangered Species Act, 2007 (ESA).

In addition to the above legislative context, in terms of regulation, the Endangered Species Act, 2007 could potentially apply to any woodlot in Chatham-Kent. It is important to note that the ESA is a law of general application that is binding on everyone in the province of Ontario, and applies to both private and public lands. The ESA prohibits the killing, harming, harassing, possessing, buying, selling, trading, leasing or transporting species listed as threatened, endangered or extirpated under the Act. The ESA also prohibits damaging or destroying habitat of endangered and threatened species, which may apply to certain tree cutting activities. Landowners should be aware that they should consult with the Ministry of Environment, Conservation and Parks prior to the commencement of relevant activities to ensure compliance with the ESA. Failure to do so may result in fines of up to \$250,000 for individuals and \$1,000,000 for corporations.

Additional information on the Endangered Species Act, 2007 can be accessed at:
<https://www.ontario.ca/page/how-species-risk-are-protected>

Best Management Practices (BMP) Review

Council's Motion directed administration to conduct an analysis of best practices for incentive programs and woodlot preservation across Ontario. The following sections provide a summarized overview of this analysis.

Summary of Forest Incentive Programs in Select Ontario Municipalities:

Forest-related incentives provide landowners with an encouragement to conserve, enhance and/or restore treed areas. Table 1 provides an overview of forest incentive programs currently being implemented in select Ontario Municipalities.

Table 1: Existing Incentive Programs for Trees in Select Ontario Municipalities

Municipality	Alternative Land Use Services	Conservation Authority-Led Tree Planting Program	Municipally-Run Tree Planting program (Private Property)
Essex		X	
Lambton	X	X	
Chatham-Kent	X	X	
Middlesex	X	X	
Elgin	X	X	
Huron		X	
Bruce	X	X	
Grey	X	X	
Norfolk	X	X	
Wellington		X	Green Legacy Program

The Alternative Land Use Services Program (described above) is currently being implemented across several municipalities in Ontario, including in Chatham-Kent. Eligible projects under the ALUS program include funding to landowners for various forms of tree planting activities.

All the Conservation Authorities operating in the municipalities reviewed, operate a variety of tree planting programs. These programs provide landowners with a range of tree planting services which can include low cost seedlings, more mature trees, advisory services, and maintenance programs. The amount of funding provided to landowners varies, and can range from providing at-cost seedlings to covering up to 90% of the overall tree planting and establishment costs.

As part of its Green Legacy Program, Wellington County operates two municipally-run tree nurseries and provides free trees annually to qualifying landowners for planting on private property on a first come first served basis. In 2021, the County provided no-cost home delivery for those who placed orders.

Summary of Forest Management Bylaws in Select Ontario Municipalities:

The Ontario Government has granted municipalities with the authority to regulate woodlots since 1946. Figure Table 2 below provides an overview of the Municipalities

included in the BMP review that have forest management Bylaws in place and the year the Bylaw was first introduced.

Table 2: Existing Woodlot Management Bylaws in Select Ontario Municipalities

Municipality	Woodlot Bylaw	Year First Enacted
Essex		
Lambton	X	1979
Chatham-Kent		
Middlesex	X	1986
Elgin	X	1987
Huron	X	1979
Bruce	X	1986
Grey	X	1946
Norfolk	X	1947
Wellington	X	1946

Additional information on existing forest management bylaws from other communities along with Best Management Practices to conserve, enhance and restore forest cover can be found on Pages 8-11 of the [Rural and Urban Tree Cover in Chatham-Kent Report](#) that was presented to Council on September 21 2020.

Additional Tree Planting Activities in the Community:

The following offers a non-exhaustive sample of recent tree planting activities that have and are occurring in the community.

The LTVCA has made recent advancements with urban development and Maple City Homes to offer trees for new properties and home owners in new communities. The Chatham Kent Real Estate Board has also become a recent partner in offering trees to citizens who have recently purchased a new home. This program is in its first season (Spring 2021).

Retro Suites has offered to sponsor tree planting if guests minimize room service. In this program's first season, over 500 trees were registered. The local Squash Club has planted the trees on their property on McGregor Creek. Other interest groups are beginning to contact LTVCA with ideas and interest.

The Imagine McGregor Project is in the initial stages. LTVCA will be partnering with Ducks Unlimited Canada and are in the in the midst of hiring a Wetland Technician to implement stewardship projects in this targeted watershed.

The LTVCA have worked with MTO to plant over 60,000 trees along the 401 corridor in Chatham Kent since 2010.

Over 15,000 trees have been planted in Delaware First Nation Moraviantown since 2014.

Henry Smyth Park recently received a pollinator habitat project spearheaded by local community citizens and sponsored by the Chatham-Kent Community Foundation. Over the years this park has received many trees. Thames Grove also has recently received a pollinator habitat project and many trees.

2014 Natural Heritage Implementation Strategy

Following the previous round of engagements on the issue of private woodlots in 2013-14, Council approved the [Chatham-Kent Natural Heritage Implementation Strategy](#) (NHIS) as the primary instrument for conserving, enhancing and restoring the Municipality's natural heritage. The NHIS contained 29 actions selected to achieve the following six objectives:

1. Continue to work with the agricultural community to integrate agriculture, conservation goals and ecosystem services to increase natural heritage features and functions within the rural areas of Chatham-Kent;
2. Collaborate with agencies and non-profit organizations currently involved in natural heritage conservation in Chatham-Kent to ensure the most efficient use of limited resources to realize efficiencies through joint initiatives and sharing of information and expertise;
3. Foster a culture of natural heritage conservation throughout Chatham-Kent;
4. Increase the amount of canopy cover within the Urban Areas through the use of development standards/guidelines and stewardship efforts;
5. Enhance landowner recognition by acknowledging and celebrating the important work of existing stewards and creating interest for future stewards to participate in the program; and,
6. Demonstrate how the recommended implementation actions will assist in achieving the strategic actions/steps identified in the Rondeau-Erie Coast and Lake St. Clair Coastal Conservation Action Plans.

The implementation of the NHIS was overseen by the NHIS committee formed in late 2014 at the direction of Council. The Natural Heritage Sustainability Committee was created to provide a wide range of input into the implementation of the Chatham-Kent Natural Heritage Strategy, including identifying priorities and areas for action. The committee was composed of Municipal staff, Conservation Authority staff, and representatives from the agricultural and environmental communities. The committee met five times throughout 2014-2019. The Committee's work ended once the 29 NHIS recommendations had been fully explored.

In all, 16 of the 29 items were fully implemented, 3 have been partially implemented, 2 have been initiated, 1 had previously been implemented and 7 items have not been implemented. A detailed NHIS Implementation Status Report is included as Appendix F to this Report.

Next Steps

Natural Heritage Mapping: Completing a municipal-wide Geographic Information Systems (GIS) based tree canopy and natural cover change assessment for the years 2010, 2015 and 2020.

This task will measure how Chatham-Kent's tree canopy and natural cover has evolved between 2010 and 2020 and will show the impact that the Municipality's existing approach to enhancing tree and natural cover through the Chatham-Kent Natural Heritage Implementation Strategy has had in terms of affecting on-the-ground change over the years since it was initially approved.

In order to complete this task, the Municipality has partnered with the Lower Thames Conservation Authority (LTVCA) who have agreed to take the lead. Completion of this task involves:

- Developing a third-party reviewed methodology in partnership with the Municipality to develop a sound process for completing the land cover change assessment that is based on the latest Best Management Practices (BMPs) for GIS-based land cover change assessments and captures the kinds of changes and activities that are relevant to the context of Chatham-Kent.
- Processing the digital aerial photography files/datasets from 2010, 2015, and 2020 to identify the different land cover classes for each year (i.e. developed land, cultivated lands, open water and wetlands, treed areas etc.)
- Superimposing the 2010, 2015 and 2020 datasets over one another and completing a statistical analysis to understand what has changed in terms of land cover over the years and identify where this change has occurred.
- Interpreting and summarizing the results into a comprehensive and publicly accessible report along with a variety of infographics, maps, boards etc. to easily communicate the findings.

In 2020, the province of Ontario took updated digital aerial photography of the entire area of Chatham-Kent which was just received at the end of June 2021. The LTVCA estimates it will take approximately 3-4 months to process and analyze the data. The results of this task are expected to be ready by late 2021, and once ready will be presented to Council.

Natural Heritage Advisory Committee of Council (NHAC)

Through this process, one aspect that has become clear is that there would appear to a great benefit to formally establish a Natural Heritage Advisory Committee of Council (NHAC). In general, the purpose of (NHAC) would be to further facilitate the exchange of ideas between Council and the public with respect to protecting natural heritage features and areas and maintaining, restoring, and improving the biodiversity, connectivity and ecological functions of Chatham-Kent's Natural Heritage System.

Therefore, it is being recommended that Administration prepare a Terms of Reference for the creation of a formal Natural Heritage Advisory Committee of Council (NHAC) to be considered at the September 27, 2021 Council Meeting. The Temporary Clear Cutting By-law 72-2021

Administration is recommending that the Temporary Clear Cutting By-law 72-2021 be extended until December 14, 2021 to allow time for work to continue on the next steps identified above. Council can re-evaluate the status in December as there is a significant amount of work that needs to be undertaken. Alternatively, Council could simply choose to let the Temporary Clear Cutting By-law 72-2021 expire and allow work to continue on the next steps. However, it is important to note that if the By-law is allowed to expire, there will be no municipal enforcement mechanism if clear-cutting occurs in the future.

Consultation

As noted, extensive consultation was undertaken in the development of this report. Specifically, the LTVCA contributed directly to aspects of this report.

Financial Implications

There are no financial implications resulting from this Report.

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Attachment(s):

Appendix A: By-law to Amend Temporarily Prohibit Clear Cutting By-law 72-2021

Appendix B: Ethelo Woodlot Engagement Summary Report

Appendix C: Letters and Written Correspondence

Appendix D: Ethelo Woodlot Engagement Security Analysis

Appendix E: Alternative Land Use Services Program (ALUS) Project Examples

Appendix F: Natural Heritage Implementation Strategy Status Report

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