

**STAFF REPORT:**

**Planning**



**REPORT TO:** Mayor and Members of Council  
**MEETING DATE:** May 4, 2009  
**REPORT NO.:** PL.09.45  
**SUBJECT:** Draft Policy on Significant Woodlands within the Niagara Escarpment Plan Area  
**PREPARED BY:** Cindy Welsh, MCIP, RPP  
Senior Policy Planner

**A. Recommendations**

**THAT Council does receive Planning Staff Report #PL.09.45, “Draft Policy on Significant Woodlands within the Niagara Escarpment Plan Area” for information purposes and that these comments be forwarded to the Niagara Escarpment Commission for consideration.**

**AND THAT the Niagara Escarpment Commission be advised of the Town’s support of the County’s objection to the process used to approve the Significant Woodlands Policy.**

**B. Background**

On January 15, 2009, the NEC approved a policy on the identification and protection of significant woodlands within the Niagara Escarpment Plan Area. The policy was received by the County Planning Department on March 4, 2009, which was the first notification. The Town was not advised of this policy until late March 2009. At its March 19, 2009, meeting the NEC decided that this policy would be considered draft until further technical comments are received from area municipalities. Comments are to be submitted to the NEC no later than May 29, 2009.

At present, the Niagara Escarpment Plan (NEP) has no clear policy direction with respect to significant woodlands within the Niagara Escarpment Plan Area (NEPA). This draft policy has been developed to identify minimum criteria standards for the determination of significant woodlands in the absence of a municipal approach or in place of a municipal approach that is not consistent with the NEC adopted criteria. According to the NEC, the criteria and related policies will allow the NEC to be a decision-maker on significant woodlands, rather than a consulting agency on municipal positions when significant woodlands are being considered in relation to development proposals.

NEC staff reviewed and analysed the criteria and standards recommend by the Ministry of Natural Resources (MNR) within the Natural Heritage Reference Manual (NHRM) (the draft 2nd edition of the NHRM is still under review), criteria developed under the Greenbelt Plan and Oak Ridges Moraine Conservation Plan, as well as municipal

approaches where studies have been undertaken. Estimates of the percent wooded cover and average wooded patch size were calculated using the Southern Ontario Land Resource Information System (SOLRIS).

The County of Grey has identified significant woodlands within its adopted Official Plan Five-year review. The County has reviewed the proposed draft policy and drafted a staff report which was presented to the March 12, 2009, Planning and Community Development Committee and subsequently accepted on April 7, 2009, by County Council. The County has recommended the following be forwarded to the Niagara Escarpment Commission for their consideration:

1. That the Planning and Community Development Committee accepts Planning Report PDRPCD-07-09 as presented;
2. That the Niagara Escarpment Commission be advised of the County's objection to the process used to approve the Significant Woodlands Policy; and
3. That at a minimum the County be considered in the 'North Area' and that the County maps be utilized for identifying Significant Woodlands in the County of Grey.

Town staff have reviewed the County's report and concur with it, including all three recommendations presented. As part of the Town's Official Plan Update, Staff will be incorporating appropriate significant woodlands policies into the Town's Official Plan.

### **C. The Blue Mountains' Strategic Plan**

1. Managing growth to ensure the ongoing health and prosperity of the community.

### **D. Environmental Impacts**

This policy change does not appear to generate any significant environmental impacts that can be regulated by the Town.

### **E. Budget Impact**

No budget impacts have been identified at this time.

### **F. Attachments**

1. County of Grey Planning and Community Development Report PDR-PCD-07-09, *Niagara Escarpment Commission Significant Woodlands Policy*, March 12, 2009.
2. Niagara Escarpment Commission – *Policy Report Re: Significant Woodlands in the Niagara Escarpment Plan Area*, January 15, 2009.
3. Niagara Escarpment Commission – *Draft Policy on Significant Woodlands within the Niagara Escarpment Plan Area*, February 19, 2009.

Submitted by:

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*CORPORATION OF THE  
COUNTY OF GREY*

**COMMITTEE REPORT**

PDR-PCD-07-09

**TO:** Chair McKinlay & Members of Planning and Community Development Committee

**FROM:** Randy Scherzer, MCIP RPP, Senior Planner/GIS Coordinator

**MEETING DATE:** March 12, 2009

**PURPOSE:** Niagara Escarpment Commission Significant Woodlands Policy

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**RECOMMENDATION**

**THAT the Planning and Community Development Committee accepts Planning Report PDR-PCD-07-09 as presented;**

**AND THAT the Niagara Escarpment Commission be advised of the County's objection to the process used to approve the Significant Woodlands Policy;**

**AND THAT at a minimum the County be considered in the 'North Area' and that the County maps be utilized for identifying Significant Woodlands in the County of Grey.**

**PURPOSE OF THE REPORT**

The purpose of this report is to provide an overview of the significant woodlands policies and criteria approved by the Niagara Escarpment Commission (NEC), and outline staff concerns with the criteria and policies.

**BACKGROUND**

On January 15, 2009, the NEC approved a policy on the identification and protection of significant woodlands within the Niagara Escarpment Plan Area. The policy was received by the County Planning Department on March 4, 2009 which was the first time County Planning Staff have heard about this Policy. It should be noted that the approved policies are not part of the Niagara Escarpment Plan but are rather a stand alone policy which will be used by NEC staff to determine if a woodland is significant. The Policy develops minimum criteria standards for the determination of significant woodlands in the absence of a municipal approach or in place of a municipal approach that is not consistent with the NEC adopted criteria. According to the NEC, the criteria and related policies will allow the NEC to be a decision maker on significant woodlands, rather than only a

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consulted agency on municipal positions, when significant woodlands are being considered in relation to development proposals. NEC staff reviewed and analysed the criteria and standards recommend by the Ministry of Natural Resources within the Natural Heritage Reference Manual (NHRM), the draft 2<sup>nd</sup> edition of the NHRM (still under review), criteria developed under the Greenbelt Plan and Oak Ridges Moraine Conservation Plan, as well as municipal approaches where studies have been undertaken. Estimates of the percent wooded cover and average wooded patch size were calculated using the SOLRIS data in order to determine the North, Central and South area divides and the threshold criteria.

### **POLICY & CRITERIA OVERVIEW**

- The criteria developed by the NEC is the minimum standard applied in the determination of woodland significance within the NEP.
- The policies indicate that the NEC **shall** make the final decision on significance.
- Where municipalities have undertaken studies and established criteria for the identification of significant woodlands, **and those criteria are consistent with the criteria adopted by the NEC**, the NEC will support the municipal approach and municipal criteria shall be applied by the NEC to assess the significance of a woodland subject to a proposed development or site alteration.
- Where the municipal approach and criteria is being applied and the municipality has identified and mapped significant woodlands, the mapping shall be used (*this appears to only apply if the municipal criteria is consistent with the NEC criteria*).
- A 120 metre zone of influence shall be established from the outside boundary (as measured from the dripline of the trees) of identified significant woodlands. Where a major development or site alteration is proposed or there is a disagreement on the siting of the use or the significance of the woodland, the Commission may require that an Environmental Impact Study be undertaken by the proponent to demonstrate that the features and functions of the significant woodland will not be negatively impacted by the proposed development and to identify a sufficient vegetation protection zone.
- A minimum 30 metre vegetation protection no development zone shall be established from the outside boundary of identified significant woodlands.
- Exceptions to the 120 metre zone of influence and the 30 metre no development zone are: a dwelling on an existing lot of record and uses incidental or accessory to the dwelling; expansion of an agricultural operation and uses accessory to the agricultural operation; essential transportation and utility facilities; minor expansion or alteration to an existing use; forest, wildlife and fisheries management; archaeology activities; uses permitted in Parks or Open Space Master/Management Plans; home occupations, cottage industries and home industries; watershed management and flood and erosion control projects; Bruce Trail Corridor and similar pedestrian trails; Bed and Breakfast homes; farm vacation homes; and nature preserves.
- In cases where a Niagara Escarpment Plan Amendment for a Mineral Resource Extraction is applied for, early successional habitat and young plantations (both of which are defined in the definitions section of the policy document) are not considered to be part of significant woodlands.
- The process of delineating woodlands (in order to further apply criteria to evaluate for significance) shall use the technical guidance and methodology developed by the MNR for the Greenbelt Plan and the Natural Heritage Reference Manual.

- The policies will apply to all planning applications **and those currently being processed** and/or considered by the NEC within the area of the NEP, including Niagara Escarpment Plan Amendments.
- If necessary, these policies will be revisited and refined to incorporate new information and improved approaches...feedback or comments from other planning authorities and stakeholders will also be considered.

**Comparison of NEC Criteria and the Proposed Grey County OP criteria**

<b>Criterion</b>	<b>NEC (any woodlands meeting <u>one</u> of the criteria listed below is considered significant)</b>	<b>Proposed County of Grey OP (Any woodland meeting the size criteria. For those woodlands less than the size criteria a woodland can be significant if it meets two of the other three criteria identified below**)</b>
<b>Size</b>	10 hectares or greater	40 hectares outside of settlement areas or 4 hectares in Settlement Areas (i.e. Primary/Secondary/Tertiary Settlement Area, Inland Lakes & Shoreline and Recreational Resort Area)
<b>Interior Habitat</b>	Interior habitat defined as 100 metres from the edge <ul style="list-style-type: none"> <li>• Any interior where wooded cover is &lt;15% of land cover</li> <li>• 2 ha or more of interior where wooded cover is approximately 15 to 30% of land cover</li> <li>• 8 ha or more interior where wooded cover is approx. 30 to 60% of land cover</li> <li>• 20 ha or more interior where wooded cover is more than approx. 60% of land cover</li> </ul>	**8 hectares or more interior habitat measured 100 metres from the edge
<b>Rare Species/Community</b>	Any woodland containing endangered, threatened and/or special concern species	N/A (covered as part of significant habitat policies and these species would only be identified through site visits and/or if an EIS was triggered from other policies in the County Plan)
<b>Linkage</b>	Any woodland that is 4 ha or greater that provides a connection or linkage between any two natural areas, each of which is within 120 metres of the woodland	**Any woodland that intersects with another natural heritage feature (i.e. Significant Wetland, ANSI) or **any woodland that is within 30 metres of another woodland.
<b>Age or Tree Size</b>	Any woodland containing native trees that are 100 years or older that are at a density of 10 trees/ha or greater or containing basal area of 8 square m/ha in trees having a diameter of 40 cm or greater, or;	N/A – Age of trees and basal area would be analyzed as part of the EIS and would help determine the significance of the woodland (i.e. features and function of a significant woodland)
<b>Natural Composition</b>	Any woodland 4ha or greater containing naturally occurring (not planted) trees listed in Table 2 of the policy document	N/A

	that meet the definition of woodland.	
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### Additional NEC Criteria

Although not listed in Table 1 of the NEC significant woodlands policy, the definition of woodland contains some additional criteria for determining significant woodlands. The definition of woodlands states that:

*“Significant woodlands are woodlands that have either:*

- a) a tree crown cover of over 60% of the ground, determinable from aerial photography (“forest” of Lee et al. 1998); or*
- b) a tree crown cover of over 10% of the ground, determinable from aerial photography (“treed community” of Lee et al. 1998), together with on-ground stem estimates of:*
  - 1,000 trees of any size per hectare, or*
  - 750 trees measuring over five centimetres in diameter, per hectare, or*
  - 500 trees measuring over 12 centimetres in diameter, per hectare, or*
  - 250 trees measuring over 20 centimetres in diameter, per hectare (based on Forestry Act of Ontario 1998).*

*For the purposes of (a) and (b), the tree amount is based on the average per hectare across the entire treed area. Woodlands experiencing changes such as harvesting, blowdown or other tree mortality are still considered woodlands. Such changes are considered temporary whereby the forest still retains its long-term ecological value.*

### Concerns

County Planning Staff have a number of concerns with the approved significant woodland policies, which include:

- The Niagara Escarpment Commission did not consult with municipalities about the criteria or the policies developed
- The significant woodlands policies are contained in a separate policy document and therefore are not part of the Niagara Escarpment Plan. This approach does not provide the transparency required for developers/landowners who may be seeking approvals for a development proposal in the Niagara Escarpment Plan Area. Also, there does not appear to be any policies in the Niagara Escarpment Plan related to significant woodlands. The 2005 Provincial Policy Statement indicates that the criteria for determining significant woodlands are recommended by the Province, but municipal approaches that achieve or exceed the same objective may also be used. County Planning Staff are of the opinion that NEC should adopt the criteria put in place by municipalities and that in the absence of municipal criteria, NEC criteria and policies would apply.
- Table 1 of the approved policies identify the criteria for analysis of significant woodlands within the Niagara Escarpment Plan Area. For the purposes of applying the criteria, the NEC divided the Plan Area into three areas. Grey County has been included in the Central area along with Simcoe and Dufferin County. As mentioned above any woodlands that are 10 ha or greater is considered significant in the Central Area. Bruce County is in the North Area and the minimum woodland size is 40 hectares. The policy document notes that Grey

County was included in the “Central Area” for the purposes of applying the criteria as the number of wooded patches and average patch size calculated using SOLRIS Phase 1 data, indicate that it is more consistent with those wooded areas of the Central Area. The SOLRIS Phase 1 data is inaccurate and therefore any analysis utilizing this data can also be inaccurate.

- The County of Grey has adopted Official Plan Amendment No. 80 which constitutes the five year review of the County Official Plan. A key component of this amendment was the exercise of identifying significant woodlands. The analysis conducted by the County, which was done with the assistance of MNR, indicates that the minimum woodland size for Grey County should be 40 hectares. Therefore, County staff are of the opinion that Grey County should be included in the North Area and that the County maps be utilized for identifying significant woodlands.
- The setbacks as mentioned above are greater than the setbacks in the County Official Plan (i.e. 120 metres vs. 50 metres). The NEC policies also apply a 30 metre vegetation protection no development zone. These policies are very similar to the policies contained in the Greenbelt Plan but only apply to the Protected Countryside designation. The Niagara Escarpment Plan area is part of the Greenbelt Plan but is separate and distinct from the Protected Countryside designation. The PPS allows for development to occur within significant woodlands and on the adjacent lands if it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. Staff are of the opinion that the approved policies are not consistent with the PPS.
- Criteria for identifying significant woodlands can be found in Table 1 of the policy document as well as the woodlands definition. The criteria identified at these two locations are different and this could cause confusion for individuals reviewing the criteria.

## **SUMMARY**

The Niagara Escarpment Commission (NEC) adopted a policy on the identification and protection of significant woodlands within the Niagara Escarpment Plan Area. The approved policies are not part of the Niagara Escarpment Plan but are rather a stand alone policy which will be used by NEC staff to determine if a woodland is significant. The Policy develops minimum criteria standards for the determination of significant woodlands in the absence of a municipal approach or in place of a municipal approach that is not consistent with the NEC adopted criteria. The policies will apply to all planning applications and those currently being processed and/or considered by the NEC within the area of the NEP, including Niagara Escarpment Plan Amendments.

County Planning Staff have a number of concerns with the approved policies including:

- no consultation with municipalities or the public prior to approving the policy;
- the policies are not incorporated in the Niagara Escarpment Plan;
- the criteria established were developed using an inaccurate data source and therefore are not consistent with the approach done by County staff with the assistance of the MNR;
- consistency with the PPS; and,
- different criteria for significant woodlands in different locations in the policy document.

County Planning Staff are of the opinion that NEC should utilize the County maps for identifying significant woodlands in the County of Grey and at a minimum recognize that the County should be considered as part of the “North Area”.

**Respectfully submitted,  
Randy Scherzer, MCIP RPP, Senior Planner/GIS Coordinator**

January 15, 2009

## POLICY REPORT

### **RE: SIGNIFICANT WOODLANDS IN THE NIAGARA ESCARPMENT PLAN AREA**

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#### **TOPIC:**

The Provincial Policy Statement (PPS) (2005) defines the term **woodlands** to mean:

*“treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. Woodlands include treed areas, woodlots or forested areas”.*

**Significance**, with regards to woodlands is defined as:

*“an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history”* (Provincial Policy Statement, 2005).

The PPS (2005) does not permit development and site alteration in significant woodlands south and east of the Canadian Shield, unless the proposed development meets the test of no negative impacts, normally determined through an Environmental Impact Study.

An increasing number of applications for proposed development and site alteration are involving potential impacts to wooded areas, some of which have been identified, using the methodology and standards recommended by the Province, as having features or functions that classify the woodland as being “significant”.

#### **Summary Recommendation:**

1. The NEC recognize significant woodlands within the NEPA, and as a planning authority, should identify and apply technical criteria to assess and make a determination of woodland significance (on a site specific basis), in the absence of municipal approaches, or approaches that do not meet NEC standards.



2. The NEC amend the NEP to include definitions related to significant woodlands consistent with the PPS and Greenbelt Plan, and policies pertaining to the identification and protection of significant woodlands within the NEPA.

## **ISSUE:**

The Provincial Policy Statement (PPS) (2005), Greenbelt Plan (GP) and Oak Ridges Moraine Conservation Plan (ORMCP), all recognize significant woodlands as a natural heritage feature and include policy provisions for their protection from site alteration and development. The GP and ORMCP have also supported the identification of these features in their respective Natural Heritage Systems through the development of technical papers that outline criteria and methodology to be applied in the evaluation and identification of significant woodlands.

While the Niagara Escarpment Plan (NEP) does recognize the fundamental importance of protecting wooded areas through the Purpose and Objectives of the Niagara Escarpment Planning Act (NEPDA) and the NEP, “*to provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment, and to ensure only such development occurs as is compatible with that natural environment*”, as well as through the related land use policies and Development Criteria, the NEP does not specifically identify or define significant woodlands nor does it include policies specific to the identification and protection of these natural heritage features which are recognized by the Province.

Furthermore, significant woodlands (as defined by the PPS, 2005), are not specifically noted as a criteria for the designation of Escarpment Natural Areas within the Plan. As such, significant woodlands may be sited within the lesser restrictive designations of the Plan and therefore subject to potential negative impacts from permitted uses.

The responsibility of identifying significant woodlands currently rests with planning authorities (e.g. the municipality), with technical support provided by the Ontario Ministry of Natural Resources (OMNR). The development of a set of criteria to apply in the evaluation of woodland significance is commonly undertaken through municipal studies that serve as the basis for mapping and future policy development. Municipalities within the NEPA are at various stages of identifying and incorporating Schedules and mapping of significant woodlands into Official Plans. In addition, evaluations may be undertaken using various standards, depending upon the resources of the planning authority.

This may result in NEC, as a planning authority, being required to make the determination on the potential significance of a woodland in the NEP that is subject to a Development Application or a Plan Amendment.

The NEP, as a result of its age, currently has no clear policy direction with respect to significant woodlands within the NEPA in order to address and support this planning process. Plan Reviews have not dealt with this issue because the matter was never made part of the

Review's Terms of Reference. Policies on significant woodlands within the NEPA are essential in order to provide greater protection to these features and in order to be consistent with the PPS (2005) and other provincial legislation (Greenbelt Act & ORMCA). Furthermore, municipalities and other planning authorities are directed to protect significant woodlands by the Province.

Additionally, one objective of NEPDA & NEP is *"to support municipalities within the Niagara Escarpment Plan Area in their exercise of the planning functions conferred upon them by the Planning Act"*. Municipal Official Plans often defer to the NEP for those lands within the NEPA. The need for specific policy direction on this matter is of particular importance if the NEC is required to support the municipality in defending a position at the Ontario Municipal Board (OMB) or similar hearings, on a matter involving a woodland's status as significant.

## **BACKGROUND INFORMATION**

### **Existing Policies for Significant Woodlands**

#### ***Provincial Policy Statement (2005) (PPS)***

Section 2.1.4 of the Provincial Policy Statement (PPS) (2005) states that:

*"development and site alteration shall not be permitted in significant woodlands south and east of the Canadian Shield, unless it has been demonstrated that there will be no negative impacts on the natural features and their ecological functions."*

The PPS applies to woodlands located south and east of the Canadian Shield which have been identified as significant.

Additionally, policy 2.1.6 states that *"Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.3, 2.1.4 and 2.1.5 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions."*

Adjacent lands are defined for the purposes of policy 2.1 as *"those lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area."*

#### ***Greenbelt Plan (2005)***

The Greenbelt Plan applies the PPS definition of significant with respect to woodlands, noting within the definition that *"the Province (Ministry of Natural Resources) identifies criteria relating to the forgoing."*

Section 3.2.4 of the *Greenbelt Plan* identifies significant woodlands as a key natural heritage feature:

*For lands within a key natural heritage feature or a key hydrologic feature in the Protected Countryside, the following policies shall apply:*

1. *Development or site alteration is not permitted in key hydrologic features and key natural heritage features within the Natural Heritage System, including any associated vegetation protection zone, with the exception of:*
  - a) Forest, fish and wildlife management;
  - b) Conservation and flood or erosion control projects, but only if they have been demonstrated to be necessary in the public interest and after all alternatives have been considered; or
  - c) *Infrastructure*, aggregate, recreational, shoreline and *existing uses*, as described by and subject to the general policies of section 4 of this Plan

Woodlands within those portions of the Protected Countryside that are outside of the Natural Heritage System, are not subject to the above policies of Section 3.2.4, but are subject to the PPS policies on key natural heritage features.

### ***Oak Ridges Moraine Conservation Plan (2002)***

The ORMCP provides the following definition of significant “... *means identified as significant by the Ministry of Natural Resources, using evaluation procedures established by that Ministry, as amended from time to time.*”

Section 22 of the ORMCP identifies significant woodlands as one of eight key natural heritage features that must be protected from development or site alteration. Development is generally prohibited within these features.

Specifically, Section 22 (2) requires that:

*“All development and site alteration with respect to land within a key natural heritage feature” (i.e. significant woodlands) “or related minimum protection zone is prohibited.”*

There are exceptions to the above, which include forest management, conservation flood and erosion control, transportation and infrastructure (with demonstrated need) and low intensity recreation.

Additionally, Section 35 (4) provides that:

*“an application for a mineral aggregate operation or wayside pit with respect to land in a key natural heritage feature may be approved if,*

- a) *the key natural heritage feature is occupied by young plantations or early successional habitat; and*
- b) *the applicant demonstrates that,*
  - i) *the long-term ecological integrity of the Plan Area will be maintained, or where possible improved or restored,*
  - ii) *the extraction of mineral aggregates from the area within the key natural heritage feature will be completed, and the area will be rehabilitated, as early as possible in the life of the operation, and*
  - iii) *the area from which mineral aggregates are extracted will be rehabilitated by establishing or restoring natural self-sustaining vegetation of equal or greater ecological value. “*

Development adjacent to significant woodlands is permitted only if it can be demonstrated that the development will not adversely impact the feature or functions. The Plan also provides for a minimum 30 metre “vegetation protection zone” around significant woodlands, and requires a natural heritage evaluation study for developments proposed within a “minimum area of influence”, which has been established as within 120 metres of any portion of a significant woodland.

### ***Niagara Escarpment Plan***

The NEP does not identify significant woodlands nor include policies for their evaluation and protection. However the protection of such natural features is inherent in the purpose of the NEPDA and the NEP *“to provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment, and to ensure only such development occurs as is compatible with that natural environment.”* and the objective *“to protect unique ecologic and historic areas.”*

The General Development Criteria Section 2.2 also speaks broadly to the protection of wooded areas, namely through the following policies:

Section 2.2.1 (a) requires that the long term capacity of the site can support the use without a substantial negative impact on Escarpment Environmental features...

Section 2.2.1 (b) requires that the cumulative impact of development will not have serious detrimental effects on the Escarpment environment...

Section 2.2.4 requires that development should be designed and located so as to preserve the natural and visual characteristics of the area.

Policies within Part 2 of the NEP specific to wooded areas include:

## 2.7 New Development Within Wooded Areas

The objective is to ensure that new development should preserve as much as possible of wooded areas.

1. Disturbance of treed areas should be minimized, and proposed developments in heavily treed areas shall have site plan agreements containing specific management details regarding the protection of existing trees.
2. Trees to be retained should be protected by means of snow fencing, wrapping, or other acceptable means during construction (e.g. tree wells).
3. Existing tree cover or other stabilizing vegetation will be maintained on slopes in excess of 25 per cent (1 in 4 slope).

## 2.9 Forest Management

The objective is *“to maintain and enhance the forests and associated animal and plant habitats.”* All cutting of trees requires approval from the implementing authority with a number of exceptions including cutting carried out in accordance with other Acts or programs administered by the MNR, to facilitate permitted uses.

## 2.14 Areas of Natural and Scientific Interest (ANSIs)

The objective is to protect provincially and regionally significant elements of the natural landscapes of Ontario.

1. Development shall be directed to locate outside of Provincially Significant and Regionally Significant Life Science ANSIs. Minor encroachments will be considered in relation to:
  - a) Specific features for which the ANSIs have been identified;
  - b) Protection, natural heritage appreciation, scientific study or educational values and their maintenance; and
  - c) Whether appropriate mitigative measures can be applied to protect ANSI values.

**Section 2.8 Wildlife Habitat** also provides for the protection of woodlands if they are deemed to be habitat for endangered, rare, special concern or threatened species.

## IDENTIFICATION OF SIGNIFICANT WOODLANDS

Unlike the identification of wetlands, provincial ANSIs, and Significant Wildlife Habitat, which lies with the OMNR, the identification of significant woodlands is a planning authority responsibility. However, the OMNR does provide general technical guidance in the form of suggested criteria and standards for the identification of significant woodlands, contained within Section 2.5 of the *Natural Heritage Reference Manual* (NHRM) (1999). The NHRM provides guidance for implementing the natural heritage policies in Section 2.1 of the PPS and represents the Province’s direction on the approaches to protecting natural heritage features.

With respect to the responsibility of identification of significant woodlands, the NHRM (1999) states that: *“the identification and evaluation of significant woodlands is a planning authority responsibility. Approaches to compiling and assessing woodland information will vary depending on the resources of the planning authority, availability of information, development pressures and the nature and extent of the woodlands present in the planning authority.”*  
*Comment:* The Natural Heritage Reference Manual is currently undergoing revisions by MNR. The updates are intended to make it consistent with the PPS (2005) and to provide updated technical information and clarifications. The second edition will retain much of the content of the first version, with improved approaches. A final draft has not yet been approved for posting on the Environmental Registry (targeted winter 2009) and subsequent review and comment by the NEC. Therefore, full consideration of the Second Edition NHR Manual has not been possible. The technical content of the NEC proposed significant woodland criteria, standards and related policies will be reviewed upon finalization of the updated Manual.

The PPS also provides direction on the responsibility of the identification of significance by stating:

*“Criteria for determining significance for the resources identified in sections (c) (woodlands) – (g) are recommended by the Province, but municipal approaches that achieve or exceed the same objectives may also be used.”*

### **Greenbelt Plan**

Technical Paper No. 2: Technical Definitions and Criteria for Significant Woodlands in the Natural Heritage System of the Protected Countryside Area of the Greenbelt Plan (2005), was posted on the EBR for comment in October 2008.

The paper was modeled after a similar technical paper that was prepared by MNR in support of the ORMCP.

The draft criteria proposed in the technical paper states that woodland within the Protected Countryside of Greenbelt Plan Area that meets any one of the criteria proposed is considered significant.

**Table 1:** Greenbelt Plan Proposed Criteria for the Analysis of Woodlands in the Protected Countryside

<b>Criteria</b>	<b>Description</b>	<b>North Area *</b>	<b>South Area **</b>
Size	Any woodlands of this size or greater are significant; or	10 hectares or more	4 hectares or more
Natural Composition	Any woodlands containing this area of naturally occurring (not planted) trees listed in Table A that meet the definition of “woodland”; or	4 hectares or more	1 hectare or more
Linkage	Any woodlands of this size or greater that provide a connecting “stepping stone” link between any two features, e.g., wetland, fish habitat, lake, stream, significant valleyland or significant woodland, each of which is within 120 metres of the woodland; or	4 hectares or more	1 hectare or more
Age or Tree Size	Any woodlands of this size with trees greater than 100 years old or containing a basal area of at least 8 square metres per hectare in native trees that are 40 cm or more in diameter; or	4 hectares or more	1 hectare or more
Proximity	Any woodlands of this size wholly or partially within the 30 m vegetative protection zone of a wetland, seepage area or spring, fish habitat, stream, lake, significant habitat of woodland wildlife, significant valleyland or significant woodland, or	0.5 hectare or more	0.5 hectare or more
Rarity	Any woodlands of this size containing a provincially “rare treed vegetation community” with an S1, S2 or S3 in its ranking by the Ministry of Natural Resources Natural Heritage Information Centre (NHIC) or important habitat of a woodland species with an 8, 9, or 10 in its southern Ontario Coefficient of Conservatism by the NHIC.	0.5 hectare or more	0.5 hectare or more

\* If a lower/single tier municipality has 15% or less woodland cover in the North Area, then the criteria in the South Area apply for that area.

\*\* If a lower/single tier municipality has less than 5% woodland cover in the South Area, the 4 ha or more size criterion becomes 2 ha or more, and the 1 ha or more criteria become 0.5 ha or more for that area.

## **Oak Ridges Moraine Conservation Plan**

Technical Paper No. 7; *Identification and Protection of Significant Woodlands*, was prepared by the OMNR for the Oak Ridges Moraine (ORM) in February 2004. This document was prepared as part of a series of papers that provide clarification and assistance for the implementation of the policies within the ORMCP, to assist in ensuring conformity. The purpose of Technical Paper No. 7 is to provide assistance in the identification, delineation and protection of significant woodlands with the ORMP Area.

### **4.1 Identification of Significant Woodlands (in the ORMCP Area)**

For the purposes of applying the policies of the ORMCP, significant woodlands shall mean woodlands that have either:

- (a) have a tree cover of over 60%, considered "forest" in the Ecological Land Classification (ELC) for Southern Ontario (Lee et al. 1998); or
- (b) have a tree cover of over 10%, considered "treed area" in the Ecological Land Classification (ELC) for Southern Ontario (Lee et al. 1998) and satisfy the following criteria:

- 1,000 trees of any size per hectare, or
- 750 trees measuring over five centimetres in diameter, per hectare, or
- 500 trees measuring over 12 centimetres in diameter, per hectare, or
- 250 trees measuring over 20 centimetres in diameter, per hectare.

And the diameter of a tree shall be measured at breast height (1.37metres from the ground) in regenerating fields and must have achieved that height to be counted.

And which are:

- (a) 4 hectares or larger in size located in the Countryside or Settlement Areas of the ORMCP; or
- (b) 0.5 hectare or larger in size located in the Natural Core or Natural Linkage Areas of the ORMCP; or
- (c) 0.5 hectare or larger located wholly or intersecting within a key natural heritage or hydrologically sensitive feature or their vegetation protection zones.

Notwithstanding subsection 4.1, woodlands smaller than 4 hectares in size may be determined by the approval authority not to be "significant" where the woodland does not constitute or provide one or more of the following features or functions:

- a natural woodland which has supported woodland cover for at least 100 years;
- a woodland in which naturally regenerated trees among those listed in Table A constitute the woodland;
- a key natural heritage feature or hydrologically sensitive feature for purposes other than a significant woodland (including Significant Wildlife Habitat); important protection, supporting habitat or ecological linkage to a nearby key natural heritage feature; or
- an important connecting link between two or more key natural heritage features.

### ***Natural Heritage Reference Manual (1999)(OMNR)***

The NHRM (1999) recommends the following approach and standards for the evaluation of Significant Woodlands:

- a) Woodland Size: it is suggested that woodland size be evaluated in the context of the percent forest cover in the planning area and/or regional landscape. Where woodland cover is
  - < 5% of the land cover – 2ha or larger considered for significance
  - 5% to 15 % of land cover – 4ha or greater considered for significance
  - 15% to 30% of land cover – 40ha or greater considered for significance
  - >30% of land – minimum not suggested, consider other factors
- b) Ecological Function: woodland shape (interior), linkages, diversity and proximity (to water other important woodlands)
- c) Uncommon characteristics: uncommon in terms of composition, cover, type, age (older than 100 yrs); represented by less than 5% of the planning area.
- d) Economic and social values: maintain woodlands subject to long term forest management agreements

*TABLE A, Natural Heritage Reference Manual (1999) (OMNR)*

### **REGIONAL AND LOCAL OFFICAL PLANS**

Escarpment Municipalities are at various stages of identifying significant woodlands and bringing Natural Heritage Policies of their respective Official Plans into conformity with the PPS (2005).

In those cases where significant woodlands studies are undertaken, Niagara Escarpment Commission is often provided the opportunity to participate on technical advisory committees and/or circulated for review and comment on proposed approaches. In this respect, there is opportunity for NEC interests to be considered in the final criteria adopted.

Municipalities often determine criteria to be applied based on the percentage of wooded area present. The following table provides estimates of wooded area for the single, upper and lower tier Escarpment municipalities using SOLRIS Phase 1 wooded layer data.

**Table 2: Percent Wooded Area by planning unit (upper and lower tier municipality)<sup>1</sup>**

Upper/Single Tier Municipality	Percent Wooded Area	Lower Tier Municipality	Percent Wooded Area
Bruce	37 %	Northern Bruce Southern Bruce	77% 62%
Grey	34 %	Georgian Bluffs Grey Highlands Town of the Blue Mountains City of Owen Sound Meaford Chatsworth	44% 33% 37% 16% 31% 38%
Simcoe	33 %	Township of Clearview	26%
Dufferin	23 %	Town of Mono Township of Melancthon Township of Mulmur	36% 18% 39%
Peel	18 %	Town of Caledon	28%
Halton	25 %	City of Burlington Town of Halton Hills Town of Milton	19% 27% 30%
Hamilton	20 %	n/a	n/a
Niagara	18 %	Town of Grimsby Town of Lincoln Town of Niagara-on-the-Lake Town of Pelham City of St. Catharines City of Niagara Falls City of Thorold	17% 16% 10% 23% 10% 21% 20%

## ANALYSIS

In consideration of an approach and the selection of appropriate criteria and thresholds for the evaluation and identification of significant woodlands within the NEPA, NEC staff have reviewed and assessed the criteria and standards recommended in the OMNR NHRM (1999), the draft 2<sup>nd</sup> Edition NHRM (still under review), those developed by the OMNR for the Greenbelt Plan and Oak Ridges Moraine Conservation Plan and municipal approaches where studies have been undertaken. In addition, consideration was given to the estimates of percent of wooded cover within Escarpment municipalities (Table 2), and forest cover data,

<sup>1</sup> Wooded area of the municipality (not significant woodlands), calculated by MNR using SOLRIS Phase 1 wooded layer data (2002). Note: Some swamps (wooded wetlands), were not included as a result of data error, and therefore may have resulted in underestimate of the percent forest cover for some municipalities. Therefore the percentages provided should be considered estimates only.

such as average wooded patch size for the various upper/single tier municipalities inside the NEPA (Appendix 1), calculated for the NEC Monitoring study *State of the Escarpment: Forest Cover*.<sup>2</sup> This information was also used in determining the “North”, “Central” and “South” Area divides proposed for the application of the criteria in the NEPA.

NEC staff recently reviewed and provided comments on the technical paper prepared by the MNR, outlining definitions and criteria for purpose of the identifying Significant Woodlands within the Natural Heritage System of the Protected Countryside of the Greenbelt Plan. The technical paper was modelled after similar technical papers prepared to support implementation of the ORMCP (Technical Paper no. 7). Comments were submitted in response the EBR posting and the technical paper is still under review. NEC Staff reviewed the proposed criteria with consideration of applicability of the approach for the evaluation of significant woodlands within the Niagara Escarpment Plan Area. The Commission endorsed the staff comments on November 20, 2008.

The criteria developed by MNR for the identification of significant woodlands within the Natural Heritage System of the Protected Countryside are scientifically sound and defensible (provided consideration and clarification is given to Staff comments on the EBR posting). As the NEPA is the cornerstone of the Greenbelt Plan, it is appropriate that that the NEC consider the same approach in selecting criteria for the evaluation of significant woodlands within the NEPA.

It is understood that municipalities have the potential to undertake a more comprehensive review and analysis of methodology and standards to be applied to the identification of significant woodlands, specific to their planning area. This has been demonstrated by various municipalities within the Plan Area (Hamilton, Halton, Peel-Caledon). NEC supports the municipalities in this exercise. Therefore the proposed criteria presented are intended to be the minimum standards applied in the NEPA, in the absence of a municipal approach, or in place of a municipal approach that is determined to be less rigorous, or not consistent with the NEC adopted criteria. The proposed criteria will allow the NEC to be a decision maker on significant woodlands rather than only a consulted agency on municipal positions when Significant Woodlands are being considered in relation to development proposals.

It is proposed that a woodland meeting any one of the criteria listed below should be considered significant. For the purposes of applying the criteria, it is recommended that the Plan Area be divided into three areas, North, Central and South, based on the estimates of the percent wooded area for the municipalities in these areas (Table 1) and average wooded patch sizes in the Escarpment Regions.

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<sup>2</sup> State of Escarpment: Forest Cover data generated using SOLRIS Phase 1 (2002) wooded layer data updates for Grey and Bruce sections (2006). Note that this analysis of % forest cover and average patch size was calculated for inside the NEPA Area only, and so municipal boundaries were clipped to the NEPA boundary and does not indicate average patch sizes for the entire upper/single tier municipality (Table 2).

**Table 3: Summary of Proposed Criteria for Analysis of Woodlands within the NEPA**

Criterion	Description	North (Bruce)	Central (Grey <sup>3</sup> , Simcoe & Dufferin)	South (Peel, Halton, Hamilton, Niagara)
Size	Any woodlands of this size or greater are significant; or	40 ha or greater	10 ha or greater	4 ha or greater
Interior	Interior habitat defined as 100 metres from the edge; or	<ul style="list-style-type: none"> <li>• Any interior where wooded cover is &lt; 15% of land cover</li> <li>• 2 ha or more of interior where wooded cover is approximately 15% - 30% of land cover</li> <li>• 8 ha or more interior where wooded cover is approximately 30% to 60% of land cover</li> <li>• 20 ha or more interior where wooded cover is more than approximately 60% of land cover</li> </ul>		
Rare Species/ community	Any woodland containing endangered, threatened and special concern species as identified by COSSEWIC or COSSARO. Any woodland containing a provincially rare vegetation community with an S1, S2, S3, S3 and/or G1, G2, G3 ranking as designated by the MNR Natural Heritage Information Centre (NHIC); or important habitat or uncommon woodland species with an 8,9 or 10 in its southern Ontario Coefficient of Conservatism (NHIC); or	any size	any size	any size
Linkage	Any woodland of this size or greater that provides a connection or linkage between any two natural areas <sup>4</sup> , each which is within 120 metres of the woodland; or	10 ha or greater	4 ha or greater	1 ha or greater
Age or tree size	Any woodland of this size containing native trees of 100 years or older <sup>5</sup> or containing basal area of 8 square m/ha in trees <sup>6</sup> having a diameter of 40 cm or greater.	> 10 trees/ha greater than 100 yrs	> 10 trees/ha greater than 100 yrs	> 10 trees/ha greater than 100 yrs

<sup>3</sup> Comment: Grey County was included in the “Central Area” for the purposes of applying the criteria as the number of wooded patches and average patch size indicate that it is more consistent with those wooded areas of the Regions within the “Central Area”

<sup>4</sup> Natural feature could include significant woodlands, wetlands, Life Science ANSIs, ESAs, significant valleylands,

<sup>5</sup> Age determined using Forest Resource Inventory (FRI) mapping where possible together with field investigations

<sup>6</sup> Native trees

It is recommended that if a lower/single tier municipality has less than 5% of wooded cover in the “South Area”, then all woodlands are determined to be significant (therefore the minimum size criterion does not apply). If a single or lower tier municipality is found to have 15% or less wooded cover in the “North Area”, then the criteria for the “South Area” apply. Applying the estimates of woodland cover (Table 2), two lower/single tier Escarpment Municipalities are currently less than 15% wooded cover. However, the above provision recognizes that forest cover is subject to change and that the percentages provided are estimates only, using 2002 data. This provision will assist in providing protection to fragmented woodlands.

The criterion of “proximity to hydrological features” was considered for use as a factor in assessing woodland significance in the NEPA. If applied, this would mean that any woodland in or adjacent (adjacent is determined to be 30 m in the Greenbelt Technical Paper) to a hydrological feature, such as a sensitive groundwater discharge, recharge, headwater areas, wetlands, lakes would be considered to be significant. The criterion was not included in the proposed criteria, as further examination of the implications of applying this criterion within the NEPA is required. In addition, water policies of the NEP are currently being evaluated. However, NEC does recognize the importance of source water protection and the role woodlands play in protection of water resources. NEC should encourage the development and application of this criterion by municipalities and it should be further evaluated for use in the NEC approach.

In order to evaluate the significance of woodlands, wooded patches need to be delineated (e.g., determining when wooded patches are considered separate woodlands, when an opening in a woodland divides the woodland into two separate woodland patches). Technical guidance on the delineation of woodlands should be sought from MNR and/or the Natural Heritage Reference Manual (2<sup>nd</sup> Edition upon finalization).

### ***Exceptions to Significant Woodlands***

Both the GP and the ORMCP technical criteria exclude specific types of plantations, including those managed for production of food and nursery stock, managed for tree products and those established and managed for the complete removal at rotation. In addition, the GP criteria excludes elongated woodland fingers (hedgerows) less than 200 m wide (only in the area North of the ORMCPA and west of the NEP & north of Highways No. 5 and 8), as long as they do not meet a number of criteria noted and site level analysis is required in order to determine if any of the noted criteria apply.

It is recommended for the purposes of identifying Significant Woodlands in the NEPA, that plantations are included if they fulfil any of the recommended criteria in Table 3.

### ***Vegetative Protective Zones***

Both the GP and ORMCP have provisions for minimum vegetative protective zones of 30 metres for Significant Woodlands.

*“a proposal for new development or site alteration within 120 metres of a significant woodland within the Natural Heritage System requires an evaluation to identify a vegetation protection zone sufficient for the protection and maintenance of the feature and its functions”* (Greenbelt Plan, 2005).

The ORMCP specifies the minimum vegetation protection zone for Significant Woodlands to be *“all land within 30 metres of the base of outermost tree trunks within the woodland subject to clause 23(1)(d) if a natural heritage evaluation is required.”* Lands within this zone are generally subject to the same development and site alteration prohibitions as the feature itself.

It is recommended that any “buffers” or “vegetative protective zones” to be applied to identified Significant Woodlands within the NEPA be determined on a site specific basis, through the appropriate EIS, natural heritage studies or by using the existing NEP Development Criteria.

### ***Data Sources for the Identification of Significant Woodlands in the NEPA***

A number of data sources and mapping should be consulted in the analysis of the proposed criteria, including, but not limited to:

- SOLRIS wooded layer data (most updated)
- Air photos
- Forest Resource Inventory (FRI) mapping (MNR)
- Natural Heritage Information Centre (NHIC) database (MNR)
- Municipal data sources and studies (Natural Heritage System mapping, ESA reports, ELC mapping)
- Conservation Authority mapping and studies

Field investigations should be undertaken to verify the information determined using the above sources (e.g., diversity, composition criterion), and some information pertaining to the criteria may only be obtainable through site visits.

## **RECOMMENDATIONS**

The Commission adopt the following position on Significant Woodlands:

1. The Commission, as the planning authority for the NEP, recognizes Significant Woodlands as an important natural heritage feature and supports the identification of Significant Woodlands, as required by the Provincial Policy Statement (2005), in the Niagara Escarpment Plan Area.
2. The criteria adopted by the NEC should be the minimum standard applied in the determination of woodland significance within the NEPA. If there is potential for a woodland(s) subject to a proposed development or site alteration to be significant, and the Municipality has not developed criteria for the evaluation and identification of Significant

Woodlands and mapped or otherwise identified these features within the Official Plan, the NEP recommended criteria will be applied to the woodland(s) which are subject to the proposed development, and the Niagara Escarpment Commission shall make the final decision on significance.

3. Where a municipality has undertaken studies and established criteria for the identification of Significant Woodlands, and those criteria are consistent with, or are more rigorous than those adopted by the NEC, the NEC will support the municipal approach and the municipal criteria shall be applied by the NEC in the assessment of woodland's significance subject to a proposed development or site alteration.
4. If a woodland is significant, the deliberate removal of trees that results in a reduction in size or change in outside boundary of the significant woodland, shall not be accepted reason for a re-evaluation of the natural heritage feature. Where trees are cut, they should be required to be replaced. The same approach should be applied for the "rare species" criterion. Should a rare or uncommon species be deliberately removed, the designation of significance should not automatically be removed, as the habitat conditions continue to exist.
5. If development or site alteration is proposed within a woodland identified as significant by the NEC or the municipality, using the agreed upon criteria, the NEC shall require that the applicant prepare an Environmental Impact Statement (EIS) which would provide an assessment of the potential negative impacts on the features and functions of the woodland as a result of the proposed development, with recommended mitigation measures to reduce negative impacts. This policy shall also apply to major and large scale developments (e.g. urban expansions, pits and quarries, resort uses, golf course, new roads), where such developments are within 120 meters of the Significant Woodlands.

Development or site alteration will not be permitted within or adjacent (for major or large scale developments), to significant woodland unless the EIS demonstrates to the satisfaction of the NEC, that there will be no negative impacts on the features and functions of the significant woodland. Any buffers or setbacks from the identified significant woodland should be determined on a site specific basis, through the EIS.

6. The Niagara Escarpment Commission direct staff to prepare an Amendment to the Niagara Escarpment Plan to provide for definitions of "woodlands", "Significant Woodlands" and other related terms, consistent with PPS (2005) definitions, and include policies for the protection of Significant Woodlands within the appropriate Sections of the NEP, that will apply to all woodlands within the Plan Area identified as significant in accordance with the evaluation criteria and procedures established by the NEC and/or the municipality.

This Amendment can be part of a more comprehensive Amendment to deal with policies on EIS requirements, site alterations and minimum vegetation protection zones.

7. The NEC policy will apply to all planning applications currently being processed and/or considered by the Commission within the area of the NEP.
8. The adopted criteria and policies shall be sent to Escarpment municipalities, agencies and Ministries.
9. If necessary, this policy report will be revisited and refined to incorporate new information and improved approaches recommended within the second edition Natural Heritage Reference Manual (OMNR), and the final Greenbelt Plan Technical Paper. Feedback or comments from other planning authorities and stakeholders will also be considered.
10. The NEC Significant Woodlands Policy/Criteria be posted on the Commission website.

Prepared by:

Approved by:

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Lisa Grbinicek  
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*Original signed by*

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Manager  
*original signed by*

**APPENDIX 1: DATA GENERATED FOR FOREST COVER INSIDE NEPA USING SOLRIS ( 2002) WOODED LAYER DATA**

Note: Sections clipped to NEP boundary, therefore statistics generated are not for entire Upper/Single Tier Municipalities

SECTION	CLASS	TOTAL AREA (ha)	TOTAL WOODED AREA (ha)	% OF SECTION AREA WOODED	NUMBER OF WOODED PATCHES	AVG.PATCH SIZE (ha)	CLASS AREA (ha)	TOTAL INTERIOR 100m (ha)	% OF SECTION AREA IN INTERIOR	% OF WOODED in INTERIOR
<b>BRUCE</b>	Treed	36,596	22,122	60%	266	82.96	22,067	13,253	36%	60%
	Plantation			<1 %	42	.605	30			
	Hedgerow			<1%	16	1.89	25			
	<b>all classes</b>			<b>60%</b>						
<b>GREY</b>	Treed	64,184	32,835	49%	1304	23.92	31,198	11,211	17%	34%
	Plantation			2%	227	4.68	1063			
	Hedgerow			<1%	540	1.06	574			
	<b>all classes</b>			<b>51%</b>						
<b>SIMCOE</b>	Treed	11,282	4592	34%	303	12.7	3860	815	7%	18%
	Plantation			6%	249	2.8	702			
	Hedgerow			<1%	52	0.57	30			
	<b>all classes</b>			<b>41%</b>						
<b>DUFFERIN</b>	Treed	19,246	8993	40%	380	20.10	7639	1666	9%	19%
	Plantation			7%	417	3.09	1292			
	Hedgerow			<1%	99	0.62	62			
	<b>all classes</b>			<b>47%</b>						
<b>PEEL</b>	Treed	13,762	6449	41%	476	11.48	5468	954	7%	15%
	Plantation			6%	304	2.89	880			
	Hedgerow			<1%	181	0.55	101			
	<b>all classes</b>			<b>47%</b>						
<b>HALTON</b>	Treed	23,401	9984	41%	549	17.49	9602	2658	11.3%	27%
	Plantation			6%	76	1.75	134			
	Hedgerow			1%	333	0.74	248			
	<b>all classes</b>			<b>43%</b>						
<b>HAMILTON</b>	Treed	11,904	4244	33%	367	10.85	3982	747	16%	18%
	Plantation			2%	143	1.62	232			
	Hedgerow			<1%	54	0.54	30			
	<b>all classes</b>			<b>36%</b>						
<b>NIAGARA</b>	Treed	13,789	4440	31%	416	10.17	4234	662	5%	15%
	Plantation			1%	121	1.54	187			
	Hedgerow			<1%	36	0.52	19			
	<b>all classes</b>			<b>32%</b>						

February 19, 2009

## **DRAFT POLICY ON SIGNIFICANT WOODLANDS WITHIN THE NIAGARA ESCARPMENT PLAN AREA**

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As approved by the Niagara Escarpment Commission (NEC) on January 15, 2009, the following policies apply in the identification and protection of Significant Woodlands within the Niagara Escarpment Plan (NEP) Area:

1. The Commission, as the planning authority for the NEP, recognizes Significant Woodlands as an important natural heritage feature and supports the identification of Significant Woodlands in the NEP Area, as required by the Provincial Policy Statement (2005).
2. The criteria adopted by the NEC is the minimum standard applied in the determination of woodland significance within the NEP. If there is potential for a woodland(s) subject to a proposed development or site alteration to be significant, and the municipality has not developed criteria for the evaluation and identification of Significant Woodlands and mapped or otherwise identified these features within the Official Plan, the NEP adopted criteria will be applied to the woodland(s) which are subject to the proposed development or site alteration, and the NEC shall make the final decision on significance.
3. Where municipalities have undertaken studies and established criteria for the identification of Significant Woodlands, and those criteria are consistent with the criteria adopted by the NEC, the NEC will support the municipal approach and the municipal criteria shall be applied by the NEC to assess the significance of a woodland subject to a proposed development or site alteration.
4. For the purposes of identifying Significant Woodlands within the NEP Area, a number of data sources shall be consulted. Criteria for the determination of significance may be assessed using geographic analysis; however, other criteria may require that a more detailed assessment at the site level be undertaken by the proponent. Where the municipal approach and criteria is being applied and the municipality has identified and mapped Significant Woodlands, the mapping shall be used.
5. A 120 m zone of influence shall be established from the outside boundary (as measured from the dripline of the trees), of identified Significant Woodlands. Where a major development or site alteration is proposed or there is disagreement on the siting of the use or the significance of the woodlot, the Commission may require that an Environmental Impact Statement (EIS) or equivalent environmental study be undertaken by the proponent, to demonstrate that the features and functions of the

Significant Woodland will not be negatively impacted by the proposed development or site alteration, and to identify a sufficient vegetation protection zone.

6. Notwithstanding Section 5, a minimum 30 m vegetation protection no development zone shall be established from the outside boundary (as measured by the drip line of the trees), of identified Significant Woodlands.
7. The following exceptions apply to the 120 m zone of influence and the 30 m vegetation protection no development zone:
  - a) A dwelling on an existing lot of record and uses incidental or accessory to the dwelling.
  - b) Expansion of an agricultural operation or buildings, facilities and uses incidental or accessory to the agricultural operation.
  - c) Essential transportation and utility facilities.
  - d) Minor expansion or alteration to an existing use.
  - e) Forest, wildlife and fisheries management.
  - f) Archaeology activities.
  - g) Uses permitted in Parks or Open Space Master/Management Plans
  - h) Home occupations, cottage industries and home industries.
  - i) Watershed management and flood and erosion control projects carried out or supervised by a public agency.
  - j) Bruce Trail Corridor and similar pedestrian trails.
  - k) Bed and Breakfast Homes.
  - l) Farm Vacation Homes.
  - m) Nature Preserves.

Using the NEP Development Criteria, the policies of the NEP and any municipal requirements, best efforts will be made to avoid impacts of these uses on the features and functions for which the Significant Woodland was identified.

8. The operation of an existing pit or quarry in accordance with its existing license is not subject to this Policy. In cases where a Plan Amendment for a Mineral Resource Extraction Operation is applied for under the *Niagara Escarpment Planning and Development Act* (NEPDA), “early successional habitat” and “young plantations” (as defined by the Ministry of Natural Resources (MNR)), are not considered to be part of Significant Woodlands and these policies do not apply, subject to the applicable NEP policies and conditions and approvals, including rehabilitation provisions to re-establish the woodland.

The 30 m vegetation protection no development zone established in Section 6 shall still apply to Significant Woodlands, and would be measured from the outside boundary of the woodland which excludes that portion deemed to be early successional habitat or young plantation.

9. The process of delineating woodlands (in order to further apply criteria to evaluate for significance), shall use the technical guidance and methodology developed by the MNR (September 2008), for the Greenbelt Plan and the Natural Heritage Reference Manual (MNR).

In addition to the meeting any one of the criteria (see Table 1), a Significant Woodland must have an average minimum width of:

- 40 metres measured to crown edges where the size threshold is “any size” to 4 ha in area, and;
- 60 metres where the size threshold is 10 ha or greater.

10. The deliberate removal of trees within a Significant Woodland, which results in a reduction in size or change in outside boundary, shall not be accepted reason for a re-evaluation of the Woodland. Where trees are cut, they shall be required to be replaced. This policy is also applied to the “rare species” criterion. Should a rare species be deliberately removed, the designation of significance for the woodland shall not automatically be removed, as the habitat conditions for the species in question continue to exist.
11. For the purposes of identifying Significant Woodlands in the NEP Area, the following types of plantations are an exception to the Significant Woodlands criteria and policies:
- a plantation managed for production of fruits, nuts, Christmas *trees* or nursery stock;
  - a plantation managed for tree products with an average rotation of less than 20 years (e.g. hybrid poplar or willow);
  - a plantation established and continuously managed for the sole purpose of complete removal at rotation, as demonstrated with documentation acceptable to the planning authority or the Ministry of Natural Resources, without a forest restoration objective; or
  - elongated woodland fingers (hedgerows) less than 200 metres wide in the “North Area”, as long as:
    - a) they do not contain *trees* greater than 100 years old or a *basal area* of at least 8 square metres per hectare in native *trees* that are 40 cm or more in *diameter*;
    - b) they do not qualify on their own as Significant Woodlands;
    - c) they are not formed by indentations in the woodland (that are 20 metres less wide);
    - d) their removal does not divide one woodland into two;
    - e) their removal does not physically affect the significance characteristics of the remaining woodland; and
    - f) the analysis of a) to e) above is done at a detailed site level
12. The Significant Woodland policies will apply to all planning applications and those currently being processed and/or considered by the NEC within the area of the NEP, including Niagara Escarpment Plan Amendments.
13. If necessary, these policies will be revisited and refined to incorporate new information and improved approaches recommended within the Second Edition Natural Heritage Reference Manual (MNR), and the final Greenbelt Plan Technical Paper. Feedback or comments from other planning authorities and stakeholders will also be considered.

**TABLE 1: Criteria for Analysis of Woodlands within the Niagara Escarpment Plan Area**

A woodland meeting any one of the criteria listed below is considered significant. For the purposes of applying the criteria, the Plan Area is divided into three areas, North, Central and South, based on the estimates of the percent wooded area for the municipalities in these areas and the average wooded patch sizes within the upper and/or single tier municipalities.

Criterion	Description	North (Bruce)	Central (Grey <sup>1</sup> , Simcoe & Dufferin)	South (Peel, Halton, Hamilton, Niagara)
Size	Any woodlands of this size or greater are significant; or	40 ha or greater	10 ha or greater	4 ha or greater
Interior	Interior habitat defined as 100 metres from the edge; or	<ul style="list-style-type: none"> <li>Any interior where wooded cover is &lt; 15% of land cover</li> <li>2 ha or more of interior where wooded cover is approximately 15% - 30% of land cover</li> <li>8 ha or more interior where wooded cover is approximately 30% to 60% of land cover</li> <li>20 ha or more interior where wooded cover is more than approximately 60% of land cover</li> </ul>		
Rare Species/ community	Any woodland containing endangered, threatened and/or special concern species as identified by COSSEWIC or COSSARO. Any woodland containing a provincially rare vegetation community with an S1, S2, S3, and/or G1, G2, G3 ranking as designated by the MNR Natural Heritage Information Centre (NHIC); or important habitat or uncommon woodland species with an 8, 9 or 10 in its southern Ontario Coefficient of Conservatism (NHIC); or	any size	any size	any size
Linkage	Any woodland of this size or greater that provides a connection or linkage between any two natural areas <sup>2</sup> , each which is within 120 metres of the woodland; or	10 ha or greater	4 ha or greater	1 ha or greater
Age or tree size	Any woodland of this size containing native trees of 100 years or older <sup>3</sup> or containing basal area of 8 square m/ha in trees <sup>4</sup> having a diameter of 40 cm or greater, or;	> 10 trees/ha greater than 100 yrs	> 10 trees/ha greater than 100 yrs	> 10 trees/ha greater than 100 yrs
Natural Composition	Any woodlands containing this area of naturally occurring (not planted) trees listed in Table 2 that meet the definition of "woodland".	10 ha or greater	4 ha or greater	1 ha or greater

If a lower/single tier municipality has less than 5% of wooded cover in the "South Area", then all woodlands are determined to be significant (the minimum size criterion does not apply). If a single or lower tier municipality is found to have 15% or less wooded cover in the "North Area", then the criteria for the "South Area" apply.

<sup>1</sup> Comment: Grey County was included in the "Central Area" for the purposes of applying the criteria as the number of wooded patches and average patch size calculated using SOLRIS Phase 1 data, indicate that it is more consistent with those wooded areas of the "Central Area"

<sup>2</sup> Natural feature could include significant woodlands, wetlands, Life Science ANSIs, ESAs, significant valleylands,

<sup>3</sup> Age determined using Forest Resource Inventory (FRI) mapping where possible together with field investigations.

<sup>4</sup> Native trees

**Table 2: Mid to Late Successional or Site-Restricted Tree Species<sup>5</sup>**

<p><i>Abies balsamea</i> - Balsam Fir  <i>Acer nigrum</i> - Black Maple  <i>Acer pensylvanicum</i> - Striped Maple  <i>Acer rubrum</i> - Red Maple  <i>Acer saccharinum</i> - Silver Maple  <i>Acer saccharum</i> - Sugar Maple  <i>Asimina triloba</i> - Pawpaw  <i>Betula alleghaniensis</i> - Yellow Birch  <i>Betula lenta</i> - Black Birch  <i>Carpinus caroliniana</i> - Blue-beech  <i>Carya cordiformis</i> - Bitternut Hickory  <i>Carya glabra</i> - Pignut Hickory  <i>Carya laciniosa</i> - Shellbark Hickory  <i>Carya ovata</i> - Shagbark Hickory  <i>Castanea dentata</i> - American Chestnut  <i>Celtis occidentalis</i> - Hackberry  <i>Cephalanthus occidentalis</i> - Buttonbush  <i>Cornus florida</i> - Flowering Dogwood  <i>Euonymus atropurpurea</i> - Wahoo Burning-bush  <i>Fagus grandifolia</i> - Beech  <i>Fraxinus nigra</i> - Black Ash  <i>Juglans cinerea</i> - Butternut  <i>Juglans nigra</i> - Black Walnut  <i>Larix laricina</i> - Tamarack  <i>Liriodendron tulipifera</i> - Tulip-tree  <i>Magnolia acuminata</i> - Cucumber Magnolia</p>	<p><i>Malus coronaria</i> - Wild Crabapple  <i>Morus rubra</i> - Red Mulberry  <i>Nyssa sylvatica</i> - Black Gum  <i>Ostrya virginiana</i> - Hop-hornbeam  <i>Picea glauca</i> - White Spruce  <i>Picea mariana</i> - Black Spruce  <i>Pinus resinosa</i> - Red Pine  <i>Pinus strobus</i> - White Pine  <i>Platanus occidentalis</i> - Sycamore  <i>Ptelea trifoliata</i> - Hoptree  <i>Quercus alba</i> - White Oak  <i>Quercus bicolor</i> - Swamp White Oak  <i>Quercus ellipsoidalis</i> - Hill's Oak  <i>Quercus macrocarpa</i> - Bur Oak  <i>Quercus muehlenbergii</i> - Chinquapin Oak  <i>Quercus palustris</i> - Pin Oak  <i>Quercus rubra</i> - Red Oak  <i>Quercus shumardii</i> - Shumard Oak  <i>Quercus velutina</i> - Black Oak  <i>Sassafras albidum</i> - Sassafras  <i>Sorbus americana</i> - American Mountain-ash  <i>Staphylea trifolia</i> - Bladdernut  <i>Tilia americana</i> - Basswood  <i>Tsuga canadensis</i> - Hemlock  <i>Ulmus thomasii</i> - Rock Elm</p>
<p><b>Notes:</b>  This list was compiled by considering the characteristics of each species and excluding any species with a coefficient of conservatism of less than 3, according to Oldham et al. (1995). Species on this list have limited natural regeneration in old fields and many (not all) have declined due to incompatible land uses. This list does not include some species that are difficult to identify in the field (hawthorns, willows, serviceberries, plums) although it is acknowledged that some of these species may be rare. The list also does not include species that regenerate readily after a period of non-forest use (poplars, white birch, white ash, red ash, white-cedar, red-cedar, white elm, cherries, staghorn sumac) or certain small species (mountain maple, witch-hazel, alternate-leaved dogwood, nannyberry, speckled alder), or non-native species. Natural hybrids should be considered to be in the same category as their parent species. This list is subject to revision.</p>	

<sup>5</sup> Prepared by the Ministry of Natural Resources for Technical Paper 2: Technical Definitions and Criteria for Significant Woodlands in the Natural Heritage System of the Protected Countryside Area of the Greenbelt Plan (2005). This list is subject to revisions

## Definitions:

For the purposes of applying the NEC's Significant Woodlands Policies, the following definitions apply:

**“Early successional habitat”** is a previously non-wooded, currently regenerating area in which:

- a) there is less than 2 square metres of basal area per hectare in trees that are 10 centimetres or more in diameter from any species listed in Table 2; and,
- b) there is less than 2 square metres of basal area per hectare in trees that are 25 centimetres or more in diameter from any combination of species listed in Table 2 plus white ash (*Fraxinus americana*), black cherry (*Prunus serotina*), white-cedar (*Thuja occidentalis*), white elm (*Ulmus americana*) or red elm (*Ulmus rubra*).

**“Trees”** are defined as woody plants (stems) of species able to reach unassisted a height of 4.5 metres (Farrar, 1995).

**“Woodland(s)”** are treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. Woodlands include treed areas, woodlots or forested areas (PPS, 2005).

For the purposes of applying the Significant Woodland policies of the Niagara Escarpment Plan Significant Woodlands are woodlands that have either:

- a) a *tree* crown cover of over 60% of the ground, determinable from aerial photography (“forest” of Lee et al. 1998); or
- b) a *tree* crown cover of over 10% of the ground, determinable from aerial photography (“treed community” of Lee et al. 1998), together with on-ground stem estimates of:
  - 1,000 *trees* of any size per hectare, or
  - 750 *trees* measuring over five centimetres in diameter, per hectare, or
  - 500 *trees* measuring over 12 centimetres in diameter, per hectare, or
  - 250 *trees* measuring over 20 centimetres in diameter, per hectare (based on Forestry Act of Ontario 1998).

For the purposes of (a) and (b), the tree amount is based on the average per hectare across the entire treed area. *Woodlands* experiencing changes such as harvesting, blowdown or other tree mortality are still considered *woodlands*. Such changes are considered temporary whereby the forest still retains its long-term ecological value.

Additionally notwithstanding the above noted definitions and criteria for woodlands, all ancient eastern cedar forest located on the Escarpment cliff face shall be considered Significant Woodland for the purposes of this Policy.

**“Young Plantations”** are plantations in which:

- a) there is less than 4 square metres of basal area per hectare in trees that are 25 centimetres or more in diameter; and
- b) naturally occurring (not planted) trees in the plantation have become sufficiently established to constitute a woodland on their own, but their stocking is not adequate by itself to raise the community out of the definition of “early successional habitat”.