Proposed forest bylaw slammed by landowners

By WES KELLER
Freelance Reporter

Dufferin County's proposed forest conservation bylaw has gone back to committee for reconsideration after about 10 rural landowners at a County public meeting last week spoke strongly against some of its provisions.

In essence, they described it as discriminating against rural landowners and containing punitive provisions that would do more harm than good to existing woodlots.

The bylaw, amending and replacing the one now in effect, had been drafted largely in response to complaints from North Dufferin Agricultural and Community Taskforce (NDACT) that the County had not been enforcing the existing rules with respect to tree removal by The Highland Companies.

An NDACT complaint had been that the County was exempting agricultural from its bylaw even although the bylaw did not include an agricultural exemption.

NDACT consultant Garry Hunter had said previously that a new bylaw would not have been needed if the County had enforced the existing one. NDACT members remained silent at the public meeting.

Apart from the 10 presenters at the public meeting, Shelburne Mayor Ed Crewson said he had received a call of concern from Nancy Kidd, who operates a maple syrup business in Melancthon along with her husband. Ms. Kidd had apparent concerns with the wording of the bylaw as it might apply to their operations within their sugar maple forest.

Charles Hooker of East Garafraxa had evidently studied the proposed bylaw in depth, and questioned several of the clauses but, perhaps most significantly, raised the issue of trees being "a crop" grown on private land in much the same fashion as potatoes or any cash crop.

"Why plant if I can't harvest (without paying a permit fee)," he asked, adding that there is no fee attached to any other crop.

His further complaint was that the bylaw would allow enforcement officers to enter without a warrant. "No police officer can enter private property without a warrant," he said.

Mr. Hooker has written in the Ontario Landowners Association magazines a feature in which he praises the maintenance of woodlands in Germany when he was stationed there with the Canadian army. He asserts that all woodlands require maintenance, including culling and harvesting as a crop. Part of his message appeared to be a question of why anyone should pay a permit fee to maintain woodlands responsibly.

Robert Shortt, operator of a tree farm, echoed much the same sentiments. Another speaker, describing himself as "a tree hugger," said woodlands can be maintained only by appropriate culling, harvesting and replanting.

The bylaw, as drafted, would require a minimum permit fee of $50 for cutting any one or several trees, and as much as $250 for harvesting.

Several speakers found this unacceptable as, according to them, it would discourage maintenance of woodlots. Among them, a logger said the fee structure would make it unprofitable for him to continue in business.

Tom Williams of the Grand Valley area harvests 10 bush cords (1,280 cubic feet) of hardwood annually from his 47-acre bush for his own use. The proposed bylaw would restrict him to 6 bush cords – not enough to heat his rural home.

He said the forest was "under duress" and the growth was "choking itself" when he bought the 120-acre farm in 2002, as it had not been maintained for at least 30 years. On professional advice, he began culling.

Now, despite or because of the removal of 10 bush cords annually on a prescribed basis, he said the woodlot is in better condition than it was when he took over.

"Forests need to be cleared by selective culling. This allows the forest to regenerate by feeding sunlight through to the forest undergrowth, allowing seedlings, brush, wildflowers and small plants to grow and die through the seasonal cycles which feeds these large trees and promotes good, healthy growth," he said.

One of the problems associated with the bylaw might have been what some speakers described as "Draconian" penalties prescribed therein.

"The County hereby designates that the injuring or destruction of each tree is one offence in a series of multiple offences. In the case of a multiple offence, a person found guilty of contraventions of the by-law constituting a multiple offence is liable, upon conviction, for each offence included in the multiple offence, to a fine of not less than $500 and not more than $10,000.

"The total of all fines for each included offence in a multiple offence is not limited to $100,000," reads the proposed bylaw.

There was no explanation for the inconsistency of $10,000 and $100,000, except that a multiple of infractions might well exceed $100,000 in penalties.

Peter Turrell succinctly described the bylaw as "mental poverty." He said that if Dufferin were to enact the bylaw, other jurisdictions might follow suit. "The woodland association is telling its members not to plant until this bylaw has been defeated," he said.

James White of White & Associates presented a four-page commentary in which he said, among other things, that the lack of an appeal process in the bylaw could leave it open to legal challenges.

He criticised the reference to "normal farm practises" with respect to tree cutting and an agricultural exemption as, he said, the Ontario Farm Practises Protection Act does not cover sylviculture.

In various other respects, Mr. White described provisions in such words as "illogical and unnecessary."

The public comments are to be considered by County staff and by the Museum Committee.

Photo/DAN PELTON

HAPPY TRAILS TO YOU: Local dignitaries were on hand at the Island Lake Rowing Club last week for the official opening of a 2.3-kilometre section of the Vicki Barron Trail at the Island Lake Conservation Area. The project on the north shore of Island Lake was completed with the help of $75,000 in funding from the Trillium Foundation and financial support from the Town of Mono. Among those on hand for the opening were Trailways volunteer Gerry Lindsay, Friends of Island Lake chair and Mono councillor Bob Shirley, Mono Mayor Lorie Haddock, Mono director of recreation Kim Perryman and Dufferin Country Warden Gord Montgomery.

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Aveo 5-door LS model shown with PG9 and UE1††

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FOG LIGHTS	✔	X	X
REMOTE KEYLESS ENTRY	✔	X	X
CRUISE CONTROL	✔	X	X
ON STAR¥	✔	X	X
POWERTRAIN WARRANTY	5-year/160,000 km	5-year/100,000 km	5-year/100,000 km

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◆Value of additional standard features based on dealer pricing. Vehicle comparison is based on 2009 Aveo LT (1TX48 1SB + CF5), 2009 Yaris LE 5-Door (KT923M), and 2009 Fit DX (GE8729E). **Vehicle specification and purchase price according to the information available on the manufacturer's website at time of printing.

COMPARE. TAKE NOTE. TAKE ADVANTAGE

	2009 COBALT LT	2010 TOYOTA COROLLA CE BASE SEDAN MODEL	2009 HONDA CIVIC DX BASE SEDAN MODEL
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AUTOMATIC TRANSMISSION	✔	X	X
16" ALUMINUM WHEELS	✔	X	X
REMOTE KEYLESS ENTRY	✔	X	X
POWER DOOR LOCKS	✔	X	X
HP / TORQUE	155 / 150	132 / 128	140 / 128
POWERTRAIN WARRANTY	5-year/160,000 km	5-year/100,000 km	5-year/100,000 km

WITH More than $3,000◆ in additional features than Toyota or Honda

◆Value of additional standard features based on dealer pricing. Vehicle comparison is based on 2009 Cobalt LT (1AL69/1AL37 1SA+MXO), 2010 Corolla CE and 2009 Civic DX Sedan. **Vehicle specification and purchase price according to the information available on the manufacturer's website at time of printing.

Cobalt SS Coupe model shown with 29U.††

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NOTICE TO CREDITORS

In the estate of Beula Irene McEwan

All persons having any claims against the estate of Beula Irene McEwan, late of the Town of Shelburne, in the County of Dufferin, in the Province of Ontario, who died on or about the 22nd day of July, 2009, are hereby notified to send to the undersigned solicitors for the Estate Trustee, on or before the 22nd day of October, 2009, full particulars of their claims. Immediately after the said day, the assets of the deceased will be distributed among the parties entitled thereto, having regard only to the claims of which the Estate Trustees shall then have notice.

Dated at Orangeville this 1st day of October, 2009

Karl Edelbrock
Estate Trustees With A Will
by their solicitors
Mullin Thwaites Ward, LLP
P.O. Box 67
25 First Street
Orangeville, ON L9W 2Z5
Patricia L. Sproule Ward
519-941-4559 (Ext. 225)

NOTICE TO CREDITORS AND OTHERS

All claims against the estate of Gregory William James Anderson, late of the Town of Shelburne, in the County of Dufferin, who died on or about the 14th day of February, 2009, must be filed with the undersigned Estate Trustee on or before the 16th day of November, 2009; thereafter, the undersigned will distribute the assets of the said estate having regard only to the claims then filed.

DATED at Orangeville this 7th day of October, 2009.

Derick Donald Anderson,
Estate Trustee, by his Solicitors,
STUTZ & ASSOCIATES PROFESSIONAL CORPORATION,
269 Broadway
Orangeville, Ontario
L9W 1K8
Attn: William W. Stutz
519-941-7500