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"I never thought the bylaw was unfair to the agricultural community, and that was their claim."

—Leonard Munt, former York Region forester

'No breaks' for farmers from tree bylaw: Forester

BY MIKE ADLER
Staff Writer

A public outcry does more to defend a forest than any tree protection bylaw, says a Guelph professor who studied municipal tree protection in Ontario.

"Regulation can only deal with the bad actors. If society sets a standard we won't need these regulations," John FitzGibbon, director of

school of environmental design and rural development at Ontario Agricultural College, added recently at a Markham conference.

York Region, following talks with farmers who want to cut young forests on disused farm lands, is preparing changes to its tree bylaw.

In an interview, the region's former forester, Leonard Munt, said he hopes the bylaw isn't weakened.

"There should be no special interest winning over another," said Mr. Munt, who resigned this year to take a similar job in Haliburton, Ont.

"I never thought the bylaw was unfair to the agricultural community, and that was their claim."

From his vantage point, clearing forests for agriculture is the same as clearing for development. Farmers should play by the same rules when it comes to the environment, including environmental evaluations for tree-cutting as developers are required to do, Mr. Munt suggested.

But he also said the bylaw should be made more efficient and responsive, so farmers who want to cut can have an answer quicker.

The region should try more land securement and more tax incentive programs to help farmers preserve forest on agricultural land, much of which have been included within the region's greenlands system.

Dr. FitzGibbon said his study shows York, among Ontario municipalities, is comparatively strong in tree protection, "leaders in terms of hitting them with fines" and the winner in all 15 cases it prosecuted under the 11-year-old bylaw from 1991 to 2001. But when a multi-million dollar development is behind illegal cuttings, "a \$50,000 fine is not going to

carry the day" as a deterrent, he said.

Regional officials have said they are trying to improve their bylaw, which requires owners to gain regional council's approval when they want to cut stands of more than half an acre, and that the province's new municipal act offers possibilities. Switching to a permit system for cutting under a set of guidelines is being proposed.

Dr. FitzGibbon said such systems are in place in about 30-35 per cent of Ontario municipalities, and becoming more common as a result of the new act.

The region could also rewrite the bylaw to require applicants to notify neighbours and to place a newspaper advertisement when proposing a cut larger than five acres, he said.

Danijela Puric-Mladenovic, a University of Toronto graduate student who studied York Region's tree cover said four per cent of the region is covered with scrub forest — trees such as poplars that grow on old farm fields — but planning decisions are based on existing forest cover and not what such early forests could become.

Where farmers now seek to reclaim "scrub," she told the conference, the "natural vegetation is not corn, it's not soybeans. It's forest. Our role is to bring these early forests to a mature state."

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