



# Ten Ways To Save Your Local Woods (and Water!)

M. J. THOMSON

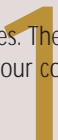


HELENA RUSAK

*All across Ontario, individuals and communities are mobilizing to protect their local woodlands in a variety of creative ways. Here are 10 ways to save your local woods. These 10 ways work equally well for wetlands and other aquatic habitats (coastal habitats, river valleys, etc.), alvars and other non-forested wilderness.*

## If you are a landowner

By protecting your woodlot, you can lower your taxes. There are also many resources available to help you in your conservation efforts.



Need information on woodlot management? Through the Ministry of Natural Resources Private Land Resource Stewardship Program, every county and region in southern Ontario has a Stewardship Council. Each council has projects and funding that may help you.

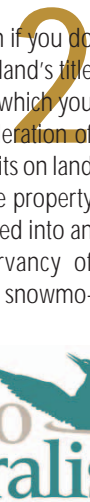
Once you get your forest management plan (which does not have to involve any tree cutting) in place and it has the approval of an accredited plan approver, you qualify for a property tax reduction under the Managed Forest Tax Incentive Program.

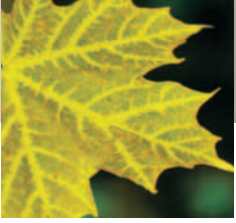
Not interested in managing your woods yourself? Consider

donating or selling the land to a conservation organization. Such a move may mean sizeable income tax savings. As a condition of the sale, you can reserve a "life estate," meaning that you or a family member can continue living on the property until your death or theirs.

## Protecting your woodlot for 999 years with an easement

Before you transfer the title of your land – or even if you do not – registering a conservation easement on the land's title guarantees long-term protection. In an easement, which you sign with a qualified organization such as the Federation of Ontario Naturalists (FON), you agree to certain limits on land use. For example, a landowner with a four-hectare property on the Niagara Escarpment near Orangeville entered into an easement agreement with the Nature Conservancy of Canada (NCC). Together they agreed to prohibit snowmo-





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biles, all-terrain vehicles and horses except on existing driveways, ban the construction of more roads and walkways and the use of all pesticides and other toxic materials, and keep tree-cutting to a minimum. With an easement, you can still own the land, restrict public access to it, and sell, give or pass it on to whomever you wish. Since the easement is registered on title, it binds all owners of the land over the easement's term (typically 999 years). As well, your land may be devalued in dollar terms by the easement, which could lower your property taxes.

## Setting up a land trust

A conservation land trust saves natural areas by acquiring land through donation or purchase, or holds limited interests in land such as conservation easements. Ontario now has 32 land trusts that work locally and come together through the Ontario Land Trust Alliance, originally spearheaded by the FON. Most Ontario land trusts focus on securing land through donations and easements, since land in southern Ontario is usually too expensive to buy. Land trusts want to cultivate a donation ethos among local landowners. The benefit of donation can be considerable, since the landowner receives a charitable tax receipt for the appraised value of the property. So the first thing a fledgling land trust must do is incorporate and apply for charitable status. If you find a willing donor before you become a registered charity, a process that can take several months to more than a year, another charitable conservation organization may be able to accept the land and issue the tax receipt on your behalf. When the Couchiching Conservancy land trust was founded in 1993, it prepared an action plan that describes the natural values in the area, identifies properties that are already protected in some way, and lays out the conservancy's land securement priorities — core natural areas and corridors to connect them. It also identified two priority landscapes, both under threat from proposed resource extraction: the Carden Plain east of Orillia and the Oro Moraine northwest of Barrie, the latter ranking high for its heavy forest cover. "The action plan bought us an enormous amount of credibility, both with potential funders and in the community," says the conservancy's executive director Ron Reid. "By making introductory presentations about the action plan to all area municipalities, we started off on the right foot. We weren't

asking for anything up front." The conservancy uses the action plan to determine whether a proposed donation meets its acquisition priorities. In 2003, it owns eight donated properties, three donated conservation easements, and manages another four properties for other organizations. "Success attracts success," Reid adds, noting that landowners approach the conservancy more often than the other way around. Outreach activities that benefit landowners are critical. With permission to go onto the land, the Couchiching Conservancy conducts biological inventories in its priority areas and writes up reports for the landowners. The seeds have then been sown for a potential donation or easement, even if years down the road.

## Fundraising to buy the woodland

Amassing big bucks for woodland purchase can seem daunting at first, but human ingenuity and sheer persistence are securing funds to buy wooded jewels across Ontario. Once there is a willing seller, the agreement of purchase and sale typically allows a year or more for the land trust or other buyer to raise needed funds. While a land trust may be able to arrange a mortgage as well, local citizens will be more inspired to contribute to an up-front cash purchase rather than to mortgage interest charges. Your local group needs to use fundraising tools that are a good fit in your community. The bread-and-butter methods used for other local projects work for woodland purchases too: garage sales, \$50-a-plate dinners, and silent auctions. Also look into in-kind gifts. For example, a local printer might print your brochure for free. Given land prices in southern Ontario, you will definitely need some major donors as well — community philanthropists, large local employers, national corporations — doubling or tripling what individuals have contributed. To get those major donations, status as a registered charity is usually essential. New communications technologies are providing creative options that can add to the funding mix needed for each land purchase. The Nature Conservancy of Canada raised \$2 million to purchase and steward the magnificent 233-hectare Clear Creek Forest and adjacent lands in Chatham-Kent. While most of the citizen donations came from the Carolinian forest zone of southwestern Ontario, the NCC also linked up with an international, on-line "click-to-donate" program at [www.EcologyFund.com](http://www.EcologyFund.com). As well, many

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Canadian charities are now arranging for Internet donations through [www.charity.ca](http://www.charity.ca).

### Assessing the woodland's significance

Community groups wanting to protect local woodlands need to have some objective criteria for determining the land's ecological significance. You'll want to focus your time and efforts on the best woodlands, though all woodlands are important.

Here are three ways to get a handle on the importance of your local woods, even if you can't gain access to the property.

**First:** Use one of several methods to inventory or collect biophysical information about your woodland to evaluate the quality and quantity of these elements. Suggested methods could be to use the *Ecological Land Classification System for Southern Ontario*, evaluation criteria in MNR's *Natural Heritage Reference Manual* and in FON's book *Woodland Heritage of Southern Ontario*. Things to consider are woodland size, interior habitat, old growth characteristics, biodiversity, the proximity to other woodland patches, and the potential for woodlands to serve as a connecting feature. Municipalities should be encouraged to evaluate woodlands and to protect them through the official plan.

**Secondly:** You can zero in on your own area's woodlands via the MNR's Natural Heritage Information Centre's website. The NHIC is the central repository for natural heritage data in Ontario. From the website's home page, go to "NHIC databases," then to "geographic query." Significant natural areas (such as provincial Areas of Natural and Scientific Interest) are represented as points that may overlap with your woodlands. Documented rare species (their presence and level of risk, but not the species' names) are shown within one-kilometre squares.

**Lastly:** Contact the district ecologist or biologist at the nearest MNR office. He or she may be able to help with additional information beyond what's publicly available on the NHIC website. If you have permission to access the woodland property, you will want to carry out biological inventories. Any reports resulting from this fieldwork should be shared

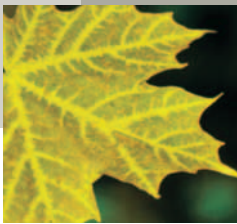
with the landowner. The reports may possibly lead to discussions about conservation options.

### Saving the woods through land-use planning

Major changes to Ontario's land-use planning system implemented by the provincial government since 1995 have meant more municipal control over which natural areas get developed and which are protected. All woodlands meeting certain ecological criteria should be designated "significant" in municipal official plans (OPs) and thus be protected through the planning process. This up-front identification and protection of woodlands, usually long before a specific development proposal appears that might threaten the woods, offers you the best chance of success. Municipalities should also be encouraged to plan for increasing their forest cover by considering restoration plans in key areas. You should meet with planning department staff in your municipality, as well as in your county or region, to examine the parts of the OP relating to woodland protection. If the OP has not been formally reviewed within the past six or seven years, the plan's woodland policies (if there are any) probably need improvement. Where older official plans need updating, you should get involved in the plan-review process to ensure the best possible woodland policies. In the end, however, the policies are only as good as the will of your local politicians to implement them.

### Does your town or county have a woodland by-law?

Your municipality's and county/region's woodland protection policies kick in when a development proposal arises for a particular property. But, what about the rest of the time? The official plan's policies should be complemented with a by-law to limit tree-cutting. Counties and regions can pass tree or woodland by-laws under the *Forestry Act*, while municipalities with populations over 10,000 can do so under the *Municipal Act*. Currently in Ontario, 11 lower-tier municipalities (cities, towns and townships) and 25 counties and regions have tree by-laws. Tree by-laws typically require a person or a company to get a permit to cut trees, with exceptions such as personal use and safety concerns. Call your municipal and regional/county planning departments to find



out if such a by-law exists at either level. The main purpose of a woodland protection by-law is educational. People need to be made aware of the by-law's existence and its provisions. If you have to enforce the by-law, then it's too late. In May 2002, under York Region's by-law, a development corporation was ordered to pay \$100,000 after pleading guilty to 432 charges of violating the by-law. In addition, the corporation agreed to spend \$125,000 on 5.9 hectares of plantings near the logged site.

### Joining an environmental advisory committee

One way for citizens to get involved in official plan reviews and setting up tree by-laws is through joining an environmental advisory committee (EAC). However, first, you have to persuade your municipal or county/regional council to establish an EAC. There are now 35 EACs in Ontario at both the county/regional and municipal levels. In an era of budget and staff cuts, an EAC provides a local council with free, independent advice from residents selected for their specific environmental expertise or community experience. Depending on council's wishes, EACs may not only advise on woodland protection in official plans but also on environmental education initiatives and sometimes on specific development proposals. For example, the Caledon Environmental Advisory Committee (CEAC) played a key role in the development of the town's woodland conservation by-law. In 1996, council asked CEAC to research other tree by-laws, canvass the possible components of a by-law suitable to Caledon, and report back. After council go-ahead, CEAC then worked with planning staff and legal counsel as they drafted the by-law. Some municipal councils may not be receptive to the EAC idea. In that case, you could set up an independent residents' group and appear at council and in the local media to press for woodland protection.

### Becoming a woodlands advocate

To advocate for woodland protection simply means speaking, writing or otherwise communicating to support the woods. It means forging alliances with sectors of your community that might benefit from woodlands being there — the chamber of commerce, local businesses, tourist establishments, service clubs and residents' associations. It means speaking the language of those whose support you want to enlist. Perhaps a municipal councillor is not at all interested in endangered species — but try talking about the economic

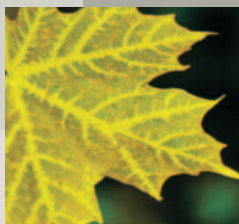
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value of a local forest that may draw visitors to your community, and eyebrows may rise. Probably the best way to learn what advocacy strategies work well in your community is to talk with people who have struggled with other local concerns, even if the issues are very different. You can call a ratepayers' group or a parent-teachers' association, or FON can put you in touch with a local field naturalists group close to you. Regardless of whether the land is privately held, owned by a municipality or a conservation authority, or falls within a provincial or national park, if you think the woods are in jeopardy, you may have to launch a campaign. Here's an advocate's must-do list:

- Be absolutely sure of your facts. Nothing diminishes your credibility more quickly than incorrect or incomplete information.
- Make sure you understand the land-use planning rules that apply to protecting the woods.
- Know who your allies are and line them up as early as possible in your campaign. Common cause can be found in unexpected places.
- Communicate your message clearly and concisely. For starters, every residents' group should have a general brochure about the campaign. It should include information on why the woods are valuable, your objectives, how people can help, and how they can contact you.
- Choose one or two spokespeople and stick with them so that you get across a consistent message.
- Invite your audience on a field trip to the woods (as long as you have the landowner's permission). Such an excursion provides an informal atmosphere for discussion.
- Lastly, cultivate good relationships with your local media.

How do you get your message out there? Try one-on-one discussions with potential allies; issuing news releases; holding news conferences on-site; launching a website; writing guest columns and letters in local newspapers; organizing community meetings; holding a benefit concert; spearheading letter-writing, telephone and e-mailing campaigns directed at politicians; and going door-to-door to enlist supporters. Victory usually takes longer than expected, so be patient. According to the Canadian Wildlife Service, the Niagara Escarpment is one of the six major areas for interior forest birds in southern Ontario. The forests are still there partly because of the tenacity of the Coalition on the Niagara

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Escarpment (CONE), now boasting 30 member groups. Celebrating its 25<sup>th</sup> anniversary in 2003, the coalition advocated doggedly for escarpment protection from its founding in 1978 to the Ontario Cabinet's approval of the Niagara Escarpment Plan in 1985. Today it's still working hard to make sure the plan is properly implemented.

Similarly, the Save the Oak Ridges Moraine Coalition (STORM), representing 25 member groups, worked to promote legislation to save the Oak Ridges Moraine. The high public profile generated by STORM, FON and other conservation groups resulted in the *Oak Ridges Moraine Conservation Act* (passed by the Ontario Legislature in December 2001) and the Oak Ridges Moraine Conservation Plan (approved by the provincial government in April, 2002). Both of these provincial-level land use plans have policies for woodland, wetland and watershed protection that can be borrowed for use in municipal official plans across Ontario.

### Using environmental laws

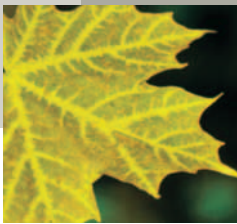
Making use of our system of environmental laws to try to save woodlands should be considered as a last resort, but you still need to know the legal basics. "It's very important to have woodland protection enshrined up front in official plans, zoning by-laws and woodland by-laws," notes Jerry DeMarco, a lawyer and planner at the Sierra Legal Defence Fund. "While there are some legal strategies available if

woodland destruction appears imminent, there aren't many legal quick fixes. "Appealing a municipal planning decision to the Ontario Municipal Board (OMB) should be considered a last-ditch strategy. The time and money needed to participate in an OMB hearing —where you'll likely need to hire a lawyer and perhaps also a biologist and a planner — are beyond the resources of most residents' groups. Furthermore, the odds of winning at the OMB are low because of the relatively weak language in the current *Planning Act* and the *Provincial Policy Statement* that accompanies it. If you think you need some legal tools, contact an environmental lawyer. Legal remedies are seldom cheap. You may be able to obtain a lawyer's help at lower cost from Environmental Defence Canada (formerly the Canadian Environmental Defence Fund), the Canadian Environmental Law Association, or the Sierra Legal Defence Fund. Even if one of these three legal groups can't take on your case, they may be able to provide you with some helpful tips.

From this menu of woodland conservation options, choose whatever suits you and your community's situation. Don't expect results overnight — be patient. We've given you the tools —now, go out and save your woods!

*This fact sheet is adapted from an article that appeared in Seasons magazine, Autumn 2000.*





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## 6 Case Studies

### Marshfield Woods

Essex County has lost over 95 percent of its forest cover since the time of European settlement. This compares with an approximate 80 percent loss of woodlands across southern Ontario, from clearing for agriculture and for urbanization – and to meet the seemingly insatiable demand for more golf courses. Southern Ontario's wetlands have suffered a virtually identical percentage loss.

In late 2002, conservationists scored a major victory for both woodland and wetland protection by saving Marshfield Woods – a swamp classified as a provincially significant wetland – from being converted into an 18-hole golf course. After a protracted hearing, the Ontario Municipal Board (OMB) ruled that a Windsor-based developer could not build a golf course on its 79.5-hectare portion of Marshfield Woods. At 133 hectares in total size, Marshfield is one of Essex County's last remaining Carolinian woods, containing rare species such as pin oak and shumard oak.

The win could not have come without the tireless efforts of area resident John Spellman who, without legal representation, was successful in persuading the OMB to take the highly unusual step of changing the zoning on someone else's land. The board "down-zoned" the developer's property to a wetland designation from the previous agricultural one. The wetland zoning prevents the establishment of a golf course. In a welcome move, both Ontario's Ministry of Municipal Affairs and Housing (which had overturned the Town of Essex's decision to allow the golf course) and the Essex Region Conservation Authority agreed to join Dr. Spellman and other local environmentalists in opposing the golf course before the board. At the hearing, the Federation of Ontario Naturalists filed a statement outlining the importance of adhering to the policies for protecting provincially significant wetlands as stated in the *Provincial Policy Statement* under the *Planning Act*.

The OMB ruling is a testament to the great ecological significance of southern Ontario's remaining wetlands and woodlands. The Marshfield case exemplifies the importance of identifying and protecting significant natural features across Ontario through municipal official plans.

### Red Hill Valley

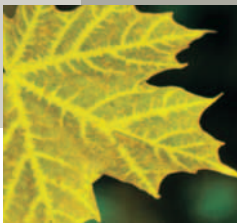
Only a few relatively large natural areas remain within the boundaries of Ontario's expanding urban centres. The future of one of the largest remains in doubt. Despite being completely surrounded by urban development, the City of Hamilton's 700-hectare Red Hill Valley provides habitat for over 600 plant species representing 22 percent of Ontario's native flora, and more than 25 mammals including mink, coyote, beaver and the southern flying squirrel, a species designated of special concern in Canada. This eight-kilometre narrow stream valley is the last natural corridor connecting Lake Ontario to the Niagara Escarpment and provides a migration route for over 175 species of birds. More than 45 species of butterflies also make their home here.

Despite this amazing biodiversity in the heart of an industrial city, municipal authorities want to build an expressway down the centre of Red Hill Valley that will require the removal of at least 41,000 trees. The road would also devastate Red Hill Creek and its 24 species of fish, traversing the existing stream 14 times. To reduce the cost of bridges, the plans call for re-locating 7.5 kilometres of the stream so that the crossings are reduced to eight.

The City of Hamilton claims the project will "improve fish habitat" by lengthening the stream, but this ignores the intricate relationship between land and water ecosystems that is crucial to the health of both. Forest removal and road runoff will disrupt and degrade the surface and ground waters that feed and cool the creek. The loss of riparian vegetation will further raise water temperatures at the same time as it robs the stream of the organic material that forms the basis of the aquatic food chain. The expressway will also have heavy negative impacts on a provincially significant wetland and a 25-year Remedial Action Plan (being carried out pursuant to the Great Lakes Water Quality Agreement) in Hamilton Harbour, into which Red Hill Creek empties.

Citizens have held off the expressway scheme for almost 50 years. Friends of Red Hill Valley ([www.hwcn.org/link/forhv/](http://www.hwcn.org/link/forhv/)) was formed in 1991 and is leading the struggle to retain the creek and the wooded valley as a natural area for the people of Hamilton to enjoy. Friends

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of Red Hill Valley has most recently focused attention on the \$230-million cost of the expressway at a time when the City of Hamilton is debating massive cuts to transit and social services, increased user fees for recreation, and a substantial residential tax increase.



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Red Hill Valley

**Woodlands Protection Toolbox**

For all FON publications, call (416) 444-8419 or 1-800-440-2366, or visit our website and follow the link to Shop FON to order directly from our secure online store.

**If you are a landowner:**

Managed Forest Tax Incentive Program (MFTIP)  
<http://ontariosforests.mnr.gov.on.ca/mftip.cfm?lang=EN>

Ontario Forestry Association [www.oforest.on.ca](http://www.oforest.on.ca)  
(416) 493-4565 or 1-800-387-0790

Ontario Woodlot Association [www.ont-woodlot-assoc.org](http://www.ont-woodlot-assoc.org)  
(613) 258-0110 or 1-888-791-1103

The Private Land Resource Stewardship Program  
[www.ontariostewardship.org](http://www.ontariostewardship.org) (705) 755-3278

**Setting up a land trust:**

*Creative Conservation: A Handbook for Ontario Land Trusts* (FON, \$10)

Ontario Land Trust Alliance  
(613) 284-2010 or (613) 284-8093 fax  
(website under construction)

**Assessing the woodland's significance:**

Natural Heritage Information Centre  
(Ministry of Natural Resources)  
[www.mnr.gov.on.ca/MNR/nhic/nhic.cfm](http://www.mnr.gov.on.ca/MNR/nhic/nhic.cfm)  
Inquiries about using the website's databases:  
(705) 755-2159

*The Woodland Heritage of Southern Ontario: A Study of Ecological Change, Distribution and Significance* (FON, \$15)  
*Natural Heritage Reference Manual for Policy 2.3 of the Provincial Policy Statement* (MNR, free): 1-800-667-1940

**Saving the woods through land-use planning:**

*A Smart Future for Ontario: How to Protect Nature and Curb Urban Sprawl in Your Community* (FON book, \$8 paper or download from [www.ontarionature.org](http://www.ontarionature.org))





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#### Joining an environmental advisory committee:

*Protecting Nature Close to Home: A Guide to Municipal Environmental Advisory Committees in Ontario*  
(\$2.00 FON booklet)

#### Becoming an advocate:

*Protecting the Niagara Escarpment: A Citizen's Guide*  
(FON, \$7) See Chapter 6 on advocacy strategies.

Great Lakes Aquatic Habitat Network & Fund

[www.glahabitat.org](http://www.glahabitat.org) (231) 347-1181

Great Lakes Directory

[www.GreatLakesDirectory.org](http://www.GreatLakesDirectory.org) (231) 347-1181

#### Advocates for Nature:

[www.ontarionature.org/home/advocate.html](http://www.ontarionature.org/home/advocate.html)

#### Using environmental laws:

Environmental Defence Canada

[www.edcanada.org](http://www.edcanada.org)

(416) 323-9521 or [info@edcanada.org](mailto:info@edcanada.org)

Canadian Environmental Law Association

[www.cela.ca](http://www.cela.ca) (416) 960-2284 or [intake@cela.ca](mailto:intake@cela.ca)

Sierra Legal Defence Fund

[www.sierralegal.org](http://www.sierralegal.org)

(416) 368-7533 or [sldfon@sierralegal.org](mailto:sldfon@sierralegal.org)



Written by Linda Pim

FON gratefully acknowledges the generous support for this fact sheet by The Richard Ivey Foundation, and the Great Lakes Aquatic Habitat Network and Fund.

The Federation of Ontario Naturalists (FON) protects Ontario's nature through research, education, and conservation action. FON champions woodlands, wetlands and wildlife, and preserves essential habitat through its own system of nature reserves. FON is a charitable organization representing 25,000 members and supporters and 125 member groups across Ontario.

Fact sheets in this series include:

Cores and Corridors: The Importance of a Green System in Southern Ontario

Forest Fragmentation

Introducing Old Growth – The Ultimate Forest

10 Ways to Save Your Local Woods (and Water!)

Urban Forests: An Important Part of Our Natural Heritage

Making the Connection Between Woodlands and Water

*Woodlands At Risk* is a 32-page full colour booklet about the threats to southern Ontario's woodlands, available from FON.

If you wish to support FON or learn more about current conservation issues in Ontario visit:

[www.ontarionature.org](http://www.ontarionature.org)



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