

Myler Ecological Consulting

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07 October 2022

Environmental Registry of Ontario
Alejandra Perdomo
Municipal Services Office – Central Ontario
16th Floor, 777 Bay Street
Toronto, ON M7A 2J3

RE: ERO number 019-5717, Ministry reference number 25-OP-171748
The Regional Municipality of Niagara – Approval of a municipality’s official plan.

Dear Ms. Perdomo,

Myler Ecological Consulting is an ecological consulting sole proprietorship that serves private developers and public agencies through the completion of ecological impact studies, contributions to environmental assessments, and support for the acquisition of and compliance with approvals and permits.

The proposed Niagara Region Official Plan contains natural heritage policies that represent a marked departure from current Niagara Region Official Plan policies and from PPS 2020 that, if approved by the province in their entirety, would unduly and unreasonably affect approval and completion of my clients’ projects.

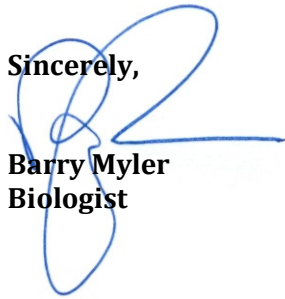
Key comments on natural heritage policies within the proposed Niagara Region Official Plan that I urge the province to consider include:

- The absolute prohibition of development within Significant Woodland is inconsistent with and decidedly more restrictive than PPS 2020. It will remove necessary flexibility for the siting and design of proposed development and redevelopment.
- The invention of Other Woodlands as a protected natural heritage feature subject to the *no negative impact* policy will constrain these newly mapped areas as though they were Significant Woodland. The term “woodland” is being used broadly within the new Niagara Region Official Plan in a confusing manner to extend protection to include areas that are not forests. Significant Woodland *is* forest that meets quantitative tree density criteria of the Forestry Act and *is* forest as defined by the Southern Ontario Ecological Land Classification system with a canopy cover of at least 65%. However, Other Woodland includes treed area that is not forest, and includes open areas with scattered trees with canopy cover down to 25%. The net effect is a massive extension of protection and policies that are meant to protect Significant Woodland *forests* to widespread and extensive *non-forest* areas, introducing extensive constraints to development
- Policies for Cultural and Regenerating Woodland impose unduly strict limits on development even where environmental impact studies have confirmed, and Niagara Region has acknowledged, such areas as having “limited ecological function and ecosystem services”. The definition of Cultural and Regenerating Woodland is subject to a long and restrictive list of conditions, including limitation of such areas to less than 2 hectares. As such, there is no scope for development where more extensive

low quality treed areas occur, including large stands of exotic invasive tree species. For the small woodland areas that may be approved for development, the policies require disproportionate and expensive compensation through creation of new woodland on-site or at a nearby area according to an approved *woodland enhancement plan*. As such, after bearing the expense to remove a stand of low-quality cultural woodland, a developer must bear, and pass along, the additional expense and long-term responsibility of setting aside and creating a compensatory area of woodland comprised of planted native trees.

I urge the province to consider in its review of the proposed Niagara Region Official Plan that these policies are inconsistent with PPS 2020, are overly restrictive, and should be revised.

Sincerely,



Barry Myler
Biologist