

# **Presentation to NK Council Oct 18 2016 by Ambrose Moran-Talking Notes**

## **Subject Logging Operations on Jack Lake Road**

### **Background**

#### **May 3 letter to CAO**

Expressed concern about perceived illegal logging and asked 3 questions

**#1 Does NK own timber rights on the surveyed road allowance...**

**#2 Has NK authorized MNRF or any logging company to harvest trees from municipal road allowance?**

**#3 Does NK have in place a bylaw prohibiting tree removal from municipal land**

#### **May 24**

Response from CAO that:

He visited the site

- **not aware of any logging activity in area** =despite having received photo and indicating had gone to site
- that information has been passed to MNRF for its investigation and action if deemed necessary

#### **June 21**

Addressed Council stating that my 3 questions to CAO had not been answered and

- asked council to not just receive my presentation but to provide me with answers to the questions

—was told that issue had been referred to MNRF and I explained that these questions were question to be answered by the Township.

Minutes of that June 21 Council meeting Council states:

- He ( Ambrose) perception is that trees on municipal land were illegally harvested
- MNR enforcement branch was investigation the mater and a once a reply received that a report would be coming back to Council
- The township is not aware of any logging operations for at least 2 years unless someone is taking the odd tree
- Mr Moran stated that to say Township is not aware is unacceptable

## July 5

Report to Council by CAO

## July 12

Within the require time frame I requested to be on the agenda to address Council July 19 re logging .after exchange of e mails with clerk was finally place on agenda (July 14 11:29) and advised to be available at 9:30 July 19

The following day (July 15 11:49) was advised by clerk Parent that the Mayor had taken me off the agenda

This is a violation of democracy and conflict with NK web site indicating North Kawartha Council encourages delegations before Council

Also being denied the right to address an elected Council offends the concept of openness and transparency

## TODAY

I will comment of the CAO Report to Council dated July 5 2016 re logging on Jack lake Road

My initial questions of May 3 have not been answered by either staff or Council

I have not received any indication from Council that they have received the response from MNRF to address my concerns.

QUESTION #1 – NOT ANSWERED

QUESTION # 2 Not answered

QUESTION #3 yes answered--- there is none



### FURTHER RESEARCH BY CAO

CAO claims that the info provided to Council ( **THAT NO LOGGING ACTIVITY HAD TAKEN PLACE**) verbally on June 21 was the information I received on the matter before the meeting

**Difficult to accept is information as I had provided pictures of the activity and CAO claims in his letter to me of May 24 he had gone to the site with the Road Superintendent**

And



### CAO now claims

- that based on further research that work occurred in early Nov 2015 during hunting season ( BTW no hunting season in the Peterborough Crown Game Preserve)



- the short work period explains why staff may not have observed truck in area as before winter maintenance season

## COMMENT

So surely some regular patrols of that road took place during November and certainly the fresh logging effects were visible during the winter and spring months without the Township dealing with what appears to be illegal harvesting of trees on municipal property.

- **Jack Lake Road is a forced Road and therefore the Township would only own the area that it maintains which is much less than the normal 66' road allowance**

## COMMENT

Council deserves to get better information from staff than this ...THIS IS NOT A FORCED ROAD ....If in fact this road was a force road I would have been aware of that having driven it for 44 years. I have for a long time been aware that this was a surveyed road with an established road allowance width and was owned by the Township.

If it was a “forced road” I would never have brought my concerns about what I suspect is illegal harvesting of timber on municipal property.

My first question to CAO in May was **does NK own the timber rights on the surveyed road allowance**.....before asking the question I took steps to determine the width of the road allowance by going to the registry office in Peterborough to view the survey 45r3231 of the road as for a long time was aware that this road was uniquely wider than 66 ft. I had already confirmed through registry office information that the road was in fact owned by the township.... registry records indicate the title to the road is vested with the Corporation of the Township of Burleigh Anstruther

Twp Staff surely should know that this is not a forced road—In my office I also have copies of assessment maps which show this road to be surveyed and PIN numbers have been assigned with legal descriptions of the various parts ..within this office these maps exist along with detailed assessment information which would confirm that this road is municipally owned and the road allowance width is 86 ft—also from time to time this twp have prepared through

consultants road studies which classify each road type and surely such reports would identify forced roads which are more restrictive in the townships ability to undertake improvements.

Since receiving the July 5<sup>th</sup> Report to Council –it is understandable that Council members would take the position that Ambrose is wrong in his suspicions that timber was illegally harvested from municipal property.

Council members were denied the opportunity to be informed of this serious error in the CAO report as I was denied the right to address Council in July.

### **So Next steps**

I still need answers to questions:

#1—Does NK own the timber rights on the surveyed road allowance..?

& #2 ---Has NK authorized MNRF or any logging company ..to harvest trees from the municipal road allowance?

In the CAO July 5<sup>th</sup> report it is stated that *“if trees are illegally cut on a municipal right or way, the municipality could pursue charges or civil action which would result in a judicial process determining the penalty or judgement”*.

This is a request to Council to determine the answers to questions #1 & #2

And if NK owns the timber rights on this road allowance and the township did not authorize the harvesting of trees in this area

That Council pursue charges against the illegal cutting of trees as indicated in my previously submitted photographs.

And

Establish working relationship with MNRF to avoid any intentional or accidental illegal harvesting of municipal trees

And further

Enter into an understanding with MNRF that a significant no cutting buffer zone along Jack Lake Road be put in place for future logging activity to protect the scenic landscape values along this and other township roads

## **Ambrose Moran**

Acting independently

