

Township of North Kawartha

Report to Council

To: Mayor and Council Members
Date: July 5, 2016
Author: Rob Browning, CAO
Subject: Response to Inquiry RE Logging on Jack Lake Road

Recommendation:

That Council receive this report for information.

Background:

On May 4, 2016, Mr. Moran sent a letter requesting some responses to questions about logging activity on Jack Lake Road. He subsequently attended Council on June 21 as a deputation. As a result of his deputation, Council requested a report on the subject. As information, Mr. Ambrose submitted another letter on June 23, 2016 which is attached.

Analysis:

Researching this matter has consumed a significant amount of staff time.

Mr. Moran suggested that his questions were not fully answered in the response of May 24 by the CAO.

It is the author's opinion that questions #1 and #2 were answered with the responses below cited from the May 24 letter.

Question 1

“As a general response to municipal road allowances, any assets on the road allowance are the property of the municipality and anyone who wishes to remove or alter them in any way requires municipal approval.”

The term “any assets” includes trees amongst other items.

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Question 2

WOW!! and only 5 miles from their office

“The Township of North Kawartha is not aware of any logging activities and this information has been passed to the MNRF for its investigation and action if deemed necessary by the MNRF.”

This is quite self explanatory.

Like asking the bank robber to investigate the bank robbery!! I alledge with evidence that MNRF 's contractor illegally cut trees on municipal property... Twp CAO advised me May 24 2016 this information was passed to MNRF for investigation. MNRF Bancroft District manager advised me thyat their enforcement branch had not conducted ant investigations related to the matter. any

The answer to Question 3 is there is none and therefore there is no penalty for the non-existent by-law. However if municipal property is damaged i.e. Trees cut illegally on a municipal right of way, the municipality could pursue charges or civil action which would result in a judicial process determining the penalty or judgment.

On June 23, Mr. Moran submitted a second letter on June 23 with three additional questions regarding entrance permits. The letter is attached to this report and the response to all three questions is no and will be explained further on.

Mr. Moran has also asked the CAO to retract information provided to Council on June 21. The information that the CAO transmitted to Council verbally on June 21, 2016 was the information that I received on the matter prior to the meeting.

Further research indicated that the work did occur in early November, 2015 during the deer hunting season. The short work period explains why staff may not have observed logging trucks in the area as this was prior to the winter maintenance season when our drivers would traverse the road regularly.

no deer hunting season in game presereve

The entrance used by the contractor (MNR approved) was an existing one and the contractor did not therefore apply for an entrance permit of any type. The contractor did add some gravel in the early fall to help prevent mud from being tracked onto the Township road. The contractor also used an existing network of roads/trails to conduct the work. This statement does not preclude that the roads/trails may have been expanded. This is the information provided to the author.

It is noted that the Bancroft/Minden Forest Company is a company formed by the logging companies in this area to work with the MNRF to manage the projects in the area and ensure operations are within the parameters established by the MNRF.

parameters do not permit illegally harvesting trees on municipal property

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The delegation made a statement at the meeting to the effect that others had observed this activity during the past winter and were concerned. It is strange to staff that no one would have thought to take a photo of the party while they were undertaking the work and immediately file their concern with the Township so that we could act immediately.

It should be noted that this logging occurred within the Crown Game Preserve and therefore under provincial authority. 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.

Totally wrong and township in fact has deeded ownership to the road when transferred to Municipality from Crown in 1979 and actually by survey 86 ft wide

Information provided to the author suggests that operations may continue later in this year on Crown property in accordance with a provincially approved plan. Should the contractor need to impact any municipally owned property, the Township will be contacted and consulted.

As I stated previously, the matter has been referred to the MNRF as it does appear that most activity is on property owned by the Crown. The MNRF has not yet responded to any queries by staff.

This report will be forwarded to Mr. Moran and serve as a response to his two letters.

Financial Implications:

The cost of staff time to collectively research the matter and is estimated to be approximately seven to ten hours of site visits, phone calls, follow-up and file searches.

Strategic Plan:

Environment - Protect and Enhance Both the Natural and Human Environment 4.1.Promote Responsible Environmental Stewardship.

Attachments:

Letter from Mr. A. Moran dated 16 06 23