Dear PALS’ Supporter,

PALS Board members and our researcher John Bacher are “fighting the good fight” for fruit land and other prime agricultural lands on several fronts these days. From quarries to mega NASCAR type racetracks, to several highways, and threats of urban boundary expansions onto the fruit lands of Niagara when the Greenbelt review of 2015 takes place, we are there!

In addition, we are still diligently pursuing our 20 year- plus efforts to protect the unique and still-at-risk fruit lands “in perpetuity” through the use of payments to farmers for the placement of restrictive covenants/easements on their land. Our latest endeavor in early March, found myself, Gracia Janes, PALS researcher Dr. John Bacher, Corwin Cambray former Niagara Region Commissioner of Planning and Arnie Lepp, President of Niagara Orchard and Vineyard Co., meeting with Ontario Cabinet Minister Jim Bradley, regarding the excellent background materials Gracia had prepared to support our case i.e. Two Hundred and Nineteen Years of (fruit growing) History in photos, facts, maps, essays and quotables from 1792 to 2011.

From there, courtesy of Minister Bradley, a long time supporter of fruit land preservation, and joined by Dr. Gary Davidson, ( former land use planning advisor to Elmer Buchanan, the Minister of Agriculture at the time of our original 1992-95 Tender Fruit Land Task Force ) we headed to Toronto to meet with the Minister of Agriculture Carol Mitchell (see quotables) and present her with our colourful historical backgrounder, our case for a renewed tender fruit land program, and our rationale for the creation of a new farmer/PALS/Regional Niagara/inter-ministerial/Task Force to develop it.

Our key messages to Minister Phillips were as follows: Niagara’s very limited fruit lands are the best in North America, and they are much threatened by development despite the Greenbelt protections. Fruit farmers are aging and are increasingly under huge financial pressures, and neither their farm expertise nor the land can be replaced elsewhere. And, crucially, if the government is not prepared to save this unique part of the Provincial Greenbelt through a substantive investment in the land and the farmers, through payments for easements, we will be left not too far in the future, with a “token” fruit belt having blossoms but no real farmers on the land. In fact the very success of the Greenbelt will be totally undermined, as after all, if the government cannot save the best lands in Canada what other part of the Greenbelt can they protect for farming and for feeding Ontarians?

We will keep you posted as usual!

Val O’Donnell, President
Province Stands Firm Against Growth Urban Sprawl in West Lincoln and Niagara Falls.

The deadline has passed for an Ontario Municipal Board Pre-Hearing Conference for a Regional Municipality of Niagara Amendment to its Official Policy Plan that was attempting to permit urban boundary expansions in Niagara Falls and West Lincoln. The Amendment was an attempt to overcome key principles of the Province’s Places to Grow Plan by the means of a ‘not withstanding’ clause, and a division of the Niagara Region into distinctive sub-market areas.

Before the Province made it clear to the Niagara Regional Council that it was firm in its intent to reject the Regional Amendment, PALS had argued in a presentation to Council, that with the approval of the brownfield redevelopment to housing in the former Queenston Quarry, the attempted urban expansion elsewhere were even less justified than previously indicated in regional planning department studies. Although the Queenston development was known to regional planners it was not taken into account in housing capacity background reports prepared by Dillon consultants.

The Province’s rejection of efforts to expand urban boundaries still has not been publicly reported. It has been however, discussed at regional in-camera meeting, so the Regional councillors may still come up with a strategy to get around provincial opposition.

PALS Continues Battle Against Proposed Fort Erie Motorway

A major aspect of PALS work continues to be our struggle against the proposed Canadian Motor Speedway in Fort Erie. This proposal if approved, would remove agricultural zoning and designations that currently protect 827 acres of agricultural land from urban development. It would also place into urban zoning the entire headwaters area of Miller Creek, which provides habitat for the threatened Grass Pickerel and Wood Turtle.

A partial victory for PALS, and the Citizens Coalition of Greater Fort Erie, our lead partner in what may well be an epic battle to protect farmland and ecologically sensitive lands, as well as ensure environmental health in Fort Erie, was won when the previously scheduled April 8 pre-hearing conference of the Ontario Municipal Board, (OMB) on the motorway was delayed at the request of the motorway company, so they could complete environmental studies. The pre-hearing may or may not be rescheduled for June.

New Minister of Natural Resources Waffles on Fonthill Kame Protection

A year ago the former Minister of Natural Resources, (MNR) Donna Canfield, reversed attempts by sand pit operators to reduce the size of the Earth Science Area of Natural and Scientific Interest, (ANSI) designation, around the Fonthill Kame. In a letter to the Pelham Town Council, the Minister suggested that the ANSI designation be extended. In this regard, the Minister’s letter was in keeping with the most extensive study of the Kame that was conducted in 2007 by John Fraser, MNR’s regional geoscientist.

The Fonthill Kame is an ice contact glacial delta created by melt waters from retreating glaciers around the end of the Pleistocene era. The ANSI designation here is intended to protect all the diverse components of this rare geological formation. A recent study on the Kame prepared by the Niagara Region, based on Fraser’s work and that of Brock Professor Dr. John Menzies, concluded that to protect the various distinctive geological components of the Kame, it would be necessary to expand its current designation. It also pointed out that gravel extraction in the past has wiped out some of these representative features.

The effect of the ANSI designation is to make gravel extraction on the Fonthill Kame more difficult to justify. The Kame is important for it provides...
the conditions for air drainage that make Pelham a good location for tender fruit growing, especially sour cherries. It also provides the headwaters for the Twelve, Sixteen, Fifteen, Eighteen, Coyle and Draper's Creeks. The good base flow from the Kame makes the Twelve Mile Creek the only stream in Niagara that is a cold water fishery, with a healthy population of native Brook Trout.

**PALS Writes Extensive Brief to Province Against Proposed Hamilton-Bypass Expressway**

Although PALS won a major victory when the Province came down firmly against proposals to run a new expressway through the Class One and Two farmlands and forested wetlands of West Lincoln i.e. the mid-peninsula highway, there has been a recent setback to what we originally believed would be a new 'expressway-free’ zone for the foreseeable future.

Last Fall, in its release of the Niagara to GTA Corridor Planning and Environmental Assessment Study, the Province outlined plans for a new expressway which would link Highway 407 to Highway 403 by a crossing of the Niagara Escarpment. Now this proposal has been modified to extend the expressway into Grimsby, essentially by making it a ring road of expressways that would by-pass the City of Hamilton, but come close to the John Munroe International Airport. Such an expressway would cut the Niagara Escarpment in two locations, and would also pose a threat to fruit lands in Grimsby. It appears that the desires of Hamilton’s Chamber of Commerce, led by Richard Koroscil, who as we reported in our Winter 10/11 newsletter is President of a company that runs the airport, and also heads up Hamilton’s Chamber of Commerce and the Southern Ontario Gateway Council, have gained some traction with Provincial planners.

In our recent brief against the proposed Hamilton by-pass expressway, PALS has stressed a variety of means that should be taken to curb the anticipated heavy volume of traffic in the Hamilton-Burlington area. One is that the Greenbelt should be extended to include all of the Hamilton’s white belt lands, where urban boundaries are being considered.

These lands are very ecologically sensitive, being the headwaters of the Twenty Mile Creek and Welland River, and should because of this, be largely reforested. Another recommendation is that there be a Hamilton-Burlington transportation study, to reduce automotive dependency to levels that are higher than those being predicted by the province. PALS also stressed that to avoid expansion of Highway 403 and the Redhill Creek expressway onto ecologically sensitive lands, tunnelling and stacking be employed to achieve increased roadway capacity.

**Expressways Emerge As Major Threat to Farmland Preservation of Best Lands of Southern Ontario.**

Not just the Mid-Peninsula expressway, but a variety of expressway schemes have emerged as major threats to the preservation of our best agricultural lands in Southern Ontario. Here’s a short synopsis of three other on-going battles.

**Highway 407- Eastern Extension**

Following the passage of a motion by several municipalities, and quite shockingly (unanimous approval) by the City of St. Catharines, the Province committed itself to an extension of Highway 407 in the Oshawa area. The proposed highway would if actually constructed, go through the Greenbelt and lands of the Oak Ridges Moraine. In addition to being Class One and Two lands, much of the area contains extensive apple orchards.

**Highway 404-The Road To Nowhere**

A proposed extension of Highway 404, sometimes called the Bradford by-pass, is an especially severe threat to the excellent Class One lands in this area. The whole purpose of such a highway would be to encourage growth in supposedly protected Greenbelt areas. Knowledge of the likely construction of an expressway has facilitated planned official plan amendments in Keswick and Sharon for urban boundary expansions that are hoped to take place after the Greenbelt plan review in 2015.

**Highway 424 West Cambridge to Brantford**

Another expressway proposal is the 424 west, which would if constructed go between the communities of Cambridge and Brantford. Here most of the opposition comes from the farming community, which would be negatively impacted if the expressway was built. Opponents of Highway 424 West have stated, “We have a need for this community association. We are agricultural farmers, we are horse farmers, we are cattle farmers, we are multi-generational land owners, we are protectors of the environment...Most of all we are people who love the rural life. Lets do what we can to stop 424.”
ACROSS THE PROVINCE

OMB Rejects Quarry in Rockfort, Town of Caledon

A major victory for farmland preservation was won by the Caledon against the proposed James Dick quarry in the community of Rockfort. In its decision, the OMB ruled that, “The loss of natural views of rural lands, the loss of cultural heritage landscape and cultural heritage resources and the conversion of a rural area into an urban area centred on a heavy industrial operation cannot be permitted in the interest of the production of more aggregate for infrastructure development. It is time for alternatives to aggregate construction to be found. Too much of what is essential to the character of this Province would be lost if aggregate extraction were to be permitted on lands like the subject property. Lands situated in a significant cultural landscape, surrounded by significant natural heritage features and functions, are not lands on which extraction should be permitted in the absence of demonstration of no negative impacts. No such demonstration has been completed in this case.”

Owners of Proposed Quarry Land in Flamborough Prepare to Fight Ministerial Zoning Order At OMB

Former Minister of Municipal Affairs James Bradley imposed a Ministerial Zoning Order which quashed an effort by St. Mary’s Cement to construct a quarry in Flamborough, a former township that is now part of the City of Hamilton. The zoning order, which froze the zoning of the site to “Agriculture and Conservation Management”, has now been appealed by St. Mary’s Cement. The quarry company’s efforts at the OMB are opposed by the City of Hamilton, and the pre-hearing conference on the application was held on April 1, April’s Fools Day.

Protest Walk Planned Against Massive Quarry on Prime Farmland In Dufferin County

Over the past decade the American-based Highlands Companies has amassed some 7,000 acres of prime agricultural land, formerly mainly used for cultivating potatoes. It has also acquired former rail lands that had been converted to a cycling path. In the past the company stated that its intent was to create the largest potato farm in Ontario, but it is now in the process of applying for a massive quarry. It would be operated 200 feet below the water table. The company’s initial application is for a quarry on 2,400 acres. The proposed quarry is in the headwaters area for the Nottawasaga and Grand Rivers. The Highland Company is currently engaged in a massive process of clearing away agricultural buildings. It has already demolished, or has permits to demolish, buildings on some 28 properties assessed at over $6 million.

PALS researcher, John Bacher took part in an eight day walk that was part of a process that led to the defeat of the proposed Dump Site 41. Following the leadership of Danny Beaton, organizer of the Dump 41 walk and now spearheading the drive to raise public awareness of this very important threat to farmland and headwaters in Dufferin County, John will join Danny and others for a five day walk from Toronto to Melanchon Township, which will begin on Earth Day, April 22nd.

QUOTABLES

Background Research Information for presentation to the Honourable Carol Mitchell, Minister of Agriculture Food and Rural Affairs on March 29th

“Michigan’s Easement Program Protects Unique Fruit Lands Similar to the Niagara Fruit Belt”

- Dr. John Bacher

The American state of Michigan has a fruit belt created by a unique microclimate fostered by the proximity of the Great Lakes and rolling terrain which is remarkably similar to Ontario’s Niagara Fruit Belt. This has created a tiny acreage of rare tender fruit lands, which are protected in perpetuity from development by the use of conservation easements.

The Niagara Fruit Belt produces the majority of tender fruit crops grown in Canada. This is similar to Grand Traverse County in Michigan, which is a peninsula jutting into Lake Michigan. Grand Traverse County produces an astonishing 40 per cent of all the Red Tart Cherries grown in the United States. The favourable climate has put the unique fruit lands of Michigan under intense pressure for development by the use of conservation easements.

The state of Michigan has a program for the public purchase of conservation easements in the core of the unique fruit growing area, Peninsula Township. While not all individual eligible parcels have yet been acquired, land is being placed in protection with great rapidity, as easements are purchased annually based on a point selection process.

Since the program was started in 1994 (the same year the Niagara Tender Fruit Lands Program - and one year later cancelled - was launched), there has been a dramatic reduction in lands lost to urban sprawl. From 1968 to 1989 some
1,100 acres of the unique Michigan fruit belt land was lost to urbanization. Since 1994, when the Michigan Tender Fruit Lands Program was instituted, the loss has only been 70 acres, while Niagara has lost over 600 acres.”

Pals Comments Contrasting Regional Niagara Planning Methodology on Growth Applications:

In St. Davids, Niagara-on-the-Lake Versus the Region of Niagara Growth Plan

“To us it appears there was a major flaw in how the review was conducted, as part of the background for this review involved identification of all the possible areas of urban expansion to provide the basis for various growth options. Since the Niagara Regional Planning Department was aware of this Queenston Quarry proposal, it should have formed part of the analysis of the various growth options to be considered. Had this been the case, it would have been reasonable for the department to conclude that this urban boundary in St. Davids could be expanded i.e. in a “brown field” site - a former quarry, lacking any agricultural land or natural areas within it. This is certainly a more reasonable place to expand the urban area boundaries that where the Region is attempting to expand them now - in Smithville and Niagara Falls on prime farmlands.”

and in the Town of Fort Erie

“PALS further wishes to draw attention to the 827 acre Canadian Motor Speedway proposal in Fort Erie, approved by the Region recently, on advice of the Planning Department, which effectively is an urban expansion. This proposed development was also not part of the comprehensive review. Therefore we strongly object to the use of this rationale for downsizing the “brownfield” Queenston Quarry development proposal, when such considerations have not been applied to a massive urban expansion requiring full municipal services and over 800 acres of protected prime agricultural land and a Provincialy Significant wetland.”

PALS Latest Brief re Changes to Niagara to GTA Corridor Report Plans - Dr. John Bacher PhD. April 14, 2011

Two Corridors Have Been Wrongly Modified Since Last Consultation.

While PALS’s welcomes what we believe is the central thrust of the Niagara to GTA report, that no corridor is needed between Hamilton and Welland, we do not accept the rationale offered in the draft report for two other corridors. In this regard we are also concerned that there now appears to be an expanded approach to these corridors than in the “Draft Transportation Strategy” presented this spring.

PALS stresses that we have not seen any additional evidence from a traffic standpoint from the previous consultation, for the upgrading of the Niagara “route” to corridor, and the creation of a Hamilton by-pass expressway. This leads us to the reasonable conclusion that these changes have come about from pro-expressway lobbies.”

..... “The extent to which local traffic is playing a role in the congestion problems, future and existing, which are being used as rationales for new corridor construction, needs to be properly identified. Not to make such an analysis shows a profound bias in favour of new corridors to address transportation problems. It should be noted that in some of these areas contributing to congestion transit use is abnormally low for Ontario cities. Burlington for instance, has one of the lowest transit use rates of any municipality of comparable size. Some cities notably Georgetown, have no local transit service.

PALS will repeat now, what we have said for the past 7 years. There need to be transportation studies done for Hamilton-Halton and the Niagara Region, with the goal of encouraging a modal shift away from current levels and planned increases of auto trips. This study should deal with problems which are not addressed at all in the report. One obvious one is how transit use in areas that would reduce congestion on existing corridors would increase through basic service improvements. The most obvious is the impact of a reduction in wait times in times associated with peak hours.”
ANNOUCEMENT!
We are very pleased to announce that Dundurn Press will publish a truly fascinating book by our PALS researcher John Bacher, “Edmund Zavitz: The Man Who Rescued Ontario With Trees and Resolve.”

As John notes in this information piece “The term “rescue” describes effectively what Zavitz effectively did. Before he embarked on his conservationist career, starting in 1904, Ontario was threatened by spreading deserts, massive forest fires, and floods. The effectiveness of his policies has largely caused these threats to be eliminated.

My book details many of the reasons behind the protection of the landscape now protected as Ontario’s Greenbelt. One of the Greenbelt’s critical goals is the protection of the watersheds of streams that flow into Lake Ontario, which have their headwaters in the Niagara Escarpment and the Oak Ridges Moraine. Zavitz protected these watersheds through reforestation, the creation of Conservation Authorities, and tree cutting by-laws. Planning controls imposed through the Greenbelt now further protect these lands from urban sprawl. ..”

The book will be published in late Spring or early Summer and is available from PALS for $20 for those who live close by, and $25 for those further away to cover mailing costs (See enclosed order card.) ■

Another Web Way to Give to PALS!
As a registered charity, PALS is listed with ‘CanadaHelps.org’
Just google this name and type in:
The Preservation of Agricultural Lands Society in the ‘search’ box and go from there.
Gracia Janes, Treasurer

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