



THE PRESERVATION OF  
AGRICULTURAL LANDS  
SOCIETY (PALS)

*Working to Protect the  
Best Farmlands in Canada  
Since 1976*

**Winter 2021**

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## PRESIDENT'S LETTER

Dear PALS Supporters,

The next six 6 months of land use planning in Ontario will be crucial, as municipalities struggle under a Provincial government dictum to complete their Official Plans for the next 30 years of growth by July 2022. While some municipalities are anxious for “market-based” growth, and in the case of York, development within the Greenbelt, others are resisting, and Hamilton City Council has just voted for fixed urban boundaries.

What is most worrisome for PALS as the Region develops its Official Plan, is that Regional Niagara Planning Consultants have eagerly promoted a higher population growth target than the Province specifies which will, they say, require more farmland and natural areas to be developed. Additionally, just this week, a Regional Planning document alerted us to their favourable view of development applications for urban expansions onto Niagara Falls grape lands - a scenario against which PALS fought and won at an earlier OMB hearing, and last Fall, recommended for inclusion in the Greenbelt; a planned shopping mall on large acreages of prime farmland and natural areas in Fort Erie; as well as West Lincoln's proposed expansion onto prime farmlands .

Meanwhile, tender fruit and grape lands continue to be lost to, or negatively impacted by greenhouses, commercial uses such as cannabis operations and most recently, tourist-oriented event venues.

All of this, plus the strong provincial commitment to Highway 413, which includes lands within the supposedly permanent Greenbelt, confirms that we must continue our work to attain the tender fruit land program that the Conservative government cancelled in 1995, and Liberal Minister of Agriculture Jeff Leal, backed by then St. Catharines MPP Jim Bradley, supported between 2015 and 2018.

Therefore, a few weeks ago we sent a strong letter and backup materials to the Minister of Agriculture, Food and Rural Affairs outlining the extensive values of investing in restrictive covenants to protect these very special fruit lands in perpetuity and asking for a meeting with her to make our case. (see Quotables page 4 & 5 )

We will keep you posted,

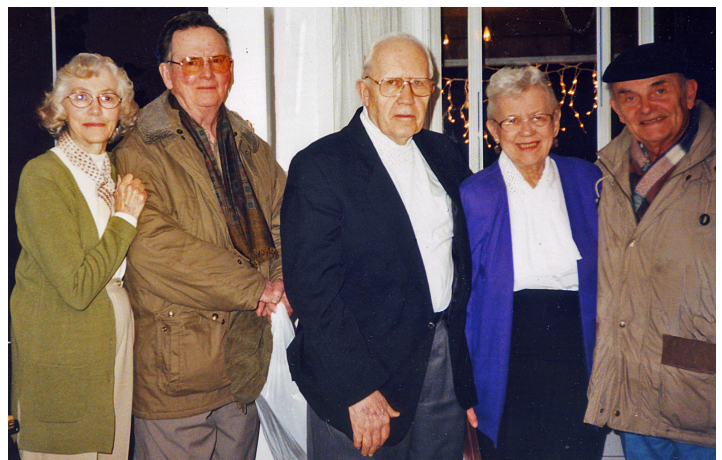
Doug Woodard

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### **A Bit of History and a Goodbye to PALS Supporter Dorothy Daley**

As the oldest farmland preservation group in Canada, PALS owes a great deal to key founding members, such as PALS first President the late Dr. Robert Hoover (pictured above) and Peter Grandoni, a Niagara Falls grape farmer. They were key witnesses in PALS 1978 to 1981 successful Ontario Municipal Board hearings which preserved 3,600 acres of Niagara's tender fruit and grape lands, redirected growth to lesser lands and set the stage for the concept of permanence of urban boundaries. However, this could not have been accomplished without the ardent support of long-time PALS members such as Dorothy Daley who passed away in October at age 97. Her dedication to food land preservation is captured in the following family tribute:

“Environmental stewardship and land preservation were among her foremost passions. Long before the terroir movement became popular, Dorothy was a strong advocate and ardent practitioner of “farm to table” living. As a resident of Fonthill for more than half a century, she cultivated her passion for locally sourced foods and she served as a dedicated member, volunteer and fundraiser for the Preservation of Agricultural Lands Society in the Niagara region.”



*Long standing members of PALS celebrating our 35th AGM. From left: Dorothy Daley, Ken Daley, Bob Hoover (first & long-standing President) Ellen Hoover and Bill Forster (1st Treasurer)*

**Excerpts from Comments on Proposed Urban Expansion in  
New Niagara Regional Official Plan - August 5, 2021**

“In this presentation PALS is focused on opposing lands mapped in a regional document which is intended to indicate proposed lands for urban expansion that are supported by a lower tier municipal council. These areas appear to be restricted to the following. We anticipate that the Niagara region will agree with the various local councils that have rejected the private amendments.

**Niagara Falls**

Niagara Falls is shown in the map as supporting one proposed urban expansion in the land bordered by Kalar Road and the Queen Elizabeth Highway. It has been the subject of a brief in support of the expansion by one of the owners of these lands, River Realty. The submission recently received by the City of Niagara Falls Planning Department as part of the development of a new plan does not support an urban boundary expansion in this municipality. Instead, the submission refers to an excellent Housing Needs and Supply Report for Niagara Falls. It concluded that, ‘To help achieve this affordability target and diversify the City’s Housing Supply, the report recommends that the City direct a greater proportion of its future household growth to the City’s ‘Built Up’ area as opposed to the Designated Greenfield Area’ It recommended that the current 50% intensification figure be revised upwards to 60%.....

As PALS stated in our earlier submission the proposed urban expansion between Kalar Road and the Queen Elizabeth Highway was rejected by the Ontario Municipal Board (OMB) in an adjudication that was later confirmed by the Ontario Superior Court of Justice. This was done for a number of important reasons. One was the high agricultural capability of these lands. Another was the good habitat provided for breeding amphibians by the Ten Mile Creek and an adjacent woodland, both of which form part of the Niagara Region’s Core Natural Habitat area. The subject lands were also found to provide habitat for a Threatened Species, the Barn Swallow.

**Fort Erie**

It appears that there are two urban boundary expansions in Fort Erie which are municipally supported. One block is referred to as the Smithville Industrial Cell. The other is a block of agriculturally zoned lands adjacent to the Queen Elizabeth Highway, the majority of which comprise the former Canadian Motor Speedway lands. The level of need for employment lands of 20 hectares, while a warning against changing designations for residential purposes, is too small to justify any urban expansions, especially when the population projections used for them are higher than those employed by the provincial government. The urban boundary expansions supported by the Fort Erie Council are virtually all for employment lands, either along the Queen Elizabeth Highway, or in what has been termed the Stevensville Industrial Cell. Such an expansion would disrupt the heart of some of the best remaining natural Carolinian habitats, Canada’s most species diverse biome.....

**West Lincoln**

In their recent submission West Lincoln called for more certainty regarding the fate of a road crossing of the Niagara Escarpment in Grimsby. This is a most inappropriate interference with the environmental review process. It also shows a reason why the proposed road should be denied. It is being planned to be used to justify urban expansions that cannot be serviced with transit (contrary to good planning to reduce climate change), have vulnerable Karst features, Class One farmland, and protected wetlands that would become isolated. “

**Canadian Motor Speedway in Fort Erie Hits the End of the Road**

Nine years after its approval by the Ontario Municipal Board, (OMB) now the Local Planning Appeals Tribunal(LPAT), the Canadian Motor Speedway (CMS) has just recently been formally proclaimed dead. This demise was announced shortly after the company began to sell lands that it had purchased in Fort Erie .

The speedway involved 827 acres of agriculturally zoned land, in the headwaters areas of the Miller and Frenchman’s Creek watersheds . To obtain approval from farm operators who negotiated settlements with the Speedway Corporation, the company was obligated to purchase additional lands from three large scale commercial farmers, who had initially opposed the project, but withdrew their OMB objections through the promise, never delivered, of a buyout.

According to the Town of Fort Erie’s current official plan review documents, there are ten working farms on the former Canadian Speedway, and there are another 56 within of 1.5-kilometer radius of the CMS lands. Land north of the former Speedway site is now designated by the Town of Fort Erie as the proposed QEW and Bowen Road potential urban expansion area.

The CMS Speedway site property, and lands it promised to take over, adds up to around 1,400 acres, and these are now proposed by the Town of Fort Erie to be a shopping center .The CMS lands are a good example of the precious nature of Fort Erie’s rural landscape. The productive farmland for corn and soybean cropping is mixed, with about a third of the landscape in good natural habitat, either in forest or regenerating forest.

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## AROUND THE REGION, CONT'D.

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### Canadian Motor Speedway in Fort Erie Hits the End of the Road, Cont'd.

One important aspect of the Speedway hearing process was a day long field study by biologist Mike Dickman, who testified as an expert witness for PALS. As we were guided around on an exhaustive three-hour hike of the CMS lands following procedural rules established by the OMB, it was obvious that farmers, contrary to the misleading studies of the development proponent, were good stewards of the land. False claims of the CMS company's plan to ecologically restore this landscape, which were already in either forest cover or a state of regenerating woodland, are still repeated in the Wikipedia entry on the CMS.

Reading the consultants' reports made it appear that Miller Creek could be greatly improved. Our site visit showed that the creek was already carefully buffered and shaded by trees, which enhanced fish habitat. We saw numerous Green Frogs during our field work, and the occasional Bull Frog. This tree cover was slightly damaged in the supposed beginning of construction of the Speedway. One of the most shocking consequences of the supervised site visit was to walk to where CMS was claiming to create a new forest. It was in the floodplain of Frenchman's Creek, and so was a space that could not be built upon by CMS. We found it very revealing however, that farmers who used it likely over a decade ago, had the intelligence to retire it from agriculture. We could see moreover that the so-called carbon sink to be created by CMS to achieve carbon neutrality for what was called the "NASCAR like" speedway, was already regenerating into a healthy forest dominated by young Pin Oaks.

Fort Erie's mix of forest and farmlands make the municipality an unappreciated jewel of Carolinian Canada. Only Norfolk County and the Indian Reservations of Walpole Island and Six Nations have as extensive areas in various forms of natural habitat, primarily forested wetlands.

One of the most outrageous aspects of the OMB hearing on the CMS was the rejection of PALS proffered expert witness, a Professor of Geography, Dr. Hugh Gayler. The disqualification resulted in an additional delay in the project since it was rejected by the Chair of the OMB, Ms. Tanaka. A rehearing was held which further delayed the project to a point where the popularity of the sport throughout North America had seriously declined.

PALS stepped in to help an admirable group of Fort Erie residents. In this regard, our experience helped stop an outrageous expansion of urban boundaries which would have eliminated hundreds of acres of prime farmland, and be the worst current assault on the Canada's Carolinian landscape the most biologically diverse landscape of our nation.

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## ACROSS THE PROVINCE - by Dr. John Bacher (PhD)

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### Battles Continue Over Highway 413 and Holland Marsh Expressway

Two of the biggest environmental battles being waged in Ontario right now are to stop two expressways, both cancelled in the past, which are being pushed forward by the provincial government. Both expressways would run over top of some of the most productive farmland in Canada.

Highway 413 (also termed the GTA East Corridor) would run between the 401/407 interchange in Halton, to Highway 400 in Vaughan, through what is left of some of Canada's best remaining Class One and Two Farmland, which can still be seen from Toronto's CN Tower. The Holland Marsh Expressway planned connection between Highway 400 and Highway 404, would run through the intensive vegetable growing area of the former Holland Marsh. Land use planning controls in the Holland Marsh, imposed, as on the Niagara Fruit Belt, through the Greenbelt Act, have made it the best protected agricultural land in Ontario. Such restrictions, however, apply only to subdivisions, not expressways.

One of the most repugnant aspects of Highway 413 would be its desecration of the Greenbelt protected landscape around Boyd Park, the Kortright Conservation Area, and the Michael Art Gallery. The landscape, which has a core natural area along the Humber River, is linked by extensive hiking trails.

Years ago, agriculturally zoned lands in Kleinberg were added to the Greenbelt (it was excluded from a weaker draft), through a campaign, led by the prominent Canadian author, Pierre Berton. In the ceremony establishing the Greenbelt, Berton gave his walking stick, which he would use in his rambles through this wonderful landscape, to the Ontario Premier who protected it, Dalton McGuinty. This stick should be taken out of the closet and used in a ceremony to invoke the reasons plans for the 413 must be terminated.

Unless the federal government were to back down on its planned imposition of a regional environmental assessment of the 413, it is unlikely that this monstrosity will ever be constructed. However, the federal government has ignored the Holland Marsh Expressway. In a good development, however, the City of Barrie which had supported this project for several years has withdrawn its support.



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## ACROSS THE PROVINCE, Cont'd.

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### Rescue Lake Simcoe Coalition Takes on Difficult Battles

It was appropriate that for our 2021 Annual General Meeting (conducted on Zoom), PALS had as our speaker the Executive Director of the Rescue Lake Simcoe Coalition, Claire Malcolmson. She is at the front line of some of the most significant battles to protect the agriculturally dominated landscape of southern Ontario. Much like Jean Grandoni, an important figure in the accomplishments of PALS, Malcolmson understands that battling to protect our countryside, protects an underappreciated source of food, fish. Recently she used this analysis to properly condemn the gigantic Orbit M20 Proposal in Innisfill, a township, most of whose landscape is Class One and Two agricultural land. It is in an urban area of 36,000 people, which in effect, is a suburb of south Barrie. The Orbit development proposal would increase its population to 150,000, and is being pushed forward through the process of a Ministerial Zoning Order, (MZO)

From a defeat in the Ontario Superior Court of Justice, in *Greenpeace v. Ontario*, (September 2, 2021), MZO's are required to go through a public consultation. The Rescue Lake Coalition is currently battling the M20 Orbit development in presentations to Innisfill council. Despite court-imposed consultation safeguards, the province and the developer are still using the MZO to push forward development at a blazing speed, with the first construction planned to begin within a year's time.

One of the reasons that the future of Lake Simcoe is such a battle ground, is that it supports a recreational fishery of Lake Trout, where people can still fish on the ice for Lake Trout. This nourishing food depends on high quality, cold water. Trout cannot survive in an ecologically degraded environment.

In response to the MZO Ministerial Zoning Order on the Orbit M20 proposal, Malcolmson pointed out that the development scheme threatens Lake Simcoe's ability in the future to sustain a trout fishery. She explains that the project will, "contribute to phosphorous pollution of Lake Simcoe which drives weed and algae growth and leads to low oxygen levels for fish. Ultimately, we are nearing the end of the Lake's ability to handle more growth and this gigantic project just jumped the que."

To use Malcolmson's words, it appears that Lake Simcoe is in danger of being greenwashed to death. The Lake Simcoe Protection Plan, which is the focus of so much environmental advocacy, has delivered little, except for some restrictions on urban expansion, which the latest MZO trickery of the provincial government is trying to subvert.

Another vivid example of this, are promises in this plan that there will be phosphorus trading. Phosphorous trading can be an effective way to fund ecological protection of fisheries. It is used effectively by the South Nation Conservation Authority, to purchase riparian buffers where trees are planting to reduce contamination of streams by phosphorous from agriculture. The Lake Simcoe Protection Plan for over a decade has had detailed language about phosphorous trading. However, such trades have never been made.

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## QUOTABLES

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THE PRESERVATION OF  
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*Working to Protect the  
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The Honourable Lisa Thompson  
Minister of Agriculture, Food and Rural Affairs

November 1, 2021

Dear Minister Thompson,

The Preservation of Agricultural Lands Society "Easement Team" would very much appreciate the opportunity to meet with you to discuss the value of the Niagara tender fruit lands to all Ontarians. Many in Niagara are extremely concerned about the future of the Niagara tender fruit farmers and the industry they support, given the drastic loss of two thirds of Niagara's unique tender fruit land base between 1974 and 2021 and the continued incremental land losses, and non-farm use pressures that drive land prices up beyond the reach of a new generation of farmers.

To counter this downward trend, we more than ever see the potential of a long-term government investment in a voluntary Tender Fruit Land program, which through to the purchase of restrictive covenants from fruit farmers will permanently protect these, the best and most productive fruit lands in Canada. Most importantly, it would help fruit  
(cont'd on pg 5)

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## QUOTABLES, Cont'd.

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### (Letter to Minister of Agriculture, Food and Rural Affairs, Cont'd.)

farmers stay in business and new ones begin farming, stabilize and enhance the industry, and contribute to its long-term viability which will benefit everyone in Ontario.

Along with this letter we have included the following background materials:

1. A list of Current Threats to the Tender Fruit Industry & Benefits of a Tender Fruit Easement Program to the farmers, the Region and the provincial Ministries
2. The Niagara Tender Fruit Lands Program document –Regional Niagara/Ministry of Agricultural Food and Rural Affairs 1995
3. The Administrative Details of the Niagara Tender Fruit Land Program report to the Minister of Agriculture, food and Rural Affairs, Agricultural Easement Committee, 01/95
4. PALS archival document “Presentation to The Honourable Carol Mitchell, Minister of Agriculture, Food and Rural Affairs, March 28th 2011.

In closing, I note that the tender fruit land easement program has been supported by two Ministers of Agriculture, Food and Rural Affairs (NDP 1992-1995 & Liberal 2012-2018), The Regional Municipality of Niagara (1995), the Regional Niagara Chair’s Agricultural Task Force (2006 and 2012); the Ontario Farmland Trust (2017).

Regards,

Gracia Janes

On behalf of Easement Team members, Arnie Lepp, President Niagara Orchard and Vineyard Corp., Corwin Cambray, former Commissioner of Planning Regional Municipality of Niagara, Gary Davidson, former Director of Planning Huron County & Policy Adviser, Minister of Agriculture, Food and Rural Affairs (92-95) and Dr. John Bacher (PhD) PALS Researcher.

The Niagara Tender Fruit industry, where Niagara’s farmers rely on the unique combination of soils and climate, to grow 90% of Ontario’s peaches, 80% of its plums and 75% of sweet cherries; and their industry is of significant benefit to all Ontarians and our regional and provincial economies, where it provides:

**Lower consumer costs** – as producing local food saves the tax payer on the cost of their weekly food basket for quality local food

**Healthy fruit** - the best in North America- close to large urban markets

**Jobs** - not just on-farm jobs, but the thousands of tourism jobs connected to the industry-where tender fruit and grapes make the best of our unique combination of climate, soils, and farm expertise to be a show-case for travel in Niagara/Ontario by millions of tourists from around the world and close at hand.

**Broad economic benefits to the government of Ontario, and all Ontarians**, e.g. taxes at all levels of the tourist and farm gate; and overall, economic benefits across various Ministries –such as:

**The Ministry of Environment**, as with the quickly emerging and damaging impacts of global warming and climate changes, the permanent protection of fruit land will help curb carbon – emitting urban sprawl, and fruit trees will play a role in storing carbon.

**The Ministry of Finance**, as job retention and creation, through retaining and strengthening the tender fruit industry, increases taxes at all levels of the tourist and farm gate – also, being conscious of the intertwined nature of this industry with the grape and wine industry.

**The Ministry of Health**, with the strengthening of an industry that grows healthy fruit-the best in North America - close to large urban markets. And given its special combination of soils, water and climate Niagara will play a key role in feeding a growing population in the years ahead.

The **Ministry of Tourism**, as tender fruit and wine industries, with their events, product and scenery, are a draw for so many tourists.

The **Ministry of Trade**, as tender fruit is shipped increasingly across provincial borders {Niagara Orchard & Vineyard and others ship as far as Calgary in the west and Nova Scotia to the east}



**MEMBERSHIP, ORDERS OF EDUCATIONAL MATERIALS &  
AND DONATIONS**

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**I WOULD LIKE TO SUPPORT PALS BY:**

Being a Member: \$5 Senior/Student----- \$10 Individual----- \$20 Family ---- \$40 group -----

Buying the 2nd Edition of Taste Niagara (5th printing) @ \$15 (includes mailing) #---- Cost \$-----

DVD Pick & Choose to Preserve Niagara Tender Fruitlands @\$15(includes mailing)#----Cost \$-----

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Make cheques payable to PALS (send to Box 1413 Niagara-on-the-Lake Ontario L0S 1J0)

Donations to PALS can also be made through the national charity  
CanadaHelps at [CanadaHelps.org](http://CanadaHelps.org).



Fall & Winter Colours of Niagara Orchards



Photography by Natalia Shields

